

Cape May Court House, NJ
 June 19, 2023
 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 Matt Rooney

1. PRESENTATION BY MAYOR AND COMMITTEE – LOUIS BAY 2ND FUTURE MUNICIPAL LEADERSHIP SCHOLARSHIP COMPETITION PARTICIPANTS AND FINALIST
2. PRESENTATION BY MAYOR AND COMMITTEE – RECOGNITION OF RETIREMENT – CHRISTOPHER LEUSNER
3. SWEARING IN OF POLICE OFFICER – CHRISTIAN QUARANTA
4. 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.)*

Walt Belles, Rio Grande, asked about bringing up pictures and presentation for the public regarding the tent ordinance.

Kimberly Osmundsen explained he can bring them up and she can provide them to Committee after the meeting. Advised presentations must be set up with the Clerk's Office prior to meetings.

5. RESOLUTION 275-23 – 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:

Fund Description	Fund	Total
Current Fund PY	2.01	6,346.05
Current Fund CY	3.01	241,164.23
Alarm Billing	3.03	1,084.02
Sewer Utility PY	2.07	-
Sewer Utility CY	3.07	82,522.43
General Capital	C.04	50,507.49
Sewer Capital	C.08	7,887.06
Grants	G.06	8,371.67
M.A.C.	M.24	5,792.14
Emergency Housing	R.23	-
Dog Trust	T.12	-
Sewer Escrow	T.16	-
Trust Other	T.17	-
Zoning Escrow	T.19	3,050.00
Zoning Escrow	E.19	-
Unemployment Trust	T.20	-
C.O.A.H	T.27	140.00
Recreation Trust	T.28	2,219.98
TOTAL		411,085.07

6. RESOLUTION 276-23 – APPROVING MINUTES FROM PREVIOUS MEETING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: 06/05/2023 Regular Meeting and Closed Session

7. REPORTS: Tax/Sewer Collector for month of May, Sterback Harbor for month of May, Zoning for Month of May
8. ORDINANCE 1671-23 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, TEMPORARY STRUCTURES – Following second reading, hearing, and consideration for adoption, Ordinance 1671-23 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 the State of New Jersey as follows:

SECTION 1.

“Part II, General Legislation” of the Township Code is hereby revised as follows:

Chapter 93: Temporary Structures

§ 93-1 Purpose.

The purpose of this chapter is to ensure the health and safety and reasonable enjoyment of one's property for all residents of the Township of Middle by providing requirements and time limits for temporary structures erected on commercial or residential property.

This Chapter is not intended to regulate licensed campgrounds pursuant to Chapter 104 of the Code of the Township of Middle.

§ 93-2 Definitions.

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

ATTRACTIVE NUISANCE

A public or private condition that would constitute a nuisance according to the laws of the state and/or Town ordinance, and specifically including, but not limited to, the following:

- 1) Any open, unsecured or unsupervised temporary structure found to be an attraction to trespassers shall be deemed to be an attractive nuisance.
- 2) Any temporary structure that has defective or unsanitary plumbing facilities or defective electrical equipment.
- 3) Any temporary structure considered to be a fire hazard or is otherwise unsafe or unsecured so as to endanger life, limb or property.
- 4) Any temporary structure that is in need of repair or is in a state of dilapidation, decay, faulty construction, vacant or abandoned, damaged by fire, in danger of collapse or failure, or otherwise dangerous to anyone on or near the premises.

TEMPORARY STRUCTURE

Structures utilized on a short-term, seasonal or intermittent basis, such as tents, canopies, membrane structures or similar structures without a permanent foundation and not classified as a premanufactured garden-type utility shed in accordance with the New Jersey Uniform Construction Code. Children's play tents and equipment or other leisure seasonal canopies not used for storage or habitation are excluded from the requirements of this chapter.

TENT.

A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents that it protects, with sidewalls or drops on more than twenty-five (25) percent of the perimeter.

CANOPY.

A structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration, and may be structurally independent or supported by attachment to a building on one end and by not less than one stanchion on the outer end.

MEMBRANE STRUCTURE.

