

Cape May Court House, NJ
August 01, 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, 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. 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.)

John Lauricella, Cape May Court House:

- *Supported resolution supporting Breweries; asked if Township has to police current policies*

Mayor Donohue:

- *Explained what is required of the Township; spoke of concerns these regulations have on various businesses; discussed thoughts of the Governor's ruling*

Stan Doniger, Rio Grande:

- *Spoke of Township history with regulating spending, costs and taxes; further discussed concerns regarding the bond ordinance in regards to further expenses*

Mayor Donohue:

- *Discussed budget parameters in regards to debt service; explained Township process in maintaining debt level*

2. RESOLUTION 328-22 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:
Current Acct. \$2,771,793.95
3. RESOLUTION 329-22 – 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: 07/18/2022 Regular Meetings.
4. REPORTS: NONE
5. 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>Authorizatio n</u>	<u>Down Paymen t</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
(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.

Kimberly Osmundsen:

- *Explained re-adoption of the ordinance*

Mayor Donohue:

- *Discussed various elements of the bond ordinance*

6. ORDINANCE NO. 1657-22 - AMENDING SECTION 208 OF THE CODE OF THE TOWNSHIP OF MIDDLE GOVERNING SHOPPING CARTS WITHIN THE TOWNSHIP – Following second reading, hearing, and consideration for adoption, Ordinance 1657-22 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 or about May 17, 2021, the Township Committee of the Township of Middle adopted Ordinance No. 1626-21 which set forth the rules and regulations with regard to the use and containment of Shopping Carts in the Township; and

WHEREAS, the Township, having observed said rules and regulations in practice, have determined that additional monitoring and enforcement mechanism are required in order to fully fulfill the intent and purpose of the Code to prevent or reduce the accumulation of abandoned shopping carts in neighborhoods and public spaces,

BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that Chapter 208 of THE TOWNSHIP OF MIDDLE be and is hereby amended as follows:

SECTION 1:

§ 208-9. The following language shall be added to Paragraph "B", Subparagraph (1) after the sentence ending in "from the business owner.": "Cart owner shall also provide the name of the registered agent or individual authorized to accept service of process and/or the issuance of a summons for noncompliance with this chapter."

§ 208-9. Paragraph "C" is hereby added and shall read as follows: "Every cart owner shall be required to provide an accurate and updated copy of said containment plan to the Township Clerk."

§ 208-13(b). Is hereby repealed and replaced in its entirety as follows: "In the event that the cart(s) is not retrieved within three (3) business days of notification of impoundment, the owner shall be subject to a fine of \$50 for each occurrence for failure to retrieve shopping carts. An occurrence includes all shopping carts impounded in accordance with this Chapter during a 24-hour period. Failure to retrieve the cart(s) within the time period set forth below in § 208-14 shall result in disposal or sale as provided for herein. All accrued fines shall be due and owing despite such disposal or sale."

§208-13. Paragraph "C" is hereby added and shall read as follows: "The failure of a cart owner to provide the Township with accurate, up-to-date copies of its containment plan and/or internal protocols as mandated by this chapter, shall result in a fine of \$250. Each week that said cart owner fails to provide the Township with said containment plan and/or internal protocols shall be treated as a separate and continuing violation."

§208-14. Is hereby amended to read as follows: If the owner, retailer or authorized user does not retrieve the shopping cart within 5 business days of receiving notice, the Township of Middle may sell or dispose of the shopping cart as it sees fit.

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:

- *Discussed initiation of this ordinance; explained reason for the change*

7. RESOLUTION 330-22 – 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
Pamela Gaskill	Recreation	Recreation Aide P/T T/A (6 months)	\$15.00 per hour	07/25/2022
Abigail Garcia Torres	Recreation	Recreation Aide P/T T/A (6 months)	\$15.00 per hour	07/25/2022
Iverson Linthicum	Recreation	Recreation Aide P/T T/A (6 months)	\$15.00 per hour	07/26/2022
Anne Marie Becica	Administration/Executive	Clerk 1 / Administrative Assistant*	\$30,000	08/15/2022

