

Cape May Court House, NJ  
 August 7, 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 – RECOGNITION OF RETIREMENT – JAMES LOFTUS
2. PRESENTATION BY MAYOR AND COMMITTEE – EMPLOYEE OF THE MONTH FOR AUGUST – SANDY BEASLEY
3. PRESENTATION BY MAYOR AND COMMITTEE – MIDDLE MATTERS AWARDS– MIDDLE TOWNSHIP POLICE YOUTH CAMP
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.)*

*John Lauricello, Cape May Court House, questioned the language in the bond ordinance relative to interest and hopes that the Chief Financial Officer is doing their best to secure the best interest for the Township.*

*Stan Doniger, Rio Grande, questioned the Township’s costs for retiree’s benefits and asked if any bonds were being paid off prior to these new bonds being added.*

*Kim Osmundsen responded that employees must have 25 years with the Township of Middle in order to receive benefits after retirement. Mrs. Osmundsen also stated that recent changes to Chapter 78 provides a cost savings to the Township as the retiree is required to pay a contribution. Mrs. Osmundsen also mentioned exploring costs savings when negotiating contracts and for new hires, but often results in a monetary increase as a result of a change in healthcare options.*

*Mayor Donohue replied that the Township has an obligation to retirees as an employment promise/responsibility and some as a contractual obligation. Mr. Donohue mentioned the recent change to retiree benefits only after working for the Township for 25 years. In response to the question about bonds, Mr. Donohue stated that Middle Township has one of the lowest debt loads and as an excellent bond rating, some older bonds have been removed as this new bond is added.*

5. RESOLUTION 325-23 – 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	36,064.07
Current Fund CY	3.01	2,800,249.04
Alarm Billing	3.03	-
Sewer Utility PY	2.07	-
Sewer Utility CY	3.07	53,997.08
General Capital	C.04	118,781.88
Sewer Capital	C.08	270,799.48
Grants	G.06	141,420.45
M.A.C.	M.24	-
Emergency Housing	R.23	-
Dog Trust	T.12	2,012.60
Sewer Escrow	T.16	-
Trust Other	T.17	-
Zoning Escrow	T.19	9,887.25
Zoning Escrow	E.19	55.00

Unemployment Trust	T.20	349.50
C.O.A.H	T.27	-
Recreation Trust	T.28	24,201.54
TOTAL		3,457,817.89

6. RESOLUTION 326-23 – 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: 07/17/2023 Work Session, Regular Meeting and Closed Session

7. REPORTS: Zoning for the month of July, Clerk for the month of July.

8. ORDINANCE 1675-23 – AN ORDINANCE AMENDING CHAPTER 231 OF THE CODE OF THE TOWNSHIP OF MIDDLE REGARDING TRANSIENT RETAIL MERCHANTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1675-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 09/06/2023 at 6:00 p.m.

BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:

SECTION 1: Chapter 231 of the Code of the Township of Middle is hereby amended to include the following section referenced by underline:

**§ 231-3 DEFINITIONS**

As used in this Article, the following terms shall have the meanings respectively ascribed to them in this section:

**TRANSIENT MERCHANT**

Any person, firm, corporation, or other business entity which engages in, does, or transacts any temporary or transient business in the Township of Middle, either in one locality or by traveling from place to place in the Township, inclusive of Mobile Food Vendors.

**MOBILE FOOD VENDORS**

A mobile food vendor is anyone who sells food, beverage or wares from a vehicle such as a truck, van, or pushcart, whether such food or beverages are prepared on-site or prepared elsewhere and transported to the site of the sale. Includes any movable restaurant or retail food establishment in or on which food or beverage are transported, stored, or prepared for retail sale or given away at temporary locations. Note: This term does not apply to mobile caterers who are engaged in the business of transporting, in motor vehicles, food and beverages to residential, business, and industrial establishments pursuant to prearranged schedules and dispensing from the vehicles the items to and for the convenience of the personnel or occupants of such establishments.

**231-6. APPLICATION FOR TRANSIENT MERCHANT LICENSE**

I. No person shall conduct, operate or maintain a transient merchant vehicle or mobile food vendor vehicle without first obtaining a certificate to do so from the Cape May County Department of Health and shall provide a copy to the Clerk’s Office during the application process.

**231-20 OPERATION REQUIREMENT FOR MOBILE FOOD VENDORS**

A. Mobile food vendors shall provide trash and recycling receptacles within ten (10) feet of their site and shall collect all trash and debris within twenty-five (25) feet before leaving their site. Collected trash must not be deposited in public trash receptacles.

B. No mobile food vendors shall occupy the street and the sidewalk at the same time, i.e. park a motorized vehicle in the street and dispense food from the sidewalk or set up a pushcart on the sidewalk and dispense food in the street.

