

Cape May Court House, NJ  
September 19, 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 COMMITTEE – EMPLOYEE OF THE MONTH OF SEPTEMBER – ROBERT LUZNY

*Mayor Donohue:*

- *Discussed Robert's nomination and hard work ethic*

*Robert Flynn, Public Works Superintendent:*

- *Spoke of pride of his employee*

2. PRESENTATION BY COMMITTEE – RECOGNITION OF RETIREMENT – CAPTAIN ROBERT SHEPHERD

*Chief Leusner:*

- *Discussed Captain Shepherd's experience with the Police Department throughout the years; thanked him for his years of service; presented Captain Shepherd with Plaque of Recognition from the Police Department*

3. 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*

4. RESOLUTION 401-22 – 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. \$1,014,507.40

5. RESOLUTION 402-22 – 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: 09/07/2022 Regular Meeting

6. REPORTS: NONE

7. ORDINANCE 1661-22 – AN ORDINANCE TO AMEND AND SUPPLEMENT THE TR TOWN RESIDENTIAL ZONING DISTRICT OF THE TOWNSHIP OF MIDDLE AS FOUND IN SECTION 250-411 OF THE MIDDLE TOWNSHIP CODE - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1661-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 10/17/2022 at 6:00 p.m.  
WHEREAS, the Township of Middle filed a complaint for declaratory and injunctive relief seeking a judgment of compliance and repose related to its regional fair share of low- and moderate-income housing, on June 13, 2019; and  
WHEREAS, the Township agreed to settle litigation related to this complaint for declaratory and injunctive relief with all parties through a negotiated Settlement Agreement dated January 26, 2022; and  
WHEREAS, the Township has developed a Housing Plan Element and Fair Share Plan in accordance with the terms of the Settlement Agreement; and  
WHEREAS, the Settlement Agreement and the Housing Plan Element and Fair Share Plan recommend that the Township amend the zoning ordinance at Chapter 250, Section 411 "TR Town Residential" so that multi-family housing development that includes housing affordable to low- and moderate-income households shall be permitted; and  
NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Middle, in the County of Cape May, and State of New Jersey, that:  
Chapter 250-411 TR Town Residential shall be amended to include a new permitted use under subsection A, and shall read as follows:

**New text can be found in bold in italic font.**

**~~Text to be deleted can be found in bold italic font and with a strike through.~~**

§ 250-411

TR Town Residential.

A. Purpose: to recognize those areas where small-lot and multifamily residential development exists and where the presence of adequate infrastructure permits additional development compatible with existing development.

B. Permitted uses:

(1) Single-family.

(2) Two-family residential dwellings, with sewer only.

(3) Townhouse ~~and multifamily~~ dwelling units with sewer, except in the Cape May Court House Overlay Zone, in accordance with design standards.

(4) Care facilities on a minimum of five acres.

**(5) Inclusionary housing development**

**a. Any development of five (5) or more housing units within the TR District shall include a mandatory set aside of at least twenty percent (20%) of units to be made affordable to low and moderate-income households in accordance with the Affordable Housing provisions of the Township Code found in Chapter 250-801 et seq.**

**b. Inclusionary development shall be permitted to occur in any combination of single-family dwellings, two-family dwellings, townhouse dwellings, or multi-family dwellings.**

**c. Any inclusionary development shall be permitted to have a maximum gross density of twelve (12) dwelling units per acre. This density shall be applied to the gross development tract acreage irrespective of any lands that are undevelopable due to wetlands, wetlands buffers, or other similar constraints.**

**d. The minimum lot area for any inclusionary development shall be as follows:**

**(i) Single-Family Dwelling – 5,000 square feet**

**(ii) Two-Family Dwelling – 3,000 square feet per dwelling**

**(iii) Townhouse Dwelling – 2,000 square feet per dwelling**

**(iv) Multi-Family Dwelling – 40,000 square feet**

**e. The minimum required lot frontage for any inclusionary development shall be as follows:**

**(i) Single-Family Dwelling – 50 feet**

**(ii) Two-Family Dwelling – 30 feet per dwelling**

**(iii) Townhouse Dwelling – 20 feet per dwelling**

**(iv) Multi-Family Dwelling – 150 feet**

**f. multi-family buildings within an inclusionary development shall be permitted to have a maximum building height of three (3) stories and forty (40) feet.**

**g. The requirement for Non-Contiguous Parcel clustering as found in Section 250-625 of the Township Code shall not be required of any inclusionary development project.**

Severability. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect and shall be deemed valid and effective.