An air-inflated, air-supported, cable or frame-covered structure not otherwise defined as a tent or canopy.

§ 93-3 Setbacks; structural requirements.

All temporary structures including but not limited to tents, canopies, and membrane structures erected or located in any zone adjacent to or on any commercial or residential properties shall be subject to the following requirements:

- A. Setbacks and general requirements.
- 1) No temporary structure shall be erected on any property, in any zone, where there is not already an existing principal structure for which a certificate of occupancy has been issued.
 - 2) Temporary structure(s) in any zone shall not be permitted within a front yard and only within a side yard or rear yard that does not abut a public right-of-way with the exception of an alley.
 - 3) Temporary structures in any zone may not be sited within six (6) feet of any side or rear property line except on waterfront lots where they may be sited up to the bay front, lagoon front, or ocean scarp line. All measurements shall be taken from the furthest projection or overhang.
 - 4) Temporary structures in the rear yard which abut an alley and are used as a garage with its access from the roadway shall be set back fifteen (15) feet from the rear or side property line which abuts the roadway. All measurements shall be taken from the furthest projection or overhang.
- B. Additional structural requirements and dimensions.
- 1) All temporary structures including but not limited to tents, tension membrane and formed or rolled extruded aluminum or steel structures shall be adequately anchored to the ground in accordance with the New Jersey Uniform Construction Code where applicable. Temporary structures shall not exceed fifteen (15) feet in height if detached from the main structure.
 - 2) Temporary structures including but not limited to tents, canopies, and membrane structures may be erected for use only as a temporary building. They may not be utilized for habitation.

- 3) All tents, canopies, and temporary structures generally must be constructed of approved fire-retardant fabric or material and so marked.
- 4) Gasoline, gas, charcoal or other cooking devices or any other unapproved open flame shall not be permitted inside or located within twenty (20) feet of any temporary structure.
- 5) Any temporary structure in excess of nine hundred (900) square feet or with a side dimension greater than thirty (30) lineal feet shall not be permitted.
- 6) Temporary structures will not be permitted if the structure(s) create an attractive nuisance or pose any other threat to the health, safety and/or well-being of the community.

§ 93-4 Time limitations and removal.

No temporary structure shall remain for longer than seven (7) days in a one-hundred-eighty (180) day period before being removed. All such temporary structures shall be removed from the property no later than the expiration of the seven (7)-day time period.

§ 93-5 Violations and penalties.

Violations of this chapter shall be punished by a fine not exceeding \$2,000 or by imprisonment in the county jail not exceeding ninety (90) days or by ninety (90) days of community service, or any combination thereof. Each day that any violation shall continue shall constitute a separate offense. Whenever any such fine shall be imposed upon any corporation, such fine and costs and charges incident thereto may be collected by an action of debt or in such other manner as may be provided by law.

SECTION 2.

All ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

SECTION 3.

If any portion of this Ordinance is declared to be invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of the Ordinance which shall remain in full force and effect.

SECTION 4.

This Ordinance shall take effect in the time and manner prescribed by law.

Mayor Donohue explained the intent of the ordinance.

Tim O'Shae, Upper Township, discussed involvement with the homeless. Spoke of lack of facilities for the homeless to go.

Mayor Donohue explained this public comment period was for temporary structures not regarding the homeless.

Tim O'Shae, Upper Township, explained his questions is where are the homeless supposed to go.

Mayor Donohue reiterated there is a public comment portion at the end of the meeting where this topic could be discussed but this hearing is pertaining to this ordinance.

Tim O'Shae, Upper Township, asked if Middle Township has been in contact with the County or other municipalities to find places for the homeless.

Mayor Donohue explained they have been working with many other municipalities, the County and other entities to address the ongoing issues for the homeless.

Tim O'Shae, Upper Township, asked about homeless that have died in the last year.

Mayor Donohue explained that his question is not related to the ordinance.

Shirley Green, Whitesboro, asked what a temporary structure is.

Matt Rooney discussed language in the ordinances defining a temporary structure.

