

Cape May Court House, NJ
October 5, 2022
REGULAR MEETING
FLAG SALUTE
MOMENT OF SILENCE – SAMUEL DEVICO
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 Business Administrator Suzanne Schumann, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan

1. PRESENTATION BY COMMITTEE – PROCLAMATION – GERALD THORNTON DAY

Mayor Donohue:

- *Discussed Mr. Thornton as a middle township representative on the Board of Commissioners; read proclamation into record*

Gerald Thornton:

- *Thanked everyone for allowing him to represent them; recognized the county employees*

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.*)

John Lauricella, Cape May Court House:

- *Asked about item on the bill list*

Kimberly Osmundsen:

- *Explained expense was for GovPilot; further explained the new program*

John Lauricella, Cape May Court House:

- *Asked about a second item on the bill list*

Mayor Donohue:

- *Discussed school taxes*

John Lauricella, Cape May Court House:

- *Continued to ask questions regarding the bill list*

Kimberly Osmundsen:

- *Clarified the bill list charges*

Jim Chew:

- *Asked about item 18 on the agenda*

Mayor Donohue:

- *Clarified the license allowance*

Stan Doniger, Rio Grande:

- *Asked about cannabis license support of proposed business on Indian Trail*

Mayor Donohue:

- *Clarified that the business on Indian Trail would be solely a cultivation site*

Stan Doniger, Rio Grande:

- *Asked about proposed location of the proposed retail location*

Mayor Donohue:

- *Explained location would be where the old Four Seasons Diner was in Rio Grande*

3. RESOLUTION 426-22 – 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. \$4,239,664.27

4. RESOLUTION 427-22 – 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: 09/19/2022 Regular Meeting

5. REPORTS:

6. ORDINANCE 1658-22 – AN ORDINANCE AMENDING SUB-CHAPTER 104-11 OF THE CODE OF THE TOWNSHIP OF MIDDLE ENTITLED “CAMPGROUNDS-PERMANENT RESIDENTIAL STRUCTURES” - Following second reading, hearing, and consideration for adoption, Ordinance 1658-22 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, the Governing body of the Township of Middle has reviewed the existing ordinances of the Township relative to permanent residential structures within campgrounds; and WHEREAS, the Township Committee deems it to be in the best interest of the citizens of the Township of Middle to amend the existing code provisions in order to clarify the types of non- permanent structures which are permissible as additions within campgrounds; ordinances within the Township of Middle; and NOW, THEREFORE, BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that Sub-Chapter 104-11 of the Code of the Township of Middle entitled “Campgrounds-Permanent Residential Structures” be and is hereby amended as follows:

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

SECTION 2. Sub-Chapter 104-11 of the Code of the Township of Middle entitled “Campgrounds-Permanent Residential Structures” shall be and is hereby amended to include as sub-paragraph K, the following:

K. For the purposes of this Chapter, additions to an existing RVIA (Recreational Vehicle Industry Association) or RPTIA (Recreation Park Trailer Industry Association) Certified Recreational Vehicle shall not be considered permanent residential structures, but deemed to be temporary, if they expressly comply with the following criteria:

1. The decking beneath such addition shall be composed temporary wooden platforms of modular 10 x 10 or 8 x 12 sectional decks with a size limitation of total deck area in the amount of 400 square feet.
2. Additional front **open** decking, for access only, shall be permitted subject to a 200 square foot maximum. No construction shall be permitted on said front open deck area. This shall be limited to the front addition only.
3. The footings upon which such deck areas sit shall be ~~underground footings or~~ a post and girder system (4-inch solid block buried at grade level). ~~that shall be attached to the deck area with hurricane anchor straps.~~ The deck area shall be held down by hurricane straps attached to augers (helical soil anchors) into the ground.
4. The deck areas, as constructed, must be totally moveable.
5. The deck area described in K1 above shall be permitted to contain a temporary Florida Room addition expressly subject to the following criteria:
 - a. The temporary Florida room addition shall be a Craft Built, Silvertop, DuraBuilt pre-engineered aluminum structure (or equal) which shall be affixed to the deck area and trailer via tiedown / hurricane anchors.
 - b. The Florida room addition must be totally movable.
 - c. No plumbing shall be permitted.
 - d. Only detachable wire molded electric on interior walls shall be permitted.
 - e. Room size shall be limited to 400 square feet.
 - f. “Roof Over” structures are deemed to be permanent and are not permitted
 - g. Prior to construction the applicant must obtain a zoning permit.
 - h. Prior to construction the applicant must obtain a Construction permit for building, electrical and mechanical.
6. Failure to obtain the requisite permits or to construct an addition in compliance with the provisions of this section shall be deemed to be a violation of this ordinance subject to a fine of \$ 250.00 dollars per day. After a violation notice has been issued, each day that the structure has not been removed shall constitute a separate violation of this ordinance.

