

Cape May Court House, NJ  
 July 17, 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

- RESOLUTION 312-23 – PROMOTIONAL TITLE CHANGE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employee is hereby promoted to the civil service title opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Brian Murphy	Public Safety – Police	Police Captain	\$151,601.48	07/17/2023

- SWEARING IN OF PROMOTED POLICE OFFICER – BRIAN MURPHY
- 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

- RESOLUTION 313-23 – 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	-
Current Fund CY	3.01	638,705.46
Alarm Billing	3.03	-
Sewer Utility PY	2.07	-
Sewer Utility CY	3.07	22,642.32
General Capital	C.04	8,300.00
Sewer Capital	C.08	4,426.57
Grants	G.06	-
M.A.C.	M.24	387.00
Emergency Housing	R.23	-
Dog Trust	T.12	4.80
Sewer Escrow	T.16	-
Trust Other	T.17	12,348.00
Zoning Escrow	T.19	1,366.00
Zoning Escrow	E.19	1,431.25
Unemployment Trust	T.20	-
C.O.A.H	T.27	160.00
Recreation Trust	T.28	8,545.00
TOTAL		698,316.40

- RESOLUTION 314-23 – 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: 07/03/2023 Regular Meeting
- REPORTS: Sewer/Tax Collector for month of June; Sterback Harbor for month of June; Clerk for month of June; Zoning for month of June

7. \*TABLED \*ORDINANCE 1673-23 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 129 THEREOF TITLED DUMPSTERS AND REFUSE CONTAINERS – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, Ordinance No. 1673-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/21/2023 at 6:00 p.m. BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that Chapter 129 of the Revised General Ordinances of the Township of Middle be and is hereby amended as follows:

**SECTION 1: PURPOSE AND DEFINITIONS**

**§ 129-1. Purpose.**

A chapter requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semiliquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Middle and/or the waters of the state so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 129-2. Definitions.**

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Township of Middle, or other public body, and is designed and used for collecting and conveying stormwater.

**PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

**REFUSE CONTAINER**

Any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

**STORMWATER**

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**WATERS OF THE STATE**

The ocean and its estuaries, all springs, streams and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**SECTION 2: GENERAL PROHIBITED CONDUCT**

**§ 129-3. Prohibited conduct.**

- A. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.
- B. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semiliquids or solids to the municipal separate storm sewer system(s) operated by the Township of Middle.

**§ 129-4. Exceptions to prohibition.**

- A. Permitted temporary demolition containers.
- B. Litter receptacles (other than dumpsters or other bulk containers).
- C. Individual homeowner trash and recycling containers.
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

**SECTION 3: PORTABLE WASTE AND REFUSE CONTAINERS**

**§ 129-5. Permits required.**

- A. Consistent with N.J.S.A. 27:51-1, no person shall park or leave unattended any portable waste or refuse container commonly known as a "roll-off dumpster" or "roll-off container," on or along any street, highway or public property within the Township of Middle without first obtaining a dumpster permit from either Construction or Zoning offices. The Township of Middle may only issue permits for streets, highways, or public property which are under the jurisdiction of the Township.
- B. The application forms for a permit to place a roll-off dumpster or roll-off container upon a street, highway or public property within the Township of Middle shall be signed by the owner of the property adjacent to the street, highway or public property on which the roll-off dumpster or roll-off container is to be placed, and permits, when issued by the Zoning or Construction official, shall only be issued in the name of the property owner and shall be displayed prominently by the permittee upon the private property adjacent to the public property upon which the roll-off dumpster or roll-off container is placed. The Zoning or Construction official shall provide copies of any permits that are issued pursuant to this section to the Middle Township Police Department and Code Enforcement Officials.

**§ 129-6. Permit time and fees.**

- A. Consistent with N.J.S.A. 27:51-1, approval for placement of a roll-off dumpster or roll-off container upon a street, highway or public property shall remain in effect for a period of not more than thirty (30) days. Prior to expiration of an initial thirty (30)-day approval, a thirty (30)-day

permit may be endorsed for a thirty (30)-day renewal period by the Zoning or Construction official one time only without charge to the applicant.