Shirley Greene, Whitesboro, sought clarification that is a person was to have a party in their back yard and needed a tent than the private property is exempt.

Matt Rooney explained no it is more defined as a tent that is being used to live in.

Shirley Greene, Whitesboro, explained her understanding that this ordinance is restricting property owners use of private property.

Matt Rooney, further explained that there are various needs to regulate certain uses on private property.

Johnny Walker, Lower Township, Chief Operating Officer of Disabled Veterans of the State, explained concern this ordinance will have on disabled veterans. Advised that his organization provides the homeless with tents and sleeping bags to keep them warm through the winter. Asked if this ordinance is not permitting them to do this anymore.

Matt Rooney, explained the ordinances applies and supplies certain penalties. Advised when a violation is found the prosecutor and judge has discretion within the boundaries of the ordinance.

Further explained that there is nothing in the ordinance pertaining to the seizure of any sleeping bags or tents. Advised that the purpose of this ordinance is to balance interest within the community and to the health and safety within the community.

Johnny Walker, Lower Township, Chief Operating Officer of Disabled Veterans of the State, explained the VA has two shelters, one in North Jersey and one in South Jersey that do not have enough shelter to house enough homeless. Discussed various entities that assist with the homeless. Explained concerns that they are not funded enough.

Matt Rooney advised that this is a national issue however this is an ordinance to ensure community safety to be kept.

Mayor Donohue discussed complaints received from concerned citizens. The purpose of this ordinance is to maintain public health and safety. He further explained that the areas that have been found are in unhealthy condition. Discussed various outlets and services that Middle Township currently have to try to assist the homeless in the community.

Christopher South, Rio Grande, stated he agrees with the intention of the ordinance but is concerned with the penalty and the persons inability to pay the fine.

Matt Rooney clarified that the language stated the fine is "not to exceed" \$2,000. The violation will not necessarily be the full \$2,000 and determination is on a case-by-case basis.

Christopher South, Rio Grande, argued that many people will have difficulty going to court and paying any fine amount.

Mayor Donohue explained the violation process and the attempts that will be made to coordinate and work together with homeless individuals to rectify a situation prior to the issue going to court.

James Morris, Homeless, explained his issue with the ordinance is the establishment of it without another option/place for the homeless to go.

Matt Rooney advised that this ordinance is not regulating sleep but regulating structures.

Sam Kelly read prepared speech opposing the ordinance.

Walt Belles, Rio Grande, explained the concern is the crime and other issues that come with the homeless camps. Further explained that the concerns are not the veterans but criminals that live in the woods. He discussed the efforts to work with the homeless. Advised his true concern is the dangerous crime in Rio Grande. Stated he feels the Mayor is moving in the right direction with the ordinance and it is a move in the right direction for Rio Grande.

Denise South, Rio Grande, stated she agrees the ordinance is a step in the right direction that will assist with moving forward. Discussed efforts to establish this support to create a community care facility with the County to assist the homeless community.

Jeff Mattered, Green Creek, stated he is supportive of the ordinance. Explained ongoing issues that this ordinance will prevent. He explained he is concerned of the fire being made in the woods and that lack of means to fight them if they get out of control and become a large forest fire.

Bonnie Dixon, Cape May Court House, discussed various events that can affect a person and cause homelessness and one's inability to understand/relate to homeless. Read bible verses representing the situation.

Dave Tomkinson, discussed support of the ordinance and committee efforts.

Jerry Hall, Rio Grande, asked what the plan is to implement the ordinance.

Mayor Donohue stated they will respond to complaints they receive.

Deb Rue, asked if there is an area in the Township that can be designated to allow veterans to take tents.

Mayor Donohue stated there is not and explained difficulties with the proposal.

Amber Barnaby, Rio Grande, explained personal experience being homeless. Discussed her purchase of a property for the sole purpose of having an option to have a place to go. Express anger that with this ordinance the Township not allowing her to do that.

Mayor Donohue explained that zoning regulations define what a person can do on private property.

Amber Barnaby, Rio Grande, continued to discuss concerns of regulation for use of private property if she wants to use her property to house herself or someone else in a tent.