SECTION 3. Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 4. Should any section, paragraph, sentence or clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

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

Norman Briggs, Old Stagecoach Campground Attorney:

- *Discussed the difference of Old Stagecoach Campground from other campgrounds in Middle Township; further explained concerns of the camp grounds residents of the requirements of the new ordinance and current existing structures within the campground such as the “Florida rooms”*

Ron Zitter, Old Stagecoach Assoc. President:

- *Spoke of past practice with allowance and permitting of the enclosed structures on the units within the campground; discussed the aspects of the added enclosures and the removability of the additions; explained discussions with vendors regarding availability of the rooms; suggesting working with the Township on removeable options*

Kimberly Osmundsen:

- *Gave code definition of the purpose of campgrounds; continued to discuss campground code; explained the difference of the two “condo campgrounds” in the Township from other standard campgrounds; further discussed the discovery of new permits for permanent structures within the campgrounds with park models; explained review process completed of campground “homes” that has been modified; explained concerns with the permanent modifications; further explained*

discussed with local distributors who manufacture these rooms without concrete footings;

Dan Spiegel, Construction Official:

- *discussed findings during their review of the Township campgrounds and safety concerns found; further discussed violations found of the universal construction codes*

Debbie Rodia, Old Stagecoach Campground Assoc. Secretary:

- *asked about reason for only the prefabricated rooms are acceptable and not stick frame building*

Dan Spiegel, Construction Official:

- *explained that the prefabricated rooms are specifically manufactured for these park modules and made to be removeable while the other option requires a concrete footing which is a permanent structure*

Debbie Rodia, Old Stagecoach Campground Assoc. Secretary:

- *explained her personal park model and set up; explained inability to easily move*

Dan Spiegel, Construction Official:

- *explained safety issue with permanent structures in campground; agreed with Kimberly Osmundsen's explanation of campgrounds and ability to easily remove the structures*

Norman Briggs,

- *asked that the intent is in the case of a storm that all units be removed*

Kimberly Osmundsen:

- *stated no, clarified the intent is to have the ability to easily remove the home*

Mayor Donohue:

- *explained reason for the ordinance update; discussed need to enforce safety within these communities*

Ron Zitter, Old Stagecoach:

- *discussed due diligence done by the campground to try to monitor the campsites for compliance with codes; asked for the Township to revisit the structure options*

Kimberly Osmundsen:

- *asked if boards monitors the permitting process when owners are modifying their sites*

Ron Zitter, Old Stagecoach:

- *explained the boards part in monitoring of site modifications*

Mayor Donohue:

- *discussed meeting with the campgrounds more frequently to review possible issues*

John Lucas:

- *discussed ownership of property where site is located; stated he did not understand the safety concern for being able to remove his trailer*

Mayor Donohue:

- *clarified the safety concerns the Township has with permanent structures*

John Lucas:

- *continued to question the safety concerns for removing trailers from campgrounds; further questioned if his campground is considered a campground since they own their own plot*

Mayor Donohue:

- *stated yes his land is located in the campground*

Kimberly Osmundsen:

- *clarified the tax payment differences for campgrounds; explained how campgrounds are taxed compared to a permanent home*

7. ORDINANCE 1659-22 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY CREATING THE RIO GRANDE COMMUNITY PARTNERSHIP- Following second reading, hearing, and consideration for adoption, Ordinance 1659-22 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: ESTABLISHMENT

This is hereby created the "Rio Grande Community Partnership."