- B. Fees:
  - 1) One-day permit: \$50.
  - 2) Seven-day permit: \$150.
  - 3) Thirty-day permit: \$250.
- C. Only those permits taken out for a thirty (30)-day period shall be eligible for the additional thirty (30)-day renewal period as outlined in Subsection A of this section. One-day permits and seven-day permits shall not be eligible for any period of renewal.
- D. Dumpsters on a residential property that is not under construction do not require a permit; however, the dumpster shall not be present for longer than forty-five (45) days from the date of the placement of the dumpster on the property.

§ 129-7. Location.

The property owner shall make every effort to place the roll-off dumpsters or roll-off containers on private property rather than on streets, highways or public property. In such cases where the only practical location of a roll-off dumpster or a roll-off container is on a street, highway or public property, the property owner shall submit with the permit application a plan that shows where the roll-off dumpster or roll-off container is to be located depicting driveways, intersections and property lines, and the roll-off dumpster or roll-off container shall have its wheels or skids, as the case may be, placed on timber material having minimum dimensions of not less than two inches thick by 12 inches wide by 48 inches long, so as to provide protection to the surface of the street, highway or public property upon which the roll-off dumpster or roll-off container is to be placed.

§ 129-8. General Maintenance and Reflective markers required.

- A. Except as otherwise provided in this Chapter and/or preempted by state or federal rules and regulations, maintenance of portable waste or refuse containers shall be governed by Chapter 129 of the Middle Township Code.
- B. Dumpsters and debris containers are required upon construction sites. All construction sites upon which construction or demolition activities thereon will generate any debris or solid waste shall be equipped with adequate and suitable receptacles, containers or dumpsters for the deposit of such debris or solid waste.
- C. Containers to be emptied periodically. Debris containers, receptacles or dumpsters located upon construction sites shall be emptied at periodic intervals so as to prevent overloading, the escape of materials contained therein and so as to prevent obnoxious odors or nuisances of any type escaping therefrom during the period when construction or demolition activities are taking place upon the construction site.
- D. Placement upon construction site. To the extent possible, debris containers, receptacles and dumpster shall be located completely on construction sites rather than on streets, highways or public property; however, to the extent that they cannot be so located, then their placement and the permits therefore shall be governed by the provisions of Chapter 129-7 of the Code of the Township of Middle.
- E. Consistent with N.J.S.A. 27:51-1, in all cases where a roll-off dumpster or roll-off container is to be placed upon a street, highway or public property, the roll-off dumpster or roll-off container shall be equipped with and display markers consisting of all-yellow reflective diamond-shaped panels having a minimum size of 18 inches by 18 inches. These panels shall be mounted at the edge of the dumpster or container at both ends nearest the path of passing vehicles and facing the direction of oncoming traffic. These markers shall have a minimum mounting height of three feet from the bottom of the panels to the surface of the roadway. At the end of each workday or during any prolonged period of time when not in use, the roll-off dumpster or roll-off container shall be covered with a tarpaulin or other industry-acceptable material.

§ 129-9. Damage to street, highway and property prohibited.

No person shall purposely, knowingly, recklessly or negligently damage any street, highway or public property or allow damage to be caused to any street, highway or public property by the placement of a roll-off dumpster or roll-off container upon a street, highway or public property. It shall be no defense to a prosecution for an offense under this section that a permit for placement of a roll-off dumpster or roll-off container was obtained from the Zoning or Construction official or that timber material had been placed under the wheels or skids of the roll-off dumpster or roll-off container as required by this Chapter, it being the responsibility of the property owner to provide for further protective measures to the street, highway or public property if the timber material required by this Chapter proves to be insufficient to adequately protect the street, highway or public property from damage by reason of the weight of the roll-off dumpster or roll-off container or any other factor or cause.

§ 129-10. Temporary removal.

Notwithstanding the fact that a permit for placement of a roll-off dumpster or roll-off container may have been issued by the Zoning or Construction official, nothing contained in this Chapter shall be interpreted as or deemed as precluding the Middle Township Chief of Police, Middle Township Fire Chief, or Code Enforcement official from ordering the temporary removal of any roll-off dumpster or roll-off container that has been placed upon a street, highway or public property for reasons of traffic safety or public safety.

**SECTION 4: ENFORCEMENT**

§ 129-11. Violations and penalties.