Bobby Harrison, Whitesboro discussed personal experience with homeless individual he assisted and his daughter and grandson whom are homeless.

Mayor Donohue explained the public comment portion is currently only for comments regarding the tent ordinance.

Skip Peterson spoke of areas such as in Seattle with homeless tent cities and asked if the camps like the ones currently in Middle Township are how those cities may have started. Expressed that he supports the ordinance.

Gilda Montero, Whitesboro, discussed homeless and possible land in that Township that could be used for a homeless shelter. Asked if someone donated property would the Township build a shelter.

Mayor Donohue advised he would be willing to speak with her.

Johnny Walker, Lower Township, spoke of confusion of comments about criminal activity and homeless shelter.

Terry Mascione, The Branches, explained the current homeless situation is much different from years prior. Discussed all homeless being clumped together in the same categories.

Mayor Donohue reiterated that the ordinance is to protect the health and wellness of the community. The concerning activities ongoing in the woods are affecting the health and wellness in the community. Explained the conversation in ongoing and will continue the efforts to ramp up availability of services for the homeless.

Jim Chew, read prepared speech regarding the homeless and opposing the ordinance and its enforcement.

9. *TABLED* ORDINANCE 1672-23 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE AMENDING AND REPLACING IN ITS ENTIRETY CHAPTER 106 “CANNABIS” TO ALLOW CANNABIS CULTIVATORS, MANUFACTURERS, AND RETAILERS TO OPERATE WITHIN THE TOWNSHIP, TO ESTABLISH PROCEDURES FOR THE LICENSING, REGISTRATION, AND REGULATION OF CANNABIS FACILITIES, AND TO LIMIT THE NUMBER OF LOCAL RETAIL LICENSES – On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1672-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/17/2023 at 6:00 p.m.

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, the Township Committee is empowered to adopt an ordinance to regulate buildings and structures, and their use and occupancy, and to prevent and abate conditions detrimental to the health safety, and welfare of the general public pursuant to N.J.S.A. 40:48-2.12a and N.J.S.A. 40:48-2.12f; and

WHEREAS, the Township Committee is empowered to adopt an ordinance to provide for the inspection of buildings to assure the health, safety, and public welfare of the municipality and its residents pursuant to N.J.S.A. 40:48-2.12a1; and

WHEREAS, the Township Committee finds that it is in the best interest of the Township to establish local licensing and registration requirements for cannabis facilities and to proactively establish enforcement provisions for regulated cannabis facilities.

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

Section 1. That the aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Chapter 106 of the Township of Middle Municipal Code entitled “Cannabis” shall be deleted and replaced, in its entirety, with Chapter 160 as set forth in Exhibit A attached hereto.

Section 3. All other Chapters of the Township Code not amended by this Ordinance shall remain valid and in full force and effect and are not amended by this Ordinance.

Section 4. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Should any section, clause, sentence, phrase, or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 6. This Ordinance shall take effect after final passage, approval, and publication, as provided by law.

10. RESOLUTION 277-23 – 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
Jeffrey Smith	Sewer	Laborer F/T T/A (6 months)	06/10/2023

11. RESOLUTION 278-23 – ESTABLISHING RATE OF PAY FOR PART-TIME CLASS 2 POLICE

OFFICERS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, a part-time employee is one that works 34 hours or less per week per Civil Service Commission Title 4A:6-2.2, New Jersey Administrative Title Code Book, and in the case of Class 2 Police Officers, unless designated and approved by the County Prosecutor, and

WHEREAS, it is necessary to establish the rate of pay for Class 2 Police Officers within the Township of Middle and to be outlined within the salary resolution as adopted by the Township Committee of the Township of Middle, and

P/T Special Class Two Police Officers - \$20.00 PH, Academy

P/T Special Class Two Police Officers - \$23.00 PH, Post-Academy (trained) effective 06/19/2023

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the above referenced schedule shall be adopted and utilized for those part-time employees as established above.

BE IT FURTHER RESOLVED, that authorization is hereby given to the appropriate officials to execute and make said changes as necessary to the salary resolution.