The Township committee wishes to bring Rio Grande residents, business owners, social service agencies and local government together to address ongoing concerns in the Rio Grande area; and

SECTION 2: MEMBERSHIP

This Committee shall consist of nine (9) members appointed by the Governing Body, whereas the Chair Person shall be appointed by the Mayor. The Board would consist of Rio Grande area residents and business owners as well as representatives and advisers from local and county government and the Middle Township Police Department.

The initial appointees to the Board shall serve terms as follows:

Member	Term
4 Regular Members	three-year term
3 Regular Members	two-year term
2 Regular Members	one-year term

Thereafter, all subsequent or reappointed members shall serve a term of three years commencing January 1. The members of the Committee shall serve without compensation.

The Committee will meet at least on a quarterly basis, or on such other more frequent meeting dates as the agenda established by the Committee shall provide.

The Rio Grande Community Partnership shall have no policy-making powers, nor shall it have the power to hire employees or otherwise expend moneys.

On behalf of the Committee, the Township shall appoint a staff member as secretary to the board and provide legal counsel from the municipal solicitor.

SECTION 3: Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 4: Should any section, paragraph, sentence or clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

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

8. ORDINANCE 1660-22 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND BY A PRIVATE AUCTION TO BE HELD AMONG CONTIGUOUS OWNERS OF BLOCK 276 LOT 5 IN THE TOWNSHIP OF MIDDLE - Following second reading, hearing, and consideration for adoption, Ordinance 1660-22 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, New Jersey Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the real property contiguous to the Township owned parcel, provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and

WHEREAS, the Township owns a parcel of land identified as Block 276, Lot 5 (the “Subject Property”) in the Cape May Court House section of the Township that qualifies for such a land sale; and

WHEREAS, the Township has received a “Request Sheet for Sale of Township Owned Real Estate” submitted by Michael DeWald, the owner of a property contiguous to the Subject Property

WHEREAS, there are, in total, two (2) owners of real estate who are contiguous to the Subject Property, specifically listed as follows:

Block 276 Lot 4 - Michael Bass & Susan Fierstein
16095 Cameron Way
Broomfield, CO 80023-8118

Block 276 Lot 6 - Michael DeWald
101 Hildreth Road
Cape May Court House, NJ 08210

WHEREAS, the two (2) owners shall be noticed and given an opportunity to participate in an open (private) auction limited to just the three of them participating to purchase the parcel but at a price which is no less than the fair market value of the parcel; and

WHEREAS, the assessment of Block 276 Lot 5 is \$1,000.00, and the Township Tax Assessor has stated in writing that the fair market value of the land is \$1,000.00, which the Township therefore makes the minimum bid; and

WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements for the Ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Township may conduct a private auction to sell the Subject Property owned by the Township to contiguous owners of the same.

SECTION 1.

1. The Township Committee of the Township of Middle shall sell a portion of real property identified as Block 276, Lot 5 to the highest bidder of an open (private) auction to be held on October 26, 2022 at 9:00am in the meeting room of the Township Hall, 33 Mechanic Street, Cape May Court House, New Jersey, at which time only those two (2) owners of property contiguous to that portion of Block 276, Lot5 which is offered for sale shall participate; and

2. The minimum bid shall be \$1,000.00; and

3. The auction shall be conducted by the Township’s interim Chief Financial Officer, Francine Springer; and

4. The winning bidder shall sign a contract of sale which is attached hereto as Exhibit “A” and the terms of which are incorporated herein in full; and

5. The winning bidder shall be provided a deed in the form attached hereto as Exhibit “B”; and

6. That the Clerk or the Clerk’s representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and

7. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and

8. Any and all costs associated with this transaction, including advertising and postage, are to be paid by the winning bidder.

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 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.

9. RESOLUTION 428-22 – 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
LaMarr Greer	Recreation	Recreation Aide P/T T/A (6 months)	\$15.00 per hour	09/22/2022
Michah Dempsey	Recreation	Recreation Aide P/T/ T/A (6 months)	\$15.00 per hour	09/26/2022
Ronald Lessor	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	09/22/2022

10. RESOLUTION 429-22 – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY 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 discontinuation of appointments listed below, are acknowledged.