*In-House Title

8. RESOLUTION 331-22 – 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/BOARD	POSITION	EFFECTIVE
Ryan Ibbetson	Public Works	Laborer 1	07/25/2022

9. RESOLUTION 332-22 – 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	SALARY	EFFECTIVE
Rex Garrison	Public Works	Senior Mechanic	\$55,847.90	08/01/2022

10. RESOLUTION 333-22 – AMENDING RATE OF PAY – OFF DUTY EMPLOYMENT – POLICE DEPARTMENT – On motion by Mayor Donohue seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted. WHEREAS, any person or entity seeking to employ any police officer during his/her off duty time may do so by entering into a contract with the municipality, and WHEREAS, the Township Committee shall by resolution set the rates for such service, and WHEREAS, the Township Committee wishes to amend the rate of pay for services rendered, as outlined in the code of the Township of Middle; and NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the rates for service of an off-duty officer shall be as follows; pursuant to Chapter 46 Section II, Subsection H:
Police Officer: \$70.00 per hour
Payroll Taxes: \$5.36 per hour
Township Administrative/ Payroll Fee / Vehicle Fee: \$22.91 per hour
Total per hour fee: \$98.27
BE IT FURTHER RESOLVED, that the cost for use of a municipal police vehicle as established in Resolution 164-10 is hereby dissolved and incorporated in the cost above.

Chief Leusner:

- Discussed purpose of off-duty employment; explained change in pay rate, and costs involved

Kimberly Osmundsen:

- Further explained the salary is paid by the contractor and not the Township

Kimberly Osmundsen:

- Asked what happened when a shift is offered and a Middle Township Office does not pick it up

Chief Leusner:

- Explained process of establishing an Officer off duty

Kimberly Osmundsen:

- Clarified they would be paying the other Township rates

Chief Leusner:

- Explained Extra Duties responsibility of collecting money

11. RESOLUTION 334-22 – IN OPPOSITION OF NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL’S SPECIAL CONDITIONS ON LIMITED BREWERY LICENSES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the New Jersey Division of Alcoholic Beverage Control (NJABC) issued new special conditions on each limited brewery licensee (aka “craft brewery”) in the State beginning Friday, July 1, 2022; and WHEREAS, while some of those conditions imposed by the NABC merely reflect the statute authorizing such limited brewery licenses, many of the special conditions go far beyond the legislative intent in creating such limited brewery licenses, including that under the license conditions, craft breweries are

limited to hold 25 on-site activities open to the general public annually, as well as 52 private parties. Breweries can only also attend 12 off-premises events, such as town, charitable and holiday celebrations; and

WHEREAS, under these special license conditions, craft breweries have restrictions on the types of television programming they can air in their tasting rooms, restricts what types of live or record music they can play or host, limits what food options they can make available to customers, bans the sale of coffee, and prohibits the sale of soft drinks and other non-alcoholic beverages not made onsite at the brewery, and such restrictions serve no legitimate governmental interest but rather appear solely intended to hurt a growing industry in our State and the local economies that benefit from such craft breweries; and WHEREAS, according to the National Brewers Association, the one-hundred and forty-one craft breweries operating in New Jersey in calendar year 2021 contributed almost \$2 billion to the state's economy, creating over 11,000 jobs at an annually income of more than \$55,000 per employee; and WHEREAS, the Township of Middle is home and neighbor to multiple breweries, many operated by Middle Township residents; and

WHEREAS, these new conditions will force local, homegrown small businesses like these to rethink business models and closely consider which events they should participate in or host, which will reduce their profits and their opportunities to engage in their communities; and

WHEREAS, visiting these microbreweries is about each of their unique experiences, and these proprietors have found exciting ways to engage other local businesses, vendors, and artists in their communities; and WHEREAS, the Governor and State Legislature should work with breweries to develop smart and fair law revisions and regulations that will guide State regulators at the New Jersey Division of Alcoholic Beverage Control on how to oversee the State's craft beer industry; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee of the Township of Middle, County of Cape May, strongly opposes the New Jersey Division of Alcoholic Beverage Control's Special Conditions on Limited Brewery Licensees, and requests the conditions be removed immediately; and BE IT FURTHER RESOLVED that the Clerk of the Township of Middle shall forward a copy of this Resolution to the County of Cape May and each of the municipalities within the County, the leaders of the New Jersey Legislature, and Governor Phil Murphy.