- A. This Chapter shall be enforced by the Township of Middle.

- B. Consistent with N.J.S.A. 27:51-1, a person who is convicted of a violation of this Chapter shall be subject to a fine of \$1,000 for each violation, and each day said violation is continued shall constitute a separate offense. In default of the payment of a fine, imprisonment in the county jail for a period of not more than ninety (90) days may be imposed. In addition to a fine, a person who has been convicted of a violation of this Chapter may be sentenced to make restitution in the event that a street, highway or any public property has been damaged by reason of placement of a roll-off dumpster or roll-off container thereon.

SECTION 5: Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 6: Should any section, paragraph, sentence 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 7: This Ordinance shall become effective immediately upon final passage and publication, according to law.

8. \*TABLED\* ORDINANCE 1674-23 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 127 THEREOF TITLED PORTABLE STORAGE CONTAINERS – On motion by seconded by and passed on roll call, Ordinance No. 1674-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/21/2023 at 6:00 p.m. BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that Chapter 127 of the Revised General Ordinances of the Township of Middle be and is hereby amended as follows:

SECTION 1: DEFINITIONS

§ 127-1. Definitions.

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

**PORTABLE STORAGE CONTAINER** — A self-storage container that is delivered to and retrieved from a property for long-term off-site or temporary on-site storage. Portable Storage On Demand or PODS® is a familiar trade name for such containers. Portable storage containers are containers placed on a property for the purpose of temporarily storing materials, including any container, storage unit, shed-like container or other portable structure used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements. Not included in this definition or governed by this Chapter are “nonresidential trailers” as defined and regulated by Chapter 250-11 of the Code of the Township of Middle.

SECTION 2: REQUIREMENTS

§ 127-2. Permitted temporary uses.

Portable storage containers may be utilized as a temporary structure within the Township of Middle when in compliance with the standards of this Chapter. It shall be the obligation of the owner and/or user of such temporary structure to secure it in a manner so as to not endanger the safety of persons or property in the vicinity of such temporary container. No such container shall be used within the Township of Middle contrary to the regulations of this Chapter.

§ 127-3. Permit required.

- A. Before a portable storage container is placed on any property, the owner, tenant or contractor working on said property must obtain a storage container permit by submitting an application to either the Construction or Zoning offices. Tenants or contractors shall also provide written permission from the owner of the property regarding the placement of said container.
- B. The cost of said zoning permit shall be \$40.

§ 127-4. Number of permitted containers.

No more than one portable storage container may be placed on any property at a time.

§ 127-5. Size of permitted containers.

A portable storage container may not exceed 10 feet in height, 10 feet in width or 30 feet in length.

§ 127-6. Duration of permit.

- A. A portable storage container may be used as temporary storage for a period not exceeding sixty (60) days from the time of delivery to the time of removal. A portable storage container may not be located on the same property more than two (2) times during any given one-year period.
- B. In the event of high winds or other dangerous conditions during which a portable storage container may present a physical danger to persons or property, the Zoning Officer, Construction Officer or Code Enforcement Officer may require the immediate removal of said container.
- C. In the event of fire, hurricane, other natural disaster causing substantial damage to a structure, or other extenuating circumstances, the property owner may apply to the Zoning Officer or Construction Officer for permission to extend the time that a portable storage container may be located as a temporary structure on a property. Said application shall be made in writing and shall give sufficient information to determine whether said extension should be granted. The Zoning Officer or Construction Officer shall determine whether or not said extension should be granted along with the length of said extension. In the event of an adverse decision by the Zoning Officer or Construction Officer, the applicant may appeal such decision to City Council, whose decision shall be final.

§ 127-7. Location.

- A. Portable storage containers are prohibited from being placed in streets, public rights-of-way or on unimproved surfaces in the front yard of properties. Placement may occur only upon driveways, side and rear yards if such locations meet the requirements of this section. All such locations must be paved, off-street surfaces at the farthest accessible point from the street. Placement of a container must comply with the side yard accessory structure setback requirements in the zone in which placement is

to occur. If a property does not have a driveway or cannot meet the standards described herein, the Zoning Officer or Construction Officer may approve placement of a container in the front yard; however, if such placement does occur, said container must be placed at the farthest accessible point from the street and the surrounding area must be kept in weed-free condition.