EMPLOYEE	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Taylor McNeal	Recreation	Recreation Aide P/T T/A (6 months)	08/26/2022

11. RESOLUTION 430-22 – CANCELLATION OF TAXES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, A cancellation of taxes is due to the below property owner who qualifies for 100% Disabled Veteran status as of December 17, 2021.

Account	Block	Lot	Owner/location	2022	2023
14225	1431.05	2	Formento, Martin & Gamble, Elizabeth Property location: 102 Hemlock Drive	\$1,419.88	\$1,892.98

12. RESOLUTION 431-22 – REFUND OF TAXES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, A refund is due to the below property owners due to payment made on exempt properties.

ACCT	BLOCK	LOT	OWNER/LOCATION	2022
14225	1431.05	2	Formento, Martin 102 Hemlock Drive Rio Grande, NJ 08242 Property location: 102 Hemlock Drive	\$451.01

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 taxes

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

13. RESOLUTION 432-22 – AUTHORIZING LEASE UNDER STATE CONTRACT FOR COPY MACHINE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, there is a need to lease various copy machine/ printers for the Township of Middle, in the County of Cape May, State of New Jersey; and

WHEREAS, machines will be leased for the following departments:

1. Human Resources
2. Recreation – Clarence and Georgiana Davies Sports Complex
3. Recreation – Martin Luther King Center

WHEREAS, this can be leased through State Contract #G-2075; and

WHEREAS, public bids are not required when the purchase is under State Contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:

KDI
PO Box 1610
Media, PA 19063

For the lease/purchase of copier machines/ printer for 60 months in the amount of \$597.00 per month

14. RESOLUTION 433-22 THROUGH 434-22 – 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:

GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE (DMHAS) 22-23 \$2,598.83

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

GOVERNOR’S COUNCIL ON ALCOHOLISM AND DURG ABUSE (DMHAS) 22-23 \$2,598.83

(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:

GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE (MAC) 22-23 \$13,511.00

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

GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE (MAC) 22-23 \$13,511.00

15. RESOLUTION 435-22 THROUGH 436-22 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

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

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

Animal House – Harvest Festival

October 22, 2022

Not to exceed \$1,500.00

BE IT FURTHER RESOLVED, that in the event of a cancellation due to rain, inclement weather or conditions out of the control of the Township, both parties agree on an alternate rain date of October 23, 2022 for the performance.

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

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

Independence Day – Harvest Festival

October 22, 2022

Not to exceed \$1,500.00

BE IT FURTHER RESOLVED, that in the event of a cancellation due to rain, inclement weather or conditions out of the control of the Township, both parties agree on an alternate rain date of October 23, 2022 for the performance.

16. RESOLUTION 437-22 – PUBLIC SALE OF LAND – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Local Lands and Buildings Law (N.J.S.40A-12-1 et seq) authorizes the sale of any real property, capital improvements or interest herein, not needed for public use, and

WHEREAS, it appears to be in the best interest of the Township of Middle to dispose of certain real property which is not needed for public use, which property is more fully described as in Schedule "A" annexed hereto,

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

1. It is hereby determined that the parcels of real property set forth in Schedule "A" annexed hereto are not needed for public use. Minimum bids are contained on Schedule "A".
2. Said parcels of real property shall be sold pursuant to N.J.S.A. 40A:12-13(a) by open public sale at auction to the highest bidder, said open public sale at auction to be conducted by the Chief Financial Officer, at the Middle Township Hall, Meeting Room, 33 Mechanic Street, Cape May Court House, New Jersey, or her designee, on November 30, 2022 at 10:00AM
3. A notice of said open public sale at auction shall be advertised by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to the open public sale at auction, which advertisement shall include the entire contents of this Resolution. Said advertisement shall be published in the Herald Times.
4. The Township reserves the right to reject all bids where the highest is not accepted.
5. The terms and conditions of the sale shall be as stated in the General Rules of Land Sales and the attached Contract for Sale of Real Estate, which documents and terms are attached hereto and incorporated herein.