12. RESOLUTION 335-22 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – PROFESSIONAL ENGINEERING SERVICES – ENGINEERING DESIGN ASSOCIATES – LOCAL AID ROAD CONSTRUCTION – LINDEN LANE PHASE II – 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 Agreement between Engineering Design Associates. and the Township of Middle for the local aid road construction of Linden Lane Phase II, 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.

Engineering Design Associates
Local aid construction of Linden Lane Phase II
Not to Exceed \$17,000.00

13. RESOLUTION 336-22 – RELEASE OF TRUST ACCOUNTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid; and

WHEREAS, the applicants are entitled to a refund of this money.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts, as listed on the attached sheets, shall be released.

14. RESOLUTION 337-22 THROUGH 338-22 – RELEASE OF PERFORMANCE BOND – POSTING OF MAINTENANCE BOND – ACCEPTANCE OF STREET IMPROVEMENTS (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, the improvements located at Block 355.01 Lots 12 & 13, otherwise known as Canterbury Way constructed by Tompkins Builders is complete, and

WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and

WHEREAS, the Engineer has recommended that the performance bond deposited by Tompkin Builders in the amount of \$122,706.17 be released, and

WHEREAS, the applicant has also submitted a maintenance bond in the amount of \$85,607.38 for a two-year period effective August 1, 2022.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the release of the performance bond and acceptance of the maintenance bond and guarantee are hereby authorized.

BE IT FURTHER RESOLVED, that Canterbury Way improvements have been accepted and said street is accepted into the Township Road system for continuous maintenance.

(B)WHEREAS, the improvements located at Block 11 Lots 4.01 & 4.02, otherwise known as Fish Hawk Lane constructed by Fish Hawk Lane, LLC is complete, and

WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and

WHEREAS, the Engineer has recommended that the performance bond deposited by Charles Lord/Fish Hawk Lane LLC in the amount of \$62,150.00 be released, and

WHEREAS, the applicant has also submitted a maintenance bond in the amount of \$9,322.50 for a two-year period effective August 1, 2022.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the release of the performance bond and acceptance of the maintenance bond and guarantee are hereby authorized.

BE IT FURTHER RESOLVED, that Fish Hawk Lane improvements have been accepted and said street is accepted into the Township Road system for continuous maintenance.

15. RESOLUTION 339-22 – 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
Blue Bee Properties, LLC	100 Vermont Avenue	1485 // 1	\$503.42
Dougherty, Janet	211 Brighton Road	223 // 12	\$512.24
Pritz, Dale	209 W Pacific Avenue	325 // 6	\$690.95

16. RESOLUTION 340-22 – AUTHORIZATION TO CLOSE SOUTH GIBBS STREET FOR A NEIGHBORHOOD BLOCK PARTY – 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 authorization is hereby given to close a section of South Gibbs Street between Reeves Street and Washington Street on Friday, August 5, 2022, starting 12:00pm-9:00pm, for a neighborhood block party.

BE IT FURTHER RESOLVED, that the request for an extension on the Middle Township Noise Ordinance is hereby granted until 9:00 pm.

17. RESOLUTION 341-22 – SOCIAL AFFAIRS PERMIT – JEFF MICHNER SCHOLARSHIP FUND – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Jeff Michner Scholarship Fund has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, 905 Route 9 North, Cape May Court House, New Jersey 08210 on August 25, 2022 from 1:00pm until 10:00pm; 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.