Inconsistencies. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the municipality, the provisions hereof shall be determined to govern and those inconsistent provisions shall be repealed to the extent of such inconsistency.

Referral to Planning Board. A copy of this Ordinance shall be referred to the Planning Board following its introduction for review pursuant to N.J.S.A. 40A:55D-26A.

Effective Date and Scope. This Ordinance shall take effect upon its passage and publication, filing with the Cape May County Planning Board, and as otherwise provided for by law. The provisions of this Ordinance shall be applicable within the entire municipality upon final adoption and shall become a part of the Code once completed and adopted

*Mayor Donohue:*

*- Discussed ordinance*

8. ORDINANCE 1662-22 - AN ORDINANCE TO REZONE CERTAIN PROPERTIES IN THE R RESIDENTIAL DISTRICT TO THE TR TOWN RESIDENTIAL ZONING DISTRICT AS SHOWN ON THE ZONING MAP OF THE TOWNSHIP OF MIDDLE - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1662-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 10/17/2022 at 6:00 p.m. WHEREAS, the Township of Middle filed a complaint for declaratory and injunctive relief seeking a judgment of compliance and repose on June 13, 2019; and WHEREAS, the Township agreed to settle litigation related to this complaint for declaratory and injunctive relief with all parties through a negotiated Settlement Agreement dated January 26, 2022; and WHEREAS, the Township has developed a Housing Plan Element and Fair Share Plan in accordance with the terms of the Settlement Agreement; and WHEREAS, the Settlement Agreement and the Housing Plan Element and Fair Share Plan recommend that the Township rezone certain properties currently in the R Residential Zoning District to the TR Town Residential District in order to create more realistic opportunities for the development of housing for low- and moderate-income households; and NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Middle, in the County of Cape May, and State of New Jersey, that: The official Zoning Map of the Township of Middle shall be amended so that the following properties that are currently in the R Residential District shall be rezoned and placed within the TR Town Residential District:

Block 163.01, Lots 209 and 227  
 Block 322.01, Lot 58  
 Block 1434, Lots 29, 30, and 31  
 Block 971, Lots 8, 9, 10, and 11

Severability. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect and shall be deemed valid and effective.

Inconsistencies. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the municipality, the provisions hereof shall be determined to govern and those inconsistent provisions shall be repealed to the extent of such inconsistency.

Referral to Planning Board. A copy of this Ordinance shall be referred to the Planning Board following its introduction for review pursuant to N.J.S.A. 40A:55D-26A.

Effective Date and Scope. This Ordinance shall take effect upon its passage and publication, filing with the Cape May County Planning Board, and as otherwise provided for by law. The provisions of this Ordinance shall be applicable within the entire municipality upon final adoption and shall become a part of the Code once completed and adopted.

9. RESOLUTION 403-22 – 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
Charles Webber	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	09/12/2022

10. RESOLUTION 404-22 – ACKNOWLEDGEMENT OF RETIREMENT – 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 retirement listed below is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Mark Higginbottom	Public Safety – Police	Police Lieutenant	01/01/2023
Vera Kalish	Administration – Personnel	Personnel Officer	02/01/2023

11. RESOLUTION 405-22 – 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
James Belles	Zoning Board of Adjustment	Member	09/06/2022

12. RESOLUTION 406-22 – APPROVAL FOR PAYMENT TERMINAL LEAVE – ROBERT SHEPHERD – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Robert Shepherd retired with an effective date of September 1, 2022; and

WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick and personal time; and

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

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

William Mayerson  
 Sick Hours: 473  
 Vacation Hours: 400  
 Personal Hours: 40  
 \$12,000.00

13. RESOLUTION 407-22 – 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
Roy, Paul	12 Susan Lane	469 // 10	\$583.04
Craig, Patricia H	5 Colgate Street	392 // 6	\$547.64

14. RESOLUTION 408-22 THROUGH 410-22 – RELEASE OF PERFORMANCE BOND (ITEMS A THROUGH C) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, \$47,330.00, is being held as a performance guarantee for Bowman Walker Construction. for a site improvement at 1417 Route 9; and

WHEREAS, the Township Engineer and Zoning Official have recommended the release of said bond, as outlined in P.L. 2017, Chapter 312 amendment.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$47,330.00 is hereby released

(B) WHEREAS, \$45,368.00, is being held as a performance guarantee for Bowman Walker Construction. for a sub division at Whiting Way; and

WHEREAS, the Township Engineer and Zoning Official have recommended the release of said bond, as outlined in P.L. 2017, Chapter 312 amendment.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$45,368.00 is hereby released.