12. RESOLUTION 279-23 – 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
Weiss, Dalton	300 Hand Avenue	235 // 24	\$545.20

Goshen Fields LLC	833 Goshen Road	50 // 36	\$934.04
Pevny, John J Jr.	403 Route 47 North	1 // 28	\$528.72
Dougherty, Janet	211 Brighton Road	223 // 12	\$555.44

13. RESOLUTION 280-23 – AUTHORIZING ACCELERATE TAX SALE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, N.J.S.A. 54:5-19 requires that any unpaid taxes and/or other municipal charges that remain in arrears on the eleventh day of the eleventh month be sold at a tax sale; and WHEREAS, Chapter 99, Public Laws allows accelerated tax lien sale as of the eleventh day of the eleventh month of the fiscal year upon passage of a resolution of the governing body; and WHEREAS, the annual accelerated tax sale for the Township of Middle is scheduled to be held on December 20, 2023; and WHEREAS, the tax sale process is lengthy and costly and places a large financial burden on the general tax base; and WHEREAS, it is the desire of the Township of Middle to hold taxpayers who cause the tax sale procedure to be held accountable for the fees associated with the said sale; and WHEREAS, N.J.S.A. 54:5-26 provides for direct mailing of the tax sale notices in-lieu of up to two (2) legal advertisements, the costs of which shall be added to the cost of the sale, not to exceed \$25.00 for each set of notices; the first notice will be mailed November 22, 2023; the second notice will be mailed November 29, 2023; the first advertisement will be published in The Press of Atlantic City on December 6, 2023, the second advertisement will be published in The Press of Atlantic City on December 13, 2023; and WHEREAS, ordinance number 1354.10 of the Township of Middle states the same, and WHEREAS, N.J.S.A. 54:5-38 provides for fees in connection with holding a tax sale, of two (2%) percent of the total of municipal charges, including all interest and penalties, to the date of sale. The two (2%) percent shall not be less than fifteen (\$15.00) dollars nor more than One Hundred (\$100.00) dollars for each parcel sold; and all payments accepted will be by cashier’s checks, certified checks or money orders and WHEREAS, N.J.S.A. 54:5-29 provides for payment prior to the tax sale to include all interest, costs and penalties; NOW THEREFORE, BE IT RESOLVED, by the Municipal Governing Body of the Township of Middle in the County of Cape May the Tax Collector is hereby authorized to conduct an accelerated tax lien sale for the calendar year 2023 and any prior year delinquencies. BE IT FURTHER RESOLVED, by the Municipal Governing Body of the Township of Middle, that in accordance with N.J.S.A. 54:5-26 the Tax Collector’s office is hereby authorized to send two (2) direct mailings, in lieu of 2 advertisements, and collect a mailing fee of Twenty-Five dollars (\$25.00) for each notice mailed; and BE IT FURTHER RESOLVED, that costs of preparation, administration and advertisement, prior to the sale are hereby determined to be two (2%) percent of the total municipal charges, including all penalties and interest, but not less than Fifteen (\$15.00) dollars and not more than One Hundred (\$100.00) dollars for each parcel.

14. RESOLUTION 281-23 – 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 due to overpayment of 2023 property taxes,

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
18034	414	9	Biondo, Salvatore & Lana M Brunetti	\$1,221.73
			Property location: 601 Millman Blvd	

Please make check payable to:

Title Partners LLC
 Attn.: Shannon Dolack
 5501 New Jersey Ave
 Wildwood Crest, NJ 08260

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 2023 taxes.