18. RESOLUTION 342-22 – AMENDING TABULATION COMMITTEE – 2022 ROAD PROJECT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, a tabulation committee was previously established via Resolution No 265-22 dated June 6, 2022, to accept bids for 2022 Road Project; and

WHEREAS, it has been deemed necessary to issue an addendum, therefore further postponing the bid opening date.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on a new date of Wednesday, August 17, 2022 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, New Jersey for the following:

2022 ROAD PROJECT

Kimberly Osmundsen:

- *Noted correct amended date should reflect August 24th*

19. RESOLUTION 343-22 THROUGH 344-22 – TABULATION COMMITTEE (ITEM A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, following public advertisement, proposals for the Contracts #2021-1, Middle Township home rehabilitation project, were received by the Township of Middle on April 13, 2022 at the Township Hall; and

WHEREAS, it appears to be in the best interest of the Township to reject the bids and rebid the project.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that all proposals received on April 13, 2022 for the Middle Township Home Rehabilitation Project Contracts #2021-1 are hereby rejected; and

BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on August 31, 2022 at 11:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

CONTRACTS #2021-1, MIDDLE TOWNSHIP HOME REHABILITATION PROJECT

(B) NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on August 31, 2022 at 11:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

CONTRACT #2021-3
MIDDLE TOWNSHIP HOME REHABILITATION PROJECT

20. RESOLUTION 345-22 THROUGH 349-22 – APPROVE CHANGE ORDER – (ITEMS A THROUGH E) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, a Contract was awarded, on July 1, 2019, via Resolution No. 295-19 to Engineering Design Associates. for Hand Avenue Sidewalks.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #1 for the project awarded to Engineering Design Associates for Hand Avenue Sidewalks is hereby approved, and that the change order results in an increase of \$3,000.00 for an amended contract amount of \$18,500.00.

(B) WHEREAS, on January 17, 2018 Township Committee awarded Engineering Design Associates as Township Engineer and Planning Consultant, and said contracts were certified for 2018 as Resolution No. 66-18, and

WHEREAS, said Contract was amended, on October 7, 2019, via Resolution No. 419-19 for Master Plan Re-Examination Report.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #1 for the project awarded to Engineering Design Associates for Master Plan Re-Examination Report is hereby approved, and that the change order results in an increase of \$15,000.00 for an amended contract amount of \$35,000.00.

(C) WHEREAS, a Contract was awarded, on December 17, 2018, via Resolution No. 499-18 to Engineering Design Associates. for Rio Grande Park.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #1 for the project awarded to Engineering Design Associates for Rio Grande Park is hereby approved, and that the change order results in a decrease of \$4,000.00 for an amended contract amount of \$94,000.00.

(D) WHEREAS, a Contract was awarded, on July 1, 2019, via Resolution No. 296-19 to Engineering Design Associates. for South Fourth Street.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #1 for the project awarded to Engineering Design Associates for South Fourth Street is hereby approved, and that the change order results in an increase of \$3,000.00 for an amended contract amount of \$22,500.00.

(E) WHEREAS, a Contract was awarded, on August 17, 2020, via Resolution No. 290-20 to Engineering Design Associates. for the Swainton Road Project.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #1 for the project awarded to Engineering Design Associates for the Swainton Road Project is hereby approved, and that the change order results in a decrease of \$20,107.90 for an amended contract amount of \$23,392.10.

21. RESOLUTION 350-22 – AUTHORIZING THE WAIVER OF CERTAIN CONSTRUCTION AND ZONING FEES RELATED TO THE DEL HAVEN WATER EXPANSION PROJECT – 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 authorized an application to the New Jersey Department of Community Affairs, Small Cities Community Development Block Grant Program to assist residents in fees associated with connecting to the Del Haven Water Expansion Project, and

WHEREAS, the Mayor and Committee of the Township of Middle wish to authorize the waiver of certain municipal construction and zoning fees related to the improvements associated with the Del Haven Water Expansion Project, similar to actions taken during the construction of the Whitesboro Water Project (Resolution 343-02), which will be charged back to grant funding received through this funding source; and WHEREAS, the Mayor and Township Committee are utilizing this Resolution to approve the terms and conditions relating to the waiver of such fees.

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

1. Municipal Construction Fees, identified in Chapter 112-2, of the Township of Middle Code, as they pertain to the Plumbing Fee Subcode, are hereby waived in an amount not to exceed \$129.00 in accordance with the further terms and conditions of this Resolution.