- B. Wherever a portable storage container is placed, it shall be subject to all property maintenance standards applicable to accessory structures. No portable storage container shall remain in a state of disassembly or disrepair.

**SECTION 3: ENFORCEMENT**

§ 127-8. Enforcement, Violations and penalties.

- A. This Chapter shall be enforced by the Township of Middle.
- B. Any person(s) found to be in violation of the provisions of this Chapter shall be subject to a fine not to exceed \$1,000. Each day that a violation continues shall constitute a separate offense. In default of the payment of a fine, imprisonment in the county jail for a period of not more than ninety (90) days may be imposed. In addition to a fine, a person who has been convicted of a violation of this Chapter may be sentenced to make restitution in the event that a street, highway or any public property has been damaged by reason of placement of a portable storage container thereon.

**SECTION 4:** Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

**SECTION 5:** 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 6:** This Ordinance shall become effective immediately upon final passage and publication, according to law.

- 9. RESOLUTION 315-23 – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – 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 that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	EFFECTIVE DATE
Jason Breakell, Sr.	Public Works	Laborer 1 F/T T/A (6 months)	Laborer 1 P/T Permanent	07/10/2023
Meghan Stanley	Recreation	Recreation Aide P/T T/A (6 months)	Recreation Aide P/T Permanent	07/01/2023

- 10. RESOLUTION 316-23 – APPOINTMENT – LAW ENFORCEMENT COMMUNITY ENGAGEMENT COMMITTEE – 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 individual is hereby appointed to the volunteer board opposite their name:

NAME	POSITION	BOARD	TERM EXPIRES
Jennifer Pooler	Middle Township Police Liaison*	Law Enforcement Community Engagement Committee	06/01/2023

\*Filling unexpired term

- 11. RESOLUTION 317-23 – INSERTION OF A SPECIAL ITEM OF REVENUE – NJ DIVISION OF HIGHWAY AND TRAFFIC SAFETY – 2023 SUMMER SHORE PEDESTRIAN AWARENESS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

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 2023 in the sum of:

NJ Division of Highway and Traffic Safety – 2023 Summer Shore Pedestrian Awareness  
\$5,250.00

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

NJ Division of Highway and Traffic Safety – 2023 Summer Shore Pedestrian Awareness  
\$5,250.00

12. RESOLUTION 318-23 – 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
Nickels, James	1149 Route 9 S	355.03 // 22	\$327.72

13. RESOLUTION 319-23 – AFFIDAVIT OF IN REM FORECLOSURE #201 POSTING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

State of New Jersey

Ss

County of Cape May

I Sandra B. Beasley, BEING DULY SWORN ACCORDING TO LAW ON MY OATH STATE:

1. I Sandra Beasley, tax collector of The Township of Middle, County of Cape May, State of New Jersey of full age, by way of certification in accordance with R.1:4-4(b), says
2. I am an agent of the plaintiff in foreclosure action #F-002985-21
3. On July 10, 2023 I posted a copy of the Notice of In Rem Tax Foreclosure of Tax Lien Titles, dated and published on July 5, 2023 in five locations set forth on the list below, the same being conspicuous places within the Township of Middle.
4. As of July 12, 2023, the posting of advertisement of in rem tax foreclosure F-006590-23 was posted on each of the properties being foreclosed.
5. I certify that the foregoing statements made by me are true.
6. A Copy of the Notice of Sale was set up in five of the public places in the Municipality, namely:

Township of Middle Tax Collector’s Office  
33 Mechanic St.

Cape May Court House, NJ 08210  
Posted May 6, 2022

Whitesboro Post Office In Middle Township  
6 E Main St.

