

**Cape May Court House, New Jersey
TOWNSHIP OF MIDDLE
TOWNSHIP COMMITTEE
WORK SESSION AGENDA
April 17, 2023 4:00 PM (prevailing time)**

CALL TO ORDER:

Mayor's Announcement: 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).

Notice of this meeting was properly given in Resolution No. 42-23 entitled "Establishing Work Session Meeting Nights" which was adopted by Township Committee of the Township of Middle on January 4, 2023.

Members present are Mayor Donohue, Deputy Mayor Gandy, and Committeemember Norris

Business Administrator/Township Clerk Kimberly Osmundsen, Deputy Township Clerk Emily Bartleson, Township Engineer Vincent Orlando & Municipal Solicitor Matt Rooney

FLAG SALUTE:**PRESENTATIONS OR DISCUSSIONS:**

Proposed Redevelopment Overlay – Rio Grande

Mayor Donohue, gave background on the project and funding process. Reviewed redevelopment area being expanded upon.

James Maley, Redevelopment Counsel, explained a preliminary study is required to move forward with the process. The study would review if the area is satisfactory for the requirements needed to assign as redevelopment. Once completed a public hearing would be done by the Planning Board to address the findings and either endorse or deny the designation. From there the process would move to the Governing Body for approval.

He explained the resolution on the regular agenda would be for the condemnation of the area. Its purpose for the designation would be to allow the Governing Body to have power over the area if needed in the future and this resolution would start that process. Discussed various reasons the designation would be beneficial to the Township in assisting the area.

Mayor Donohue suggested key points in this would be to open up a lot of opportunities with redevelopment of the area.

James Maley, Redevelopment Counsel, discussed the enticement the area would have with cooperative municipal government and county government for redevelopment with developers.

Ordinance – Amend the Code of the Township of Middle –
Breach of Peace

Matt Rooney explained the purpose of the ordinance is to assist Police with enforcement of subjects and maintaining peace.

Mayor Donohue asked what is triggered when violated.

Matt Rooney provided an example of someone graffitiing, this ordinance would provide additional enforcement.

Chief Leusner explained the terminology has been adopted by various municipalities throughout the State. Defined the terminology of breach of peace as someone who is disturbing residents. Discussed the enforcement that the ordinance allows the officers to act upon while also providing the officers with additional confidence with the knowledge that they have the Township's backing when moving forward with enforcement actions.

Chief explained that Ocean City was the first to enact his ordinance and was then followed by other municipalities. He discussed the various challenges other municipalities were facing prior to enacting the ordinance. This ordinance is now assisting them with those challenges. Explained the ordinance would assist with events such as the H2O event that took place the previous fall and protect the community. Further explained that the Cape May County Prosecutors Office has been made aware of the language being used throughout Cape May County municipalities. He stated he believes the ordinance will provide an additional tool to Police Departments.

Mayor Donohue asked if this is giving a new expanded authority to Police or if this ordinance is giving Police back authority that has been stripped from them through recent years.

Matt Rooney explained this is clarifying the authority of the police that exists. Stated that they can not undo the acts inputted by the State Attorney's Office but can provide the officer with the authority to act.

Chief Leusner explained ordinances solidifies the actions already permitted by Police Officers. Explained scenarios where this ordinance clarifies the actions allowed by the Officer and provides them confidence when taking acting.

Mayor Donohue asked if there are any indications that these changes have been challenged.

Matt Rooney stated there has not yet been any challenges but this is a new ordinance. Committeeman Norris asked if this can also be used with aggressive panhandling?

Matt Rooney explained the ordinance covers a large number of activities which can potentially be a breach of peace and that it covers all ages not just juveniles.

Mayor Donohue sought clarification that this ordinance is amending the existing code not creating a new code.

Matt Rooney confirmed that is correct and the ordinance is just editing the language within the code.

Center Designation Presentation –
Engineering Design Associates

Vince Orlando explained the Center's Designation process has been ongoing for a year. Explained that the Office of State Planning is the office that negotiates the planning centers then present to the Plan Endorsement Committee. He explained that they are currently scheduled to have the introduction in front of the Plan Endorsement Committee on Wednesday and the full committee thereafter.

Explained they have come to an agreement on the Centers but did face difficulties with the DEP who wanted to remove areas already designated. The biggest area of contention was the Indian Trail Site designated as redevelopment. The area is a large component of the affordable housing plan.

He continued to discuss the difficulties they faced during the process. Explained that the State Planning Office had agreed with the Township to keep the areas already designated in the plan. He stated that the DEP will vote no and he is unsure what effect this will have on CAFRA permits but he believes it is the best plan that they will be able to get.

He explained areas that were not included. Further explained area around Kindle and Burke site that are being included and requirements for non-residential in that area.

Mayor Donohue asked if any of the center designations effect the hotel site

Vince Orlando explained the hotel site is included in the center designation. Discussed the plan implementation agreement and requirements that the Township must comply with throughout the next few years. Further discussed the previous PIA that was in place. The new PIA will most likely require a yearly report to ensure compliance with the PIA. He then explained the change of planning areas from 3 to 2.

Carol Tutelian, EDA, explained they can now run sewer in any planning area 2.

Mayor Donohue asked if the area of Del Haven had been sorted out with the plan.

Kimberly Osmundsen stated yes, they allowed the area to remain in.

Vince Orlando explained the reason the Stated wanted to remove the portion of Del Haven due to the flood area. The Township explained the reason it needed to stay in the center's designation. He further explained the difficulty with the 25-acre assumption for potential endangered species.

Carol Tutelian, EDA, pointed out critical environmental sites and explained the state will want an overlay zone in those areas which will require any potential developer to completed an endangered species study.

Vince Orlando explained the Township's willingness to preserve conservation areas.

Mayor Donohue asked what the next steps are.

Vince Orlando explained that no presentation needed to be complete at the meeting and that Megan Ren will run the meetings.

Chief Leusner asked if Cardille site is required to be commercial only.

Kimberly Osmundsen stated the requirement is it has to be a marine use or commercial but no condos. Discussed the rateables that would have been lost if they removed that area from the designations.

DEPARTMENTAL REPORTS AND PROJECT UPDATES:

Administration:

Finance:

Public Works:

Engineering:

Legal:

Tax Collection:

Tax Assessment:

Construction/Planning/Zoning:

Recreation:

Police / Animal Control/ Code Enforcement:

Buildings and Grounds:

Sewer:

Economic Development:

Personnel:

Zoning:

Township Clerk:

PUBLIC COMMENT: NONE

Motion to Adjourn Meeting – 4:56 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

Roll Call Vote: Committeeman Gandy, Committeeman Norris, Mayor Donohue