2. Municipal Zoning Fees, identified in Chapter 218-47, of the Township of Middle Code, Category 23 – Zoning Permit, are hereby waived for an amount not to exceed \$50.00 in accordance with the further terms and conditions of this resolution.

22. RESOLUTION 351-22 – CLOSED SESSION – POTENTIAL LITIGATION (AMENDMENT TO AGREEMENT) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session.

This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist.

The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.

WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and

NOW, THEREFORE, BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:

1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter:

POTENTIAL LITIGATION (AMENDMENT TO AGREEMENT)

2.) The general nature of the subject matter to be discussed is as follows:

POTENTIAL LITIGATION (AMENDMENT TO AGREEMENT)

3.) It is anticipated at this time the above subject matter will be made public as follows:

WHEN THE MATTER IS RESOLVED

4.) This Resolution shall take effect immediately.

23. ENGINEERING REPORT:

EDA ENGINEERING DESIGN ASSOCIATES, P.A.
ENGINEERS ENVIRONMENTAL PLANNERS LANDSCAPE ARCHITECTS

Township of Middle
Project Status Report
August 1, 2022
Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.

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.
 - Contractor to repair gutter week of August 8th

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 1st through August 31st
- Construction drawings completed except for railing detail
- Submission to DCA required
- Project to be bid in August
- Construction to begin October 2022

3rd 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
PHONE: (609) 390-0332 • FAX: (609) 390-9204

Project Status Report
August 1, 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
 - Copy of concept plan attached
 - 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 completed
- Tentative schedule:
 - Advertise for bids August 4, 2022
 - Receive bids August 24, 2022
 - Award contract September 7, 2022

Railroad Avenue Park

- Met with contractor regarding water fountain in dog park
- Contractor agrees to fix problem in September 2022

FINAL/MIDDLE/GENERAL/PROJSTATUS 08-01-22

24. PUBLIC COMMENT:

John Lauricella, Cape May Court House:

- *Commented on Police Youth Summer Camp; expressed what a great job all involved with the camp did; discussed 1st trip taken to Washington D.C. with the camp*

Stan Doniger, Rio Grande:

- *Spoke of allowance marijuana distribution within the County from outside distributors; discussed concerns*

Mayor Donohue:

- *Discussed law for recreational marijuana; explained understanding is a municipality cannot ban the substance*

Stan Doniger, Rio Grande;

- *Asked about restrictions*

Mayor Donohue:

- *Spoke of restrictions put in place by Stone Harbor*

Marc Karavan:

- *Explained licensing is completed within the municipality where they are; further explained the law is a work in progress*

COMMITTEE COMMENTS:

Committeeman Norris:

- *Discussed National Night Out and Police Youth Camp Graduation; spoke of success of the Police Youth Camp*
- *Spoke of upcoming summer concert*
- *Commented on Recreation Department comic book club*
- *Stated the football jamboree would be August 20th; further discussed the event*
- *Spoke of new hires to the Recreation team*
- *Discussed major upgrades coming to the Recreation and Senior Centers*

Committeeman Gandy:

- *Discussed complete support of the breweries in the County and the over ruling of the Governor's new rules*
- *Spoke of great job done by the Police Departments for the Police Youth Camp*

Mayor Donohue:

- *Commented on great work done by everyone involved to put together the Police Youth Camp*
- *Congratulated Rex Garrison on his promotion to Senior Mechanic*
- *Discussed ongoing problems in the Rio Grande area; further discussed efforts being put forth within the law to correct the various issues; spoke of the limitations put on the Police Department to enforce the law against petty crime and minor drug offenses; reiterated they are trying to address the issues; spoke of discussions with various entities to collect help to address the issues; explained aggravation with the limit of support from the State to address the issues*
- *Discussed suspension of the Cape Regional Maternity Ward; spoke of shock of the news; discussed meetings with Van Drew and Hospital Administration about the closure; explained reason provided was due to lack of staff; stated the lack of services is a major set back*

Motion to enter closed session – 6:35 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to re-enter open session – 7:01 PM

1st: Mayor Donohue 2nd: Committeeman Norris

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

Motion to adjourn meeting – 7:02 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Kimberly D. Osmundsen, Township Clerk