C. New or replacement mobile food vendor trucks, vans or other vehicles trucks shall be inspected before operating. No changes shall be made to approved mobile food vendor trucks, vans, pushcarts or vehicles without re-inspection by the Department of Health and any other applicable agency as required by law.

D. All mobile food vendors that prepare food using fuel-fired appliances or a free-standing generator shall be required to obtain a Fire Safety Permit from the applicable Bureau of Fire Safety as per the Uniform Fire Code and shall provide a copy of said approval during the application process.

E. No mobile food vendor shall serve food or drink to a motorist or occupants of a vehicle blocking the passage of traffic.

F. No mobile food vendors shall occupy street space blocking the passage of traffic.

G. Mobile food vendor vehicles and pushcarts shall be self-contained; no coolers are to be placed on streets or sidewalks.

H. No mobile food vendor shall provide in-truck dining services or sidewalk tables and chairs.

I. Grills, generators, or other items related to the mobile food vending operation shall be physically attached to the vehicle or pushcart.

J. Mobile food vendors must have a portable water tank/sink for hand washing attached to their vehicle as per N.J.A.C. 8:24-5.3.

K. All motorized vehicles must abide by all existing traffic, parking, and zoning regulations.

L. No mobile food truck shall be placed on public property without prior approval by the governing body.

M. No mobile food truck shall be placed on private property without meeting the following conditions:

a) Mobile retail food establishments shall not operate at any one location for more than two hours in one twenty-four-hour period, except if it is in relation to an approved limited special event or private function.

- b) For private parties or catered events on residential property that shall last no more than 7 hours in any 24-hour period, mobile food truck shall obtain and have on file available for review, a lease agreement or contract between private residential property owner and mobile food vendor. Vendors may only serve food to guests at the private event and not to any other members of the public.
- c) For limited special events and/or private functions that will last more than 7 hours in a 24-hour period, approval shall only be issued under the following conditions:
  - i. The owner of the property where the event will occur shall have invited the mobile retail food establishment to participate and mobile food vending is part of the event activities.
  - ii. The permit shall be good for a maximum of 3 consecutive days and there shall be at least 60 days between events at the same location.
  - iii. The mobile retail food establishment unit may not remain at the location for longer than the duration of the special event and while there must be located so as to avoid creating conflicts with pedestrian or motor vehicle traffic or creating other public safety problems.
  - iv. Mobile retail food establishments which operate for special events and/or functions must have obtained the required Transient Merchant Permits as listed in this chapter and have maintained all other licenses and approvals necessary to lawfully operate as a mobile retail food establishment within the Township.

SECTION 4. All 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, 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. ORDINANCE 1676-23 – 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 Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1676-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 09/06/2023 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 106 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. ORDINANCE 1677-23 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 38 OF THE TOWNSHIP CODE AMENDING IMPLEMENTING ARTICLE III REGARDING ELIGIBILITY FOR HEALTH CARE BENEFITS UPON RETIREMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1677-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 09/06/2023 at 6:00 p.m.

WHEREAS, New Jersey statutes authorize local governments such as the Township of Middle, to pay the cost or a portion of the cost of medical and health insurance coverage for eligible retired employees as defined therein; and

WHEREAS, the statutory authorization to pay for such coverage extends both to municipalities that are members of the New Jersey State Health Benefits Commission, pursuant to N.J.S.A. 52:14-17.38 and to those that are not members, pursuant to N.J.S.A. 40A:10-23; and

WHEREAS, The Township of Middle, then a member of the New Jersey State Health Benefits Commission, has committed itself to pay a portion of the cost of such coverage for eligible retirees, their spouses and dependents; and

WHEREAS, in 1973, N.J.S.A. 52:14-17.38 stated that retiree health benefits were available upon retirement from a State or locally administered retirement system ... based on 25 or more years of service credited in such retirement system; and

WHEREAS, in 1999, N.J.S.A. 52:14-17.38 was amended to allow a municipality to provide such coverage for employees who had aggregated 25 years of service credit in one or more State or locally administered retirement systems, unless the municipality adopted a resolution requiring that all or a portion of up to 25 years of service, be with the Township of Middle; and

WHEREAS, in 2001, N.J.S.A. 52:14-17.38 was amended to allow the aggregation of nonconcurrent service; and

WHEREAS, N.J.S.A. 52:14-17.38 was further amended in 2007 and 2010; and

WHEREAS, as the time the Township of Middle did not adopt a resolution restricting service to the Township of Middle, arguably allowing the nonconcurrent aggregation of service credit from one or more State or locally administered retirement systems in determining retiree's eligibility for such coverage; and WHEREAS, the Township of Middle withdrew from the New Jersey State Health Benefits Commission in 2010, and the Township Committee approved a contract to provide medical and health insurance coverage to both current employees and eligible retirees through Horizon Blue Cross/Blue Shield of New Jersey, pursuant to N.J.S.A. 40A:10-23; and