(C) WHEREAS, \$85,860.00, is being held as a performance guarantee for Stone harbor Properties Inc. for site improvements at Stone Harbor Marina; and

WHEREAS, the Township Engineer and Zoning Official have recommended the release of said bond, as outlined in P.L. 2017, Chapter 312 amendment.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$85,860.00 is hereby released.

15. RESOLUTION 411-22 THROUGH 412-22 – TABULATION COMMITTEE (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on October 12, 2022 at 10:00 AM in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

**BASKETBALL COURT CONVERSION**

(B) NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on October 26, 2022 at 10:00 AM in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

**NORBURY LANDING PARK IMPROVEMENTS**

16. RESOLUTION 413-22 THROUGH 414-22 – 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:

FY2021 Body Armor Replacement Fund (BARF) \$2,460.91

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

FY2021 Body Armor Replacement Fund (BARF) \$2,460.91

(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:

FY2020 Patrick Leahy Bulletproof Vest Partnership (BVP) \$5,070.00

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

FY2020 Patrick Leahy Bulletproof Vest Partnership (BVP) \$5,070.00

17. RESOLUTION 415-22 – ALLOWING CONSUMPTION OF ALCOHOL IN OPEN CONTAINERS AT HARVEST FESTIVAL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, the Township of Middle is conducting a “Harvest Festival” between 10:00am and 5:00pm on October 22, 2022 (rain date October 23, 2022); and  
WHEREAS, certain purveyors have acquired one day licenses for the sale of alcoholic beverages at said Harvest Festival; and  
WHEREAS, Section 84-10 of the Code of the Township of Middle prohibits the carrying or consumption of alcoholic beverages in open containers in public areas within the Township of Middle; and  
WHEREAS, it has been deemed in the best interest of the Township of Middle to permit the carrying or consumption of alcoholic beverages in an open container at the Harvest Festival.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Section 84-10 of the Code of the Township of Middle be and hereby is suspended on October 22, 2022 (rain date October 23, 2022) between the hours of 10:00am and 5:00pm (or as stated in event a “rain date” is utilized) in the Municipal Parking Lot behind the Township Hall at 33 Mechanic Street, Cape May Court House, New Jersey.  
FURTHER RESOLVED that this lifting of the aforescribed prohibition shall apply only to the time and place described above.
18. RESOLUTION 416-22 – CATERING PERMIT – CAPE HOSPITALITY GROUP LP – HARVEST FESTIVAL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, Cape Hospitality Group LP has applied for approval to sell alcoholic beverages at Middle Township’s Harvest Festival to be held at 33 Mechanic Street, Cape May Court House, on October 22, 2022 from 10:00am to 5:00pm, with a rain date of October 23, 2022 from 11:00pm to 5:00pm, and  
WHEREAS, they have provided proper documentation to the Township of Middle,  
NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Catering Permit.
19. RESOLUTION 417-22 – AUTHORIZATION TO CLOSE BOYD STREET – HARVEST FESTIVAL – 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 to close the section of Boyd Street from Hand Avenue to Church Road on October 22, 2022 (rain date October 23, 2022) from 6:00am until 7:00pm for the Harvest Festival is hereby approved.
20. RESOLUTION 418-22 – ORDER REMOVAL OF VEHICLES FROM MUNICIPAL PARKING LOT – HARVEST FESTIVAL – 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 an Order to Remove Vehicles from the Municipal Parking Lot from the close of business on Friday, October 22, 2022 with a rain date of October 23, 2022, as needed until the conclusion of Harvest Festival, is hereby approved.
21. RESOLUTION 419-22 – RATIFY PROMISE OF DEFENSE AND INDEMNIFICATION AGREEMENT WITH CAPE MAY COUNTY FOR USE OF COUNTY PARKING LOT & CLOSURE OF MECHANIC STREET – HARVEST FESTIVAL – On motion By Committeeman Gandy seconded by 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 Promise of Defense and Indemnification Agreement between the County of Cape and the Township of Middle for the use of the County Parking Lot on October 22, 2022 (rain date October 23, 2022) and for the closure of Mechanic Street from 5pm Friday, October 21, 2022 to 10pm Sunday October 23, 2022 for the Harvest Festival, be and is hereby ratified.  
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
22. RESOLUTION 420-22 – RECOGNIZING OCTOBER 6, 2022 AS KNOCK OUT OPIOID ABUSE DAY IN CAPE MAY COUNTY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, New Jersey is in the midst of a life-threatening opioid abuse epidemic; and  
WHEREAS the State Senate and General Assembly jointly resolved that October 6 shall be permanently designated as Knock Out Opioid Abuse Day in New Jersey in order to raise awareness about the dangers of, and the link between, opioid abuse and heroin addiction and to educate health care providers,