LOCATION	BLOCK / LOT (LEAD LOT)	ADDIT. LOTS	MINIMUM BID AMOUNT
755 Goshen Road	52/21	Lot 22,18	\$46,700.00
202 E Atlantic Avenue	264/1		\$13,100.00
1306 Fulton Street	702/6	Lots 7,8	\$20,000.00
114 W Main Street	935/13	Lot 14	\$70,000.00
Washington Street	968/4	Lots 3, 5	\$17,500.00
613 Cedar Avenue	998/11		\$10,900.00
14 E Wiley Street	1031/12	Lot 11	\$70,000.00
2105 Route 9 South	1055/6		\$34,100.00
Gibson Avenue	1056/11		\$12,600.00
Virginia Avenue	1071/6	Lot 5	\$14,500.00
Wildwood Avenue	1086/3	Lots 1, 2	\$13,900.00
North Carolina Avenue	1085/2	Lot 3	\$20,500.00
Virginia Avenue	1086/1	Lots 2, 3	\$13,900.00

17. RESOLUTION 438-22 THROUGH 439-22 – AMENDING RESOLUTION (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 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, which was approved via Resolution 320-22, 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 date for this event shall be amended to reflect the following:

CAPE MAY COUNTY CHAMBER OF COMMERCE EDUCATION FOUNDATION, INC.
October 9, 2022
11:00am – 6:00pm

(B)WHEREAS, Resolution No. 264-22, pursuant to N.J.S.A. 40:48-2.14, authorized the creation of a lien on Block 472 Lot 13 otherwise known as 350 Route 47 South in the amount of \$609.34 and;

WHEREAS, it has been determined to be in the best interest to reverse said lien due to error in notice.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Resolution 264-22 is hereby amended to remove the lien on the above referenced property.

18. RESOLUTION 440-22 – AUTHORIZING LOCAL SUPPORT FOR INSA MIDDLE TOWNSHIP, LLC FOR ITS CLASS V ADULT USE RETAIL LICENSE APPLICATION TO THE NEW JERSEY CANNABIS REGULATORY COMMISSION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, on November 3, 2020, more than two-thirds of the registered voters in New Jersey voted to approve Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults 21 years of age and older; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act", N.J.S.A. 24:6I-31, et seq. (the "Act"), which legalized the recreational use of marijuana by adults 21 years of age or older; and

WHEREAS, the Act establishes a comprehensive regulatory and licensing scheme for commercial, recreational (adult use) cannabis operations, use, and possession; and

WHEREAS, on October 18, 2021, pursuant to the provisions of N.J.S.A. 24:6I-45, the Mayor and Township Committee ("Township Committee") of the Township of Middle ("Township") adopted Ordinance No. 1635-21 authorizing certain marketplace classes of licensed cannabis businesses within the Township of Middle,

subject to the applicant's receipt of all applicable planning, zoning, and other local and state regulatory permits and approvals; and

WHEREAS, an applicant that seeks to own and operate a proposed cannabis business is required to demonstrate local support from a municipality as to the suitability and appropriateness of its business location pursuant to N.J.A.C. 17:30-5.1(g) and/or N.J.S.A. 24:6I-36; and

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

WHEREAS, INSA Middle Township, LLC (the "Applicant"), an affiliated entity of INSA NJ, LLC, has applied or will apply for an annual cannabis license from the Commission to operate a Class V Cannabis Retail establishment in accordance with the Act; and

WHEREAS, the Applicant has proposed to build a cannabis retail facility at 3402 Route 9 South, Rio Grande, New Jersey, also known as Block 1484, Lot 1, and this location is within the Township's designated Town Center zone which permits the operation of a Class V Cannabis Retailer; and

WHEREAS, in accordance with the regulations established by the Act, an applicant for a conditional or an annual cannabis license shall include proof of local support in their applications, which shall be submitted as a resolution adopted by the governing body.