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

15. RESOLUTION 282-23 – SOCIAL AFFAIRS PERMIT – CAPE MAY COUNTY CHAMBER OF COMMERCE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, Cape May County Chamber of Commerce has applied for approval to sell alcoholic beverages at an event to be held at Kindle Auto Plaza Grounds, 525 Stone Harbor Boulevard, Cape May Court House, New Jersey 08210 on October 01, 2023 from 11:00am until 6:00pm; and WHEREAS, they have provided proper documentation to the Township of Middle. NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

16. RESOLUTION 283-23 – 2023-2024 HOTEL/MOTEL LICENSE APPROVAL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the Township of Middle has established a Hotel/Motel License in connection with Ordinance No. 1157-04; and

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that each of the following licenses be and are hereby authorized for the license year of 2023-2024:

LIC. #	APPLICANT	TRADENAME	LOCATION	SITES
1	N. Wildwood Blvd Owner, LLC	Catalina Motel	1200 Georgie Avenue	11 + Manager Apt.
3	Om Rudra, Inc.	Flamingo Motel	1604 Route 47 South	28 + Manager Apt.
7	Trisha Rio Grande, LLC	Prime Inn	1031 Route 47 South	16 + House
11	38 East Mechanic Street, LLC	Hyland Motor Inn	38 East Mechanic Street	34 + Manager Apt.
14	Robert & Ruth Worth T/A Marlee	Marlee Motel	1003 Route 47 South	13 + House
16	Isha Hospitality, LLC	Red Roof Inn	1801 Route 47 South	49
17	Nelson Rossi & Jamie Cherego	Sea Gull's Motel, LLC	905 Route 47 South	11
19	Tarek Patel	Shelton Motel	1410 Route 47 South	22
20	Louis Altobelli	Silver Birch Motel	1019 Route 47 South	10
22	Whispering Woods, Inc.	Whispering Woods	535 Route 47 South	28
25	N. Wildwood Blvd Owner, LLC	Wildwood Park Motel	405 North Wildwood Road	13

17. RESOLUTION 284-23 THROUGH 285-23 – 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 November 7, 2022 via Resolution No. 467-22 to Ricky Slade Construction for the Basketball Court Conversion.

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 Ricky Slade Construction for the Basketball Court Conversion project is hereby approved, and that the change order results in a decrease of \$11,740.00 for an amended contract amount of \$50,100.00.

(B) WHEREAS, a Contract was awarded, on April 3, 2023 via Resolution No. 185-23 to MJJ Construction for the Renovations to Middle Township Municipal Building Restrooms.

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 MJJ Construction for the Renovations to the Middle Township Municipal Restrooms project is hereby approved, and that the change order results in an increase of \$2,079.00 for an amended contract amount of \$83,508.00.

18. RESOLUTION 286-23 – AUTHORIZING THE TOWNSHIP OF MIDDLE TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2023 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant AFN #97.042, Subgrant Award #FY23-EMPG-EMAA-0506 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The subgrant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing the City's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the Township of Middle will use these funds to enhance your Emergency Management Program and that the funds will be used for Emergency Management purposes; and

WHEREAS, the award period is from July 1, 2023 to June 30, 2024; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

WHEREAS, the Township of Middle Office Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