community leaders, state lawmakers and members of the public about the opioid abuse epidemic and its effects throughout the State of New Jersey and across the country; and  
 WHEREAS there were 63 suspected overdose deaths in Cape May County in 2021 according to the NJ Office of the Attorney General and the majority of the County's treatment admissions were for heroin/other opiates in 2021 according to the NJ Department of Human Services Division of Mental Health and Addiction Services; and  
 WHEREAS the Knock Out Opioid Abuse Day campaign is sponsored by the Partnership for a Drug Free New Jersey in cooperation with the Governor's Council for Alcoholism and Drug Abuse and the NJ Department of Human Services Division of Mental Health and Addiction Services to raise awareness of the potential for dependency on prescribed pain medicine and its link to heroin use rates in our state, reduce stigma of addiction and shine a light on the need for recovery support, and communicate to physicians information on safer prescribing messages found in the Centers for Disease Control and Prevention guidelines for prescribing opioids, which include considering other therapies, setting realistic treatment goals with patients and discussing with patients the positives and negatives of opioids; and  
 WHEREAS, the Township of Middle supports initiatives designed to raise awareness about opioid abuse in New Jersey and take steps to prevent addiction;  
 WHEREAS, the Cape May County Board of Chosen Freeholders supports initiatives designed to raise awareness about opioid abuse in New Jersey and take steps to prevent addiction  
 NOW, THEREFORE, BE IT RESOLVED, that the Cape May County Board of Commissioners encourages all residents to utilize the prescription drug drop boxes, located at every Police Department in Cape May County, to dispose of unused and expired medications safely and securely.  
 BE IT FURTHER RESOLVED that October 6, 2022 be recognized as Knock Out Opioid Abuse Day in the County of Cape May.

23. RESOLUTION 421-22 through 422-22 – APPROVE CHANGE ORDER NO. 1 (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, a Contract was awarded, on December 20, 2021, via Resolution No. 525-21 to CNS Cleaning Company for Janitorial Services.

WHEREAS, during COVID the Township had to implement additional cleaning services to prevent wide spreading of COVID -19; and

WHEREAS, this change order increases the original contract amount by more than 20% and N.J.A.C. 5:30-11.9 requires the adoption of a resolution authorizing all change order in excess of 20%

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 CNS Cleaning Company for Janitorial Services is hereby approved, and that the change order results in an increase of \$18,511.12 for an amended contract amount of \$63,671.12.

(B) WHEREAS, Housing Rehabilitation Contract No. 2021-02 was awarded May 16, 2022, via Resolution No. 249-22 to D D & S Construction, LLC; and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order No. 1 for the project awarded to D D & S Construction, LLC, be and is hereby approved. This Change Order will increase the award by \$ 1,700.00 to an amended amount of \$39,100. This Change Order is for an unanticipated repair within the existing work scope.

24. RESOLUTION 423-22 – AMENDING RESOLUTION 313-22 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – GOVPILOT – GOVERNMENT MANAGEMENT SOFTWARE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Resolution No. 313-22 authorized an agreement with GovPilot for Government Management Software, as a non-fair and open contract pursuant to the Pay to Play regulations in an amount not to exceed \$12,000.00; and

WHEREAS, said contract needs to be amended to include additional services.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement with said contractor is hereby amended.

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

GovPilot  
 Government Management Software – Additional Services  
 Not to Exceed an additional - \$4,000.00  
 (Total Contract Amount \$16,000.00)

25. RESOLUTION 424-22 – ENDORSING THE TOWNSHIP'S AFFORDABLE HOUSING SPENDING PLAN UPDATE AND REQUESTING THE COURT TO REVIEW AND APPROVE SAME – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, on December 29, 2006, the New Jersey Council of Affordable Housing approved Middle Township's Development Fee Ordinance which, among other things, permitted the Township to collect residential and nonresidential development fees and to use said fees for purposes of advancing the interests of the region's low- and moderate-income households and associated administrative costs; and

WHEREAS, in December of 2019, the Committee of the Township of Middle, County of Cape, filed an action seeking a judicial declaration that its amended Round 3 Housing Element and Fair Share Plan created the requisite “realistic opportunity” for the construction of its fair share of the regional need for housing affordable to low- and moderate-income housing; and