Whitesboro, NJ 08252  
Posted May 12, 2022

Rio Grande Post Office in Middle Township  
1087 Route 47 S

Rio Grande, NJ 08210  
Posted May 6, 2022

Green Creek Post Office in Middle Township  
501 Route 47 S

Green Creek, NJ 08219  
Posted May 6, 2022

Cape May Court House Post Office in Middle Township  
615 Route 9 S

Cape May Court House, NJ 08210  
Posted May 6, 2022

14. RESOLUTION 320-23 – SOCIAL AFFAIRS PERMIT – JEFF MICHNER SCHOLARSHIP FUND – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Jeff Michner Scholarship Fund has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Gold Club, 905 Route 9, Cape May Court House, New Jersey 08210 on July 20, 2023 from 1:00pm until 10:00pm; and

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

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

15. RESOLUTION 321-23 – RELEASE OF PERFORMANCE BOND – MCDOWELL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, \$7,500.00, is being held as a performance guarantee for BRIAN MCDOWELL for landscape improvements, Block 269 Lot 4 otherwise known as 102 S. Main Street; 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 \$7,500.00 is hereby released.
16. RESOLUTION 322-23 – RELEASE OF TRUST ACCOUNTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid; and  
WHEREAS, the applicants are entitled to a refund of this money.  
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts, as listed on the attached sheets, shall be released
17. RESOLUTION 323-23 – REFERRING TO THE TOWNSHIP OF MIDDLE PLANNING BOARD THE REVIEW OF CHAPTER 218 OF THE TOWNSHIP CODE ENTITLED SIGNS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, Chapter 218 shall be known and may be cited as "The Subdivision and Site Plan Chapter and the Planning Board and Zoning Board Chapter of the Land Development Ordinance of Middle," and  
WHEREAS, the purpose of this chapter shall be to provide rules, regulations and standards to guide land subdivision and site development in the Township of Middle in order to promote the public health, safety, convenience and general welfare of the municipality. It shall be administered to ensure orderly growth and development, the conservation, protection and proper use of land and adequate provision for circulation, utilities and services, and  
WHEREAS, the approval provisions of this chapter shall be administered by the Township of Middle Planning Board or Board of Adjustment, whichever has jurisdiction over the development application, in accordance with Chapter 291 of the Laws of New Jersey, 1975 (N.J.S.A. 40:55D-1 et seq.). Hereinafter, all references to "Board" in this chapter shall include Planning Board and/or Zoning Board, whichever is applicable.  
WHEREAS, the 2010 Master Plan outlined goals and objectives including the requirement to review an "Update sign standards that promote safety while discouraging sign proliferation".  
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Middle, County of Cape May, State of New Jersey, the Governing Board thereof does hereby refer this resolution and request the Planning Board review and provide guidance as proposed to Chapter 218, Subsection 7 et. Seq. with regards to temporary and prohibited signs.
18. RESOLUTION 324-23 – CLOSED SESSION – POTENTIAL LITIGATION (DEVELOPER AGREEMENT)– On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
**Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session.**  
**This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist.**  
**The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.**  
WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and  
WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and  
NOW, THEREFORE, BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:  
1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: POTENTIAL LITIGATION (DEVELOPERS AGREEMENT)  
2.) The general nature of the subject matter to be discussed is as follows: POTENTIAL LITIGATION (DEVELOPERS AGREEMENT)  
3.) It is anticipated at this time the above subject matter will be made public as follows:  
WHEN THE MATTER IS RESOLVED  
4.) This Resolution shall take effect immediately.

## 19. ENGINEERING REPORT:



ENGINEERS ENVIRONMENTAL PLANNERS LANDSCAPE ARCHITECTS

**Township of Middle  
Project Status Report  
July 17, 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 3<sup>rd</sup> and Walsh paving.

### Norbury Landing Project

- Preconstruction Meeting held on 1/25/23
- Construction started on March 22, 2023.
- Construction 60% complete.

### 3<sup>rd</sup> 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 60% complete.

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

- 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.

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Project Status Report  
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### 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.

### Goshen Basketball Courts

- Construction started the week of May 22, 2023.
- Met with contractor on-site regarding overlay.
- Change order completed.
- Construction to start August 1, 2023

### 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).
  - NJDOT requested a Railroad Crossing meeting.

### 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/2023/7-17-23

*Mayor Donohue asked about playground designs*

*Vince Orlando reviewed status of playgrounds. Explained Phase II should be ready to go out in August with Phase I ready for September.*

## 20. PUBLIC COMMENT:

*Jim Chew, Rio Grande, read prepared speech regarding the homeless and himself*

Motion to enter closed session – 6:23 pm

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

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

Motion to re-enter open session – 6:32 pm

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

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

Motion to adjourn meeting – 6:33 pm

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

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