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

1. That the Committee accepts the award of the FFY23 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
 2. That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.
 3. That copies of this resolutions shall be forwarded to the New Jersey State Police, Office of Emergency Management, the Township Business Administrator, the Chief Financial Officer and the County Division of Emergency Management and Office of Treasury.
19. RESOLUTION 287-23 – AUTHORIZING EXECUTION OF CONTRACT FOR SERVICE BETWEEN LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP) NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS AND THE TOWNSHIP OF MIDDLE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle wishes to enter into a Contract of Services with the New Jersey Department of Community Affairs to provide sewer utility assistance to low-income households; and NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle does hereby authorize and approve the execution of the Contract for Services between LIHWAP New Jersey Department of Community Affairs and the Township of Middle.
BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign the agreement and any and all documents applicable to the agreement.
20. RESOLUTION 288-23 – AUTHORIZING THE EXECUTION OF AGREEMENT – MEDICAL ESSENTIAL DIAGNOSTICS, LLC – On motion By Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the License agreement for Use of Municipal Building between Medical Essential Diagnostics, LLC and the Township of Middle.
21. RESOLUTION 289-23 – AUTHORIZING ACCEPTANCE OF PERFORMANCE BOND – ZAWA CAPE MAY LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, ZAWA Cape May LLC has received certain approvals for the property located at 6 Court House South Dennis Road/9 Broadway to include landscaping improvements, and NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance bond in the amount of \$30,000.00, is hereby accepted.
FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.
22. RESOLUTION 290-23 – AMENDING RESOLUTION 265-23 – AUTHORIZATION TO CLOSE SEAGULL LANE FOR A NEIGHBORHOOD BLOCK PARTY – 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 Resolution 265-23 shall hereby be amended and correct to reflect the following street, Seabass Lane
23. RESOLUTION 291-23 – SUPPORTING S-3906 – URGING THE PASSAGE OF “GIVE IT BACK” PROPERTY TAX RELIEF – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, Senators Michael L. Testa, Jr. and Declan J. O’Scanlon, Jr. introduced S-3906, reappropriating \$2,350,000,000 from the general fund of the “New Jersey Debt Defeasance and Prevention Fund” established pursuant to section 1 of P.L. 2021, c. 125 (C:52:9h-2.2); and
WHEREAS, the funds shall be allocated to municipalities and counties to retire local debt or to fund capital projects on a pay-as-you-go basis; and
WHEREAS, of the amount appropriated pursuant to subsection a. of S-3906, \$3,000,000,000 shall be allocated to each municipality on an equal per capita basis wherein each municipality shall receive the same dollar amount per resident; and
WHEREAS, of the amount appropriated pursuant to subsection a. of S-3906, \$1,320,000,000 shall be allocated to each county on an equal per capita basis wherein each county shall receive the same dollar amount per resident; and
WHEREAS, these funds would be distributed to each municipality and each county within 30 days of the enactment; and
WHEREAS, it is altogether fitting and proper that the State redirect the \$2,350,000,000 from the general fund of the “New Jersey Debt Defeasance and Prevention Fund”, to assist in reducing the significant debt of Local Government impacting state taxpayers.
NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, strongly supports Senate Legislation S-3906 and is hopeful that the Governor will consider reallocating these funds.
BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the sponsors of S-3906 Senators Michael L. Testa, Jr. and Declan J. O’Scanlon, Jr., the Office of the Governor, the New Jersey State League of Municipalities, and all Cape May County Municipalities.

24. RESOLUTION 292-23 – CLOSED SESSION – POTENTIAL LITIGATION (VOLUNTEER BOARD MEMBERSHIP) (SEWER CONNECTION REQUEST) – 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 (VOLUNTEER BOARD MEMBERSHIP) (SEWER CONNECTION REQUEST)

2.) The general nature of the subject matter to be discussed is as follows: POTENTIAL LITIGATION (VOLUNTEER BOARD MEMBERSHIP) (SEWER CONNECTION REQUEST)

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.

25. ENGINEERING REPORT:



ENGINEERS ENVIRONMENTAL PLANNERS LANDSCAPE ARCHITECTS

Township of Middle
Project Status Report
June 19, 2023

Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.

2021 Drainage Projects

- Construction started on 12/6/21
- All work completed with exception of the following.
 - Pamela Rd. – Re-construct asphalt gutter line to improve drainage of gutter at Second Ave.
 - Met with contractor on-site. Contractor will remove existing asphalt for free and re-construct using porous asphalt for \$6,500.00
 - Asphalt will be in conjunction with 3rd and Walsh paving.

Norbury Landing Project

- Preconstruction Meeting held on 1/25/23
- Construction started on March 22, 2023.
- Construction 40% complete.

3rd Ave & Walsh – Reconstruction & Construction of New Roadway

- Bids received 12/21/22
- Contract Awarded to CTX Construction
- Preconstruction Meeting held on March 22, 2023
- Construction 50% complete.

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

- Bids received 2/1/23
- Recommendation to award contract to Hackney Construction, Inc. 2/9/23
- Contract awarded at 3/6/23 meeting
- Construction 100% completed.

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 completed.
- NJDOT Approved
- County Engineering division will bid and inspect site. EDA will provide administrative services for the Grant.