WHEREAS, on January 27, 2022, the Township and Fair Share Housing Center (“FSHC”) executed a Settlement Agreement establishing the Township’s Round 3 fair share obligations and presenting a framework of the credits and future compliance mechanisms to be implemented to address Middle’s affordable housing obligations; and

WHEREAS, on March 25, 2022, the Court approved the Settlement Agreement by way of duly noticed Mount Laurel Fairness Hearing; and

WHEREAS, N.J.A.C. 5:93-8.9 requires a municipality with an affordable housing trust fund to receive approval of a spending plan prior to spending any of the funds in its housing trust fund; and

WHEREAS, on July 8, 2008, COAH approved Township’s Spending Plan; and

WHEREAS, in furtherance of its obligations set forth in the FSHC Settlement Agreement and relevant COAH regulations; the Township intends to endorse an updated Spending Plan, attached hereto.

NOW THEREFORE BE IT RESOLVED that the Committee of the Township of Middle, County of Cape May, hereby endorses the attached updated Spending Plan and requests that the Court review and approve same.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

26. RESOLUTION 425-22 – AUTHORIZING SURRENDER OF TRI PARTY ALLOCATION CATEGORY AGREEMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, On or about November 13, 2005, the Township of Middle, entered into a Tri Party Allocation Category Agreement, a copy of which is annexed hereto as Exhibit “A”, relative to the development of a certain parcel of land designated as Lots 3.01 and 3.03, Block 4.01 as shown on the current tax map of Middle Township, New Jersey; and

WHEREAS, the Developer therein has failed to complete the project work as contemplated and required; and

WHEREAS, there remains a balance in the Allocation Category in the amount of Forty-Three Thousand Eight Hundred and Ten (\$43,810.00) dollars; and

WHEREAS, representatives of the Developer have agreed that the remaining fund balance can be tendered to the Township in exchange for a release relative to the balance of work to be performed; and

WHEREAS, the Township Engineer has determined that the remaining balance in the Allocation Category is sufficient to cover the costs of the remaining work to be performed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, the governing body of the Township of Middle as follows:

1. The averments above are incorporated herein is a set forth at length
2. All applicable Township representatives are hereby authorized to undertake any and all actions as may be necessary to effectuate the Township’s absolute and unconditional right to request and receive from the Bank the remaining balance of funds in the Allocation Agreement in the amount of Forty-Three Thousand Eight Hundred and Ten (\$43,810.00) dollars
3. Upon receipt of same the Township shall release the claims it may have, against the Developer therein, regarding the completion of the project.

27. 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.
    - Contractor attempted to repair gutter last week. Work complete but still unsatisfactory. Contractor will be removing asphalt gutter and repave. Re-design currently being developed.

**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 completed
- Advertise date October 5, 2022
- Bid Date October 26, 2022
- Award of contract November 7, 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
- Bid in October 2022

**Ham 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 Fall 2022

**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 – November 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:
  - Construction drawings and specifications
  - Submission to DCA October 2022
  - Bid project – November 2022
  - Construction – December 2022

**2022 Road Improvement Project**

- Survey work completed
- Construction drawings and specifications completed
- Contract to be awarded September 7, 2022
- Pre-construction meeting October 5, 2022

28. PUBLIC COMMENT:

*Stan Doniger, Rio Grande:*

- *Asked about recycling*

*Mayor Donohue:*

- *Discussed recycling costs*

*Stan Doniger, Rio Grande:*

- *Asked about proposed Hotel off Stone Harbor Boulevard*

*Mayor Donohue:*

- *Explained current status of hotel*

COMMITTEE COMMENTS:

*Committeeman Norris:*

- *Spoke of wrestling signups; discussed fall baseball and softball; commented on the start of a men's basketball league; stated the Halloween Parade would be October 26<sup>th</sup>*

*Committeeman Gandy:*

- *Discussed great work done by Employee of the Month Robert Luzny; congratulated Captain Shepherd on his retirement*

*Mayor Donohue:*

- *Discussed affordable housing; spoke of retirements of Mark Higginbottom and Vera Kalish; commented on the conversion of the skate park to a basketball court; stated Harvest Festival was dated for October 22<sup>nd</sup> and the Halloween Parade would be October 26<sup>th</sup>*

Motion to adjourn meeting – 6:31 pm

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

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

Kimberly D. Osmundsen, Township Clerk