WHEREAS, N.J.S.A. 40A:10-23 authorizes retiree benefits similar to that permitted under N.J.S.A. 52:14-17.38; and

WHEREAS, the cost of providing medical and health care has become increasingly prohibitive; and

WHEREAS, pursuant to N.J.S.A. 40A:10-23, the Township of Middle can pay the cost or a portion of medical and health insurance coverage for employees, including their dependents and the premium charges under Part B of the Federal Medicare Program, who have retired after 25 or more years of service credit ... and a period of up to 25 years with the (Township) at the time of retirement, such period of service to be determined by the (Township) at the time of retirement, and the cost or a portion of the cost of coverage when an employee retires due to disability pension and set forth in an ordinance or resolution as appropriate; and

WHEREAS, the Township Committee reaffirms its commitment to pay the cost or a portion of the cost of providing medical and health insurance coverage and the premium charges under Part B (standard monthly cost) of the Federal Medicare Program, as outlined in N.J. Administrative Code 17:9-5.5, but only to employees who retire after at least 25 years of credited service with 25 years of actual service with the Township of Middle at the time of retirement, or who retire under a disability pension as negotiated in a Collective Bargaining Agreement or Employment Contract, pursuant to N.J.S.A. 40A:10-23; and WHEREAS, this Ordinance is intended to clarify circumstances where the Township will pay a portion of medical and health insurance for employees, including their dependents, and a portion of premium charges under Part B of the Federal Medicare Program.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey, that Chapter 38 of the Local Code shall be changed and amended as follows:

SECTION 1. Chapter 38 shall be amended as follows:

Article III – Health and Medical Insurance Coverage

38-7 Eligibility for Retiree Medical and Health Benefits.

- A. Consistent with and subject to state law, (at minimum Ch. 78 contribution and N.J.S.A. 40A:10-23b contribution) collective bargaining agreements, and/or the Township's Policy and Procedures Manual, the Township will pay a portion of the cost of medical and health benefits for certain eligible employees, their spouse and dependents, including the premium charges for Part B (standard monthly cost, pursuant to N.J.A.C. 17:9-5.5) of the Federal Medicare Program, as defined hereafter, who retire from the Township of Middle, pursuant to N.J.S.A. 40A:10-23a.
- B. 'Eligible employee' is defined as an employee with at least 25 years in a state or local pension system at the time of retirement from the Township of Middle and who has at least 25 years of actual employment service with the Township of Middle or an employee who retires on a disability pension and the Collective Bargaining Agreement provides or Employment Contract for the Township to pay some portion of medical, health benefits, and/or Medicare Part B. .
- C. The requirement of at least 25 years of actual service with the Township of Middle, will only apply to new employees, hired on or after April 18, 2011, unless otherwise provided for under individual Employment Contract.

SECTION 2. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 4. This Ordinance shall become effective immediately upon final passage and publication, according to law.

11. ORDINANCE 1678-23 – BOND ORDINANCE PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$925,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$925,000 BOND OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1678-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 09/06/2023 at 6:00 p.m.
- BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:
- SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Middle, in the County of Cape May, State of New Jersey (the “Township”) as sewer utility improvements. For the said improvements stated in Section 3, there is hereby appropriated the principal amount of \$925,000. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), a down payment is not required, as the Sewer Utility of the Township is self-liquidating.
- SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$925,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$925,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.
- SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued include, but are not limited to, various sewer utility improvements including, but not limited to, Whitesboro Pump Station improvements including, but not limited to, mechanical improvements, the repair and/or replacement of existing damaged sanitary sewer system lines and the acquisition of a Crane Truck.
- (b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering, architectural and design work, title searches, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.
- (c) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$925,000.
- (d) The aggregate estimated cost of said improvements or purposes is \$925,000.
- SECTION 4. In the event the United States of America, the State of New Jersey, the County of Cape May, and/or a private entity make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Cape May and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Cape May and/or a private entity shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.
- SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or as otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.
- SECTION 6. The capital budget of the Sewer Capital Fund of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Sewer Capital Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.
- SECTION 7. The following additional matters are hereby determined, declared, recited and stated:
- (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general

improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 36.21 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$925,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$185,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

#### NO COMMENTS

12. ORDINANCE 1679-23 – BOND ORDINANCE PROVIDING FOR VARIOUS 2023 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$1,582,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,506,664 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1679-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 09/06/2023 at 6:00 p.m.