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

1. That the aforementioned recitals are incorporated herein as though fully set forth at length.
2. That the Mayor and Township Committee for the Township of Middle hereby supports the application INSA Middle Township, LLC to the Cannabis Regulatory Commission of New Jersey for an annual Class V Retail License to operate within the Township of Middle.
3. That the Township Clerk shall provide the Applicant with a sealed copy of this Resolution to be included as part of its application to the State of New Jersey Cannabis Regulatory Commission.
4. This Resolution shall take effect immediately.

19. RESOLUTION 441-22 – CLOSED SESSION – POTENTIAL LITIGATION (CENTER'S DESIGNATION) – On motion by Mayor Donohue seconded by Committeeman Gandy 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 (CENTER'S DESIGNATION)
- 2.) The general nature of the subject matter to be discussed is as follows:
POTENTIAL LITIGATION (CENTER'S DESIGNATION)
- 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.

20. ENGINEERING REPORT:

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 1st through August 31st
- 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

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

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 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
- Construction to begin week of October 17, 2022

21. PUBLIC COMMENT:

Stan Doniger, Rio Grande:

- *Asked about affordable housing trust funds*

Mayor Donohue:

- *Explained various ways these funds can be used but ultimately up to the State's discretion*

Kimberly Osmundsen:

- *Further explained the funds are highly regulated as far as what they are eligible to be used for*

Stan Doniger, Rio Grande:

- *Asked where the funds are obtained from*

Kimberly Osmundsen:

- *Explained funds are received from developers*

Vince Orlando:

- *Further explained development of the trust fund*

Stan Doniger, Rio Grande:

- *Asked if property purchased outside his development must comply with the affordable housing enactment*

Marc Karavan:

- *Clarified they would not as the agreement was made prior to the enactment of the agreement with fair share housing*

Jim Chew, Rio Grande:

- *Read prepared speech about the homeless*

Mayor Donohue:

- *Discussed various actions taken to assist with the homeless within the Township; explained limited abilities to assist with the issue*

Kimberly Osmundsen:

- *Discussed meeting with Ascenda regarding the homeless issue in Rio Grande.*

Lillian Wing, Whitesboro,

- *Asked about opening an area to Coast Guard members to be safe*

Kimberly Osmundsen:

- *Expanded on Ms. Wing's concerns for the men and women of the Coast Guard when visiting in the Rio Grande area*

Stan Doniger, Rio Grande:

- *Raised concerns regarding the development of an area behind his development Legacy of Cape May*

Kimberly Osmundsen:

- Discussed letter received from the DEP deeming this proposed development application incomplete; further explained proposed development of the area; explained the DEP process when reviewing applications

Committeeman Gandy:

- Explained the area he is referring to would be the access point to the proposed development

Stan Doniger, Rio Grande and Committee:

- Went back and forth regarding DEP approval process and allowances while awaiting approvals

Alavanco, Rio Grande:

- Asked about clarification on the plans for proposed development behind Legacy's development

Kimberly Osmundsen:

- Explained plans had not yet been received but correspondence received from the DEP discusses the proposal for the development

Vince Orlando:

- Further explained development proposal process

Alavanco, Rio Grande:

- Tried to clarify location of the development

Kimberly Osmundsen:

- Explained area based on correspondence received

Vince Orlando:

- Continued to discuss development area; asked Stan Doniger to send him the information that he received so he could look into it further

COMMITTEE COMMENTS:

Committeeman Norris:

- Congratulated Gerry Thornton; commented on the unsanctioned H2OI event that took place; discussed the establishment and need for the Rio Grande Partnership Committee; stated fall sports were under way and the winter sports are on their way to beginning signups; thanked the Recreation team for all their hard work

Committeeman Gandy:

- Discussed relationship with Gerry Thronton; commented on the passing of Samuel DeVico; spoke of the great work done by Public Works and Administration staff to assist officers to contain the H2OI event

Mayor Donohue:

- Recognized the passing of Samuel DeVico, as well as, the passing of Ed Barr; discussed actions taken place during the H2OI event; explained need to take a regional approach to prevent these type of events from happening in the future; spoke of discussions happening to assist with this matter

Motion to enter closed session – 7:45 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to re-enter open session – 8:20 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to adjourn meeting – 8:20 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Kimberly D. Osmundsen, Township Clerk