Cambridge Professional Offices
5 Cambridge Drive, Ocean View, New Jersey 08230
PHONE: (609) 390-0332 • FAX: (609) 390-9204

Project Status Report
June 19, 2023

Page 2 of 2

Municipal DCA Grant to Reconstruct Existing Restrooms at Municipal Building

- Recommendation to reject bids
- Contract to be awarded to MJJ Construction at April 3, 2023 meeting.
- Pre-construction meeting held on April 26, 2023
- Construction to begin after exhaust fans are fixed.

2022 Road Improvement Project

- All work completed.
- Change order for fencing at the end of Main Street.

Goshen Basketball Courts

- Construction started the week of May 22, 2023.
- Met with contractor on-site regarding overlay.
- Change order completed.

Church Street

- Grant received for fiscal year 2023 in the amount of \$221,075.00
- Schedule
 - Survey – Completed
 - Project currently under design.
 - NJDOT Approval (waiting on approval).
 - Construction – August 1, 2023

Oekie Wisting Park

- Material ordered by contractor (waiting on shipment date).
- Pre-construction meeting held on May 24, 2023 at 10:00 a.m.
- Waiting on construction start date.

Avalon Fishing Pier

- Developing sign details as required by Cape May County

FINAL/MIDDLE/GENERAL/PROJSTATUS/2023/6-19-23

26. PUBLIC COMMENT:

Dawn Robinson, Burleigh, asked about profits from land sale properties in Whitesboro and suggested the money be used to pave “roads” in Whitesboro to various lots.

Mayor Donohue discussed total money received from land sales.

Kimberly Osmundsen advised that the properties listed in land sales are on the list due to the property being foreclosed on. Further explained at that point the Township then has to pay the taxes on these properties after foreclosure which effects tax payers.

Dawn Robinson, Burleigh, continued to discuss Whitesboro lots in the sales and concern that the money from the sale of these lots do not go back into Whitesboro. Reiterated belief that money should be used to pave roads to lots.

Kimberly Osmundsen sought clarification that Dawn is asking that the road be paved for more development in Whitesboro.

Dawn Robinson, Burleigh confirmed that was the premise of her suggestion.

Stan Doniger, Rio Grande, asked about the pay structure for Class II Police Officers.

Kimberly Osmundsen explained the pay structure of the officers during and after academy.

Mayor Donohue explained the purpose of the resolution is to entice more Class II Officers to Middle Township.

Bobby Harrison, Whitesboro, discussed concern of dirt road in Whitesboro called Fishbone. Explained personal responsibility to pay his own road when he purchased his property. Spoke of understanding of the Township's receipt of \$1,000,000.00 to pave the road. Requested the Township pave the road. Began to discuss personal efforts to assist homeless individuals.

James Morris, reiterated concerns of enforcement and violations of the tent ordinance.

Tim O'Shae, Upper Township, referenced Atlantic City Press article on 10-year plan to assist homeless.

Mayor Donohue asked who created the plan.

Tim O'Shae, advised the County created the plan.

John Quarterman, discussed areas inundated with trash throughout the Township. Explained efforts to go throughout the community to clean up the trash and debris. Also discussed concerns of speeding on Avalon Boulevard.

Mayor Donohue explained it is a county road so they cannot change it but can make a request to them to conduct a speed survey on that road.

Blanche Saettler, Whitesboro, spoke of concerns of drainage at her property.

Vince Orlando explained he had come out twice to the property to address the concern. Further explained it would be on the next drainage project.

Mayor Donohue explained process to correct drainage throughout the Township each year.

Vince Orlando advised the project would be on the list late fall or early spring.

Bonnie Dixon, Cape May Court House, discussed issue with trash pickup of yard debris. Thanked Suzanne Schumann for her assistance with the issue.

Jim Chew, discussed assistance he provides the homeless and property he shows them for a place to stay. Explained his efforts to keep homeless areas clean. Threatened to place them in community parks if they do not have a place to stay.

Mayor Donohue explained his concerns of him dictating that he oversees the homeless and taking the laws into his own hands.

Deb Rue, thanked Committee for paving Bayshore Road.

Committeeman Gandy clarified that the job was done by the County.

Motion to enter closed session – 7:50 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to re-enter open session – 8:18 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to adjourn meeting – 8:18 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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