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Middle, in the County of Cape May, State of New Jersey (the "Township") as general capital improvements. For the said improvements stated in Section 3, there is hereby appropriated the principal amount of \$1,582,000, including the sum of \$75,336 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The \$75,336 aggregate amount of down payments is now available therefor from the capital improvement fund by virtue of provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$1,582,000 appropriation not provided for by application hereunder of said down payments, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,506,664 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$1,506,664 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued include, but are not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <b>Public Safety</b> – Acquisition And Installation, As Applicable, Of Various Equipment For The Public Safety Department Including, But Not Limited To, Acquisition of Non-Passenger Vehicles and Related Equipment;	\$180,000	\$171,428	\$8,572	5.00 years
(ii) <b>Vehicles And Equipment</b> – Acquisition And Installation, As Applicable, Of Various Equipment For The Township Including, But Not Limited To, an HVAC, All-Wheel Drive Utility Vehicles With Plows, And Certain Recreational Equipment Including But Not Limited To, Soccer Nets and Bleachers;	\$172,000	\$163,809	\$8,191	8.66 years
(iii) <b>Buildings and Grounds</b> – Various Improvements To Township Buildings And Grounds Including, But Not Limited To, Upgrades To The Rio Grande Substation And Sally Port Door; Improvements to Goshen Sports Complex Including, But Not Limited To, Irrigation And Turf Improvements; And/Or Any Other Facility Improvements As Deemed Necessary By The Township; And	\$1,190,000	\$1,133,332	\$56,668	10.00 years
(iv) <b>Administration</b> – Acquisition And Installation, As Applicable, Of Computer Hardware/Software and Furniture For Township Offices.	\$40,000	\$38,095	\$1,905	5.00 years
<b>TOTALS</b>	<u>\$1,582,000</u>	<u>\$1,506,664</u>	<u>\$75,336</u>	

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, preparation of plans and specifications, permits, bid documents, and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Township and available for public inspection and hereby approved.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$1,506,664.

(d) The aggregate estimated cost of said improvements or purposes is \$1,582,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor are the down payments available for said purposes in the aggregate amount of \$75,336.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Cape May, and/or a private entity make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Cape May and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Cape May and/or a private entity shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Capital Fund of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form

promulgated by the Local Finance Board showing full detail of the amended Capital Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 9.15 years.
- (c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,506,664 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- (d) An aggregate amount not exceeding \$316,400 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

NO COMMENTS

13. RESOLUTION 327-23 – APPOINTMENT – NEW HIRES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
David Moberly	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	07/19/2023
James Logan	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	07/31/2023

14. RESOLUTION 328-23 – ACKNOWLEDGEMENT OF TERMINATION – 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 termination listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
David Moberly	Public Works	Laborer 1 F/T T/A (6 months)	07/27/2023

15. RESOLUTION 329-23 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignations listed below, are acknowledged.

NAME	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Kyle Matthews	Recreation	Recreation Aide P/T	07/25/2023



16. RESOLUTION 330-23 – APPROVAL FOR PAYMENT TERMINAL LEAVE – JAMES LOFTUS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, James Loftus retired with an effective date of August 1, 2023; and

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

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

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

James Loftus

Sick Hours\*: 639

Vacation Hours: 380

Personal Hours: 38

Comp: 16.5

\$43,668.67

\*Max Payout \$12,000.00

17. RESOLUTION 331-23 – CANCELLATION OF TAXES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, a cancellation of 2023 taxes are due to the below property owner, who qualify for 100% Disabled Veteran Status as of January 1, 2023

Account	Block	Lot	Owner/location	2023 tax	2024 tax
17525	99.02	43	Simmons, Paul P & Sophie Property location: 27 Whiting Lane 100% exempt as of 5/23/2023	\$4,037.58	3,349.22
3158	163.10	3	Marinkov, George Property location: 7 Chestnut Oak Drive 100% exempt as of 2/23/2023	\$5,508.78	\$3,229.98
17292	167.01	66	O'quin, William D III & Joyce Etal Property location: 132 Stagecoach Rd 100% exempt as of 3/4/2023	\$6,783.93	\$4,000.37
9575	713	1	Amenhauser, James J & Brenda K Property location: 1400 Devane St 100% exempt as of 1/20/2023	\$4,984.60	\$2,514.00
19349	348.02	3.18	Roberts, Steven J & Gabriele E Property location: 2 Seaview Crossings 100% exempt as of 3/4/2023	\$1,959.10	\$1,187.35
6878	467	15	Sharp, Frederick Property location: 6 Linda Lane 100% exempt as of 3/9/2023	\$1639.24	\$1,073.29
5720	348.01	42	Poserina, Joseph D & Jean F Property location: 42 Oyster Rd 100% exempt as of 5/3/2023	\$3,613.93	\$2,619.76
5374	325	26	Richardson, Don M & Alice H Property location: 466 Shunpike 100% exempt as of 5/3/2023	\$2,754.39	\$1,966.99
5373	325	25	Davis, Charles & Gloria A Property location: 464 Shunpike 100% exempt as of 3/7/2023	\$2,851.33	\$1,751.71
6564	422	14	Richards, Robert W & Monica G Property location: 12 Geneva Ave 100% exempt as of 3/14/2023	\$2,697.26	\$1,697.66

18. RESOLUTION 332-23 THROUGH 334-23 – REFUND OF TAXES (ITEMS A THROUGH C) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, a refund is due to the below property due to an error made by the tax servicing company

ACCT BLOCK LOT			OWNER/LOCATION	2023
7120	473	27	Henry, Michele  Property location: 1410 Burleigh Ave	\$914.46

Please make check payable to:

CoreLogic Refunds Dept  
3001 Hackberry Road,  
Irving, TX 75063

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.

(B) WHEREAS, A refund is due to the below property owners due to payment made on exempt properties.

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
17525	99.02	43	Simmons, Paul P & Sophie 27 Whiting Lane Cape May Court House, NJ 08210  Property location: 27 Whiting Lane	\$592.25
3158	163.10	3	Marinkov, George 7 Chestnut Oak Drive Cape May Court House, NJ 08210  Property location: 7 Chestnut Oak Drive	\$2,186.11
17292	167.01	66	O'Quin, William D III & Joyce 132 Stagecoach Rd Cape May Court House, NJ 08210  Property location: 132 Stagecoach Rd	\$2665.18
9575	713	1	Amenhauser, James J & Brenda K 1400 Devane St Cape May Court House, NJ 08210  Property location: 1400 Devane St	\$2,393.77
19349	348.02	3.18	Roberts, Steven J & Gabriele E 2 Seaview Crossings Cape May Court House, NJ  Property location: 2 Seaview Crossings	\$737.68
6878	467	15	Sharp, Frederick 6 Linda Lane Cape May, NJ 08204  Property location: 6 Linda Lane	\$527.43
57220	348.01	42	Poserina, Joseph D & Jean F 42 Oyster Rd Cape May Court House, NJ 08210  Property location: 42 Oyster Rd	\$915.41
5374	325	26	Richardson, Don M & Alice H 466 Shunpike Cape May Court House, NJ 08210  Property location: 466 Shunpike	\$727.37
5373	325	25	Davis, Charles & Gloria A 464 Shunpike Cape May Court House, NJ 08210  Property location: 464 Shunpike	\$1,049.36
6564	422	14	Richards, Robert W & Monica G 12 Geneva Ave Del Haven, NJ 08251  Property location: 12 Geneva Ave	\$950.18

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.

(C) 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 refunds are due to the following properties due to overpayment of 2023 property taxes:

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
3151	163.08	17	Adams, Martin T & Linda D 2 Maple Court Cape May Court House, NJ 08210  Property location: 2 Maple Court	\$1,735.50
3185	164.02	20	Fulford, Joe S 313 Indian Trail Cape May Court House, NJ 08210  Property location: 683 Dias Creek RD	\$23.26
5485	329.03	13	Gannon, Richard L Sr Lis K Brinck 3101 Dune Drive #101 Avalon, NJ 08202  Property location: 7 3 <sup>rd</sup> Ave	\$108.08
18894	335.01	5.01	Langford, Frederick 212 Crest Rd Cape May Court House, NJ 08210  Property location: 211 Colonial Ave	\$2,367.59
6169	390	3	Colleluori, Jennifer 500 Sutton Ave Folsom, PA 19033  Property location: 15 N Delaware Ave	\$425.65
18085	472	18.02	Simmons, Gordon T 807 Ocean Ave North Wildwood, NJ 08260  Property location: 340B Rte 47 S	\$458.02
11455	921	8	Johnson, Willie & Marcia L 9 Rita Ave Cape May Court House, NJ 08210  Property location: 306 Raleigh Ave	\$394.88
13948	1414.01	14.01	Robson, Allan 300 N Railroad Ave Rio Grande, NJ 08242  Property location: 3131 Shunpike	\$3,630.80
14261	1432	9.01	103 Railroad LLC 103 Twin Ponds Drive Sewell, NJ 08080  Property location: 103 S Railroad Ave	\$90.41

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.

19. RESOLUTION 335-23 – EXTENSION OF DUE DATE – 3<sup>RD</sup> QUARTER PROPERTY TAX – 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 grace period for paying 3<sup>RD</sup> quarter property tax, without interest penalty, be extended to August 31, 2023.

20. RESOLUTION 336-23 – 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.

21. RESOLUTION 337-23 – AMENDING 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, on July 17, 2023 Township Committee authorized the release of performance bond to Brian McDowell via Resolution 321-23; and

WHEREAS, said Resolution inadvertently indicated the incorrect amount of bond to be released, therefore constituting an amendment.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Resolution No. 321-23 shall hereby be amended to release said bond in the amount of \$10,000.00.

22. RESOLUTION 338-23 – APPROVE CHANGE ORDER NO. 3 – NORBURY LANDING PARK IMPROVEMENTS – WALTER’S MARINE CONSTRUCTION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, a Contract was awarded, on November 7, 2022 via Resolution No. 468-22 to Walter’s Marine Construction for the Norbury Landing Park Improvements.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #2 for the project awarded to Walter’s Marine Construction for the Norbury Landing Park Improvements project is hereby approved, and that the change order results in an increase of \$2,975.00 for an amended contract amount of \$488,775.00.

23. RESOLUTION 339-23 – CONFIRMATION OF LAND SALE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township Committee, the Governing Body of the Township of Middle, by proper resolution, directed that a public sale be held at the meeting room, 33 Mechanic Street, Cape May Court House, N.J., and that certain lands and premises owned by, and situated within, the Township of Middle, County of Cape May, State of New Jersey, be sold, as follows:

Resolution No.: 183-23                      Adopted: April 13, 2023                      Sale Date: May 24, 2023 at 10:00am

WHEREAS, said public sale was held at the above time and place, and said premises were sold to the highest bidder, as set forth on the attached list of properties, purchasers and sale amounts.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, that the sale of said premises, upon the above consideration, be and is hereby confirmed, and the Mayor and Clerk of the Township of Middle are hereby authorized and directed to convey said premises as directed to said highest bidders, by Bargain and Sale Deed, free and clear of all taxes up to and including the calendar quarter during which said sale was held.

Block	Lot	Property	Bid Price	Bidder
907	1, 2, 3, 5, 6	Langston Street	\$ 29,100	William Freeman
1030	5, 6	6 W. Wiley Street	\$ 29,400	William Freeman

24. RESOLUTION 340-23 – 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
Haywood, William E & Lois B	10 N 10 <sup>th</sup> Street	397 // 5	\$522.34
Tobin, John F IV/J Tobin	53 Honeysuckle Lane	168 // 28	\$522.34
Walker, Margaret A	105 5 Atlantic Ave	300.01 // 3	\$512.24

25. RESOLUTION 341-23 – AUTHORIZATION TO CLOSE BOYD STREET – HARVEST FESTIVAL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization to close the section of Boyd Street from Hand Avenue to Church Road on October 28, 2023 (rain date October 29, 2023) from 6:00am until 7:00pm for the Harvest Festival is hereby approved.
26. RESOLUTION 342-23 – ORDER REMOVAL OF VEHICLES FROM MUNICIPAL PARKING LOT – HARVEST FESTIVAL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that an Order to Remove Vehicles from the Municipal Parking Lot from the close of business on Friday, October 28, 2023 with a rain date of October 29, 2023, as needed until the conclusion of Harvest Festival, is hereby approved.
27. RESOLUTION 343-23 – ALLOWING CONSUMPTION OF ALCOHOL IN OPEN CONTAINERS AT HARVEST FESTIVAL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, the Township of Middle is conducting a “Harvest Festival” between 10:00am and 5:00pm on October 28, 2023 (rain date October 29, 2023); and  
WHEREAS, certain purveyors have acquired one day licenses for the sale of alcoholic beverages at said Harvest Festival; and  
WHEREAS, Section 84-10 of the Code of the Township of Middle prohibits the carrying or consumption of alcoholic beverages in open containers in public areas within the Township of Middle; and  
WHEREAS, it has been deemed in the best interest of the Township of Middle to permit the carrying or consumption of alcoholic beverages in an open container at the Harvest Festival.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Section 84-10 of the Code of the Township of Middle be and hereby is suspended on October 28, 2023 (rain date October 23, 2022) between the hours of 10:00am and 5:00pm (or as stated in event a “rain date” is utilized) in the Municipal Parking Lot behind the Township Hall at 33 Mechanic Street, Cape May Court House, New Jersey.  
FURTHER RESOLVED that this lifting of the aforescribed prohibition shall apply only to the time and place described above.
28. RESOLUTION 344-23 – 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 1<sup>st</sup> 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	TRADE NAME	LOCATION	SITES
6	Economy Motel, LLC	Economy Hotel	3172 Route 9 South	34 + Manager Apt.

29. RESOLUTION 345-23 – EMERGENCY PURCHASE – GRINDER PUMP – 2204 ROUTE 9 SOUTH – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, an emergency had arisen with respect to the condition of the sewer grinder pump at 2204 Route 9 South, Cape May Court House, NJ 08210; and  
WHEREAS, it was deemed an imminent hazard by the Superintendent of Public Works; and  
WHEREAS, an emergency purchase pursuant to N.J.S.A. 40A:11-6 may be awarded without advertisement for bids or bidding in that an emergency affecting the health and public safety requires the immediate performance of the service.  
WHEREAS, there is the need for emergency sewer grinder pump replacement at 2204 Route 9 South, Cape May Court House, NJ 08210, as stated by the Superintendent of Public Works. Therefore, such contract may be awarded without competitive bidding as permitted by N.J.S.A. 40A:11-6; and

WHEREAS, the Superintendent of Public Works has received pricing from two contractors, and the recommendation for the emergency sewer grinder pump replacement shall be awarded to Budds Grading & Excavating, LLC of Rio Grande, NJ 08242 in the amount of \$9,587.75.

Budds Grading and Excavating, LLC  
PO Box 1076  
Rio Grande, NJ 08242

30. RESOLUTION 346-23 – SOCIAL AFFAIRS PERMIT – AVALON YACHT CLUB CHARITABLE FOUNDATION, INC. – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, Avalon Yacht Club Charitable Foundation, Inc. has applied for approval to sell alcoholic beverages at an event to be held at Shore Club, 1170 Golf Club Road, Cape May Court House, NJ 08210 on August 14, 2023 from 11:30am until 7:00pm; 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.
31. RESOLUTION 347-23 – RATIFY AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the agreement between the Township of Middle and the Cape May County Municipal Utilities Authority for economic benefit towards the solid waste transfer station located in Middle Township, as attached, for a term effective January 1, 2024 through December 31, 2028, is hereby ratified.  
BE IT FURTHER SOLVED, that the appropriate officials are hereby authorized to sign said agreement in connection therewith.
32. RESOLUTION 348-23 – AUTHORIZING SPECIAL DISPENSATION FOR RELIEF OF CHAPTER 179, ENTITLED NOISE – EMERGENCY BULKHEAD REPAIR / PILE DRIVING – 85 N. BEACH AVENUE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, the above-referenced property was scheduled for a routine house raising and bulkhead repair project in the fall of 2023, and  
WHEREAS, in July the homeowner noticed that the home was being undermined and was at risk of collapsing into the waterway, and  
WHEREAS, in an attempt to save the home, the structure was moved to an adjacent lot owned by the same owner, and  
WHEREAS, subsequently, the New Jersey Department of Environmental Protection issued the property owner a violation for the placement of the home, in response to the Flood Hazard Control Act and the Coastal Area Facilities Review Act, which outlines that “no person shall engage in a regulated activity within a CAFRA area without a coastal permit,” and  
WHEREAS, Chapter 102 of the Township Code provides for guidance on obtaining permission and approvals for bulkhead construction and repair, and  
WHEREAS, the contractor for the application has received all necessary approvals and has paid all necessary fees and escrows in connection therewith, and  
WHEREAS, Chapter 179-3, otherwise known as the Noise Ordinance of the Township of Middle prohibits any pile driving during the months of June, July, or August.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that special dispensation for relief from Chapter 179 of the township code is hereby granted in this emergent circumstance, specifically with regard to work to be performed at 85 N. Beach Avenue, otherwise known as Block 29 Lots 30 & 31.  
BE IT FURTHER RESOLVED, that the applicant shall also be aware of the following conditions as set forth by the Municipal Engineer:
1. The Township Engineer shall be given notice of any work at least two (2) business days in advance;
  2. Prior to backfilling of any bulkhead construction, the Township Engineer shall be given notice to perform an inspection; and
  3. Written notice of the project completion shall be given to the Township Engineer and Township Zoning Official within seven (7) days of Substantial Completion of the project, but prior to backfilling. The notice shall be accompanied by a certification from a licensed engineer or land surveyor of the elevations of the complete bulkhead height.
33. RESOLUTION 349-23 THROUGH 355-23 – AWARD OF BID (ITEMS A THROUGH G) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
(A) WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-1, and  
WHEREAS, bids were received on June 29, 2023, and  
WHEREAS, it appears that the following bid submitted below represents a figure equal to the lowest bid received, which complies with specifications.  
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the Del Haven Water Lateral Connection Assistance Program be and hereby is awarded as described:

Contract No.	Awarded to:	Total Bid Amount
2023-1	Celtic Air	\$2,184.00

FURTHER BE IT RESOLVED, that these awards are conditioned upon certification of availability of funds.

(B) WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-2, and

WHEREAS, bids were received on July 12, 2023, and

WHEREAS, it appears that the following bid submitted below represents a figure equal to the lowest bid received, which complies with specifications.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the Del Haven Water Lateral Connection Assistance Program be and hereby is awarded as described:

Contract No.	Awarded to:	Total Bid Amount
2023-2	Ben's Pro Serv	\$ 2,835.00

FURTHER BE IT RESOLVED, that these awards are conditioned upon certification of availability of funds.

(C) WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-3, and

WHEREAS, bids were received on July 14, 2023, and

WHEREAS, it appears that the following bid submitted below represents a figure equal to the lowest bid received, which complies with specifications.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the Del Haven Water Lateral Connection Assistance Program be and hereby is awarded as described:

Contract No.	Awarded to:	Total Bid Amount
2023-3	SJC Plumbing & Heating	\$3,400.00

FURTHER BE IT RESOLVED, that these awards are conditioned upon certification of availability of funds.

(D) WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-4, and

WHEREAS, bids were received on July 21, 2023, and

WHEREAS, it appears that the following bid submitted below represents a figure equal to the lowest bid received, which complies with specifications.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the Del Haven Water Lateral Connection Assistance Program be and hereby is awarded as described:

Contract No.	Awarded to:	Total Bid Amount
2023-4	Celtic Air	\$2,496.00

FURTHER BE IT RESOLVED, that these awards are conditioned upon certification of availability of funds.

(E) WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-5, and

WHEREAS, bids were received on July 19, 2023, and

WHEREAS, it appears that the following bid submitted below represents a figure equal to the lowest bid received, which complies with specifications.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the Del Haven Water Lateral Connection Assistance Program be and hereby is awarded as described:

Contract No.	Awarded to:	Total Bid Amount
2023-5	Celtic Air	\$2,288.00

FURTHER BE IT RESOLVED, that these awards are conditioned upon certification of availability of funds.

(F) WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-6, and

WHEREAS, bids were received on July 21, 2023, and

WHEREAS, it appears that the following bid submitted below represents a figure equal to the lowest bid received, which complies with specifications.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the Del Haven Water Lateral Connection Assistance Program be and hereby is awarded as described:

Contract No.	Awarded to:	Total Bid Amount
2023-6	Celtic Air	\$2,226.35

FURTHER BE IT RESOLVED, that these awards are conditioned upon certification of availability of funds.

(G) WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-7, and

WHEREAS, bids were received on July 21, 2023, and

WHEREAS, it appears that the following bid submitted below represents a figure equal to the lowest bid received, which complies with specifications.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the Del Haven Water Lateral Connection Assistance Program be and hereby is awarded as described:

Contract No.	Awarded to:	Total Bid Amount
2023-7	Celtic Air	\$2,226.00

FURTHER BE IT RESOLVED, that these awards are conditioned upon certification of availability of funds.

34. RESOLUTION 356-23 THROUGH 358-23 – AUTHORIZING MAYOR TO SIGN TREATMENT WORKS APPLICATION (ITEMS A THROUGH C) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Mayor is hereby authorized to sign the Treatment Works Approval Permit Application, Statement of Consent, and any and all permit applications in connection therewith for Block 1182 Lots 1.02.

(B) NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Mayor is hereby authorized to sign the Treatment Works Approval Permit Application, Statement of Consent, and any and all permit applications in connection therewith for Block 1182 Lots 2.

(C) NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Mayor is hereby authorized to sign the Treatment Works Approval Permit Application, Statement of Consent, and any and all permit applications in connection therewith for Block 1234.01 Lots 1.

35. RESOLUTION 359-23 – CLOSED SESSION – POTENTIAL LITIGATION (CODE ENFORCEMENT) & PENDING LITIGATION (PARIS BROWN V. MIDDLE TOWNSHIP) – 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 (CODE ENFORCEMENT) & PENDING LITIGATION (PARIS BROWN V. MIDDLE TOWNSHIP)

2.) The general nature of the subject matter to be discussed is as follows:

POTENTIAL LITIGATION (CODE ENFORCEMENT) & PENDING LITIGATION (PARIS BROWN V. MIDDLE TOWNSHIP)

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.

36. RESOLUTION 360-23 – AUTHORIZING REQUEST FOR PROPOSALS – PROVISION OF BANKING SERVICES FOR THE TOWNSHIP OF MIDDLE - 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Deputy CFO / Purchasing Agent Dan Shustack, and Business Administrator/Township Clerk Kimberly Osmundsen are hereby appointed to receive proposals, on September 13, 2023 at 10:00am in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

PROVISION OF BANKING SERVICES



## 37. ENGINEERING REPORT:



Township of Middle  
Project Status Report  
August 7, 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

- Park Opened.
- Gazebo and furniture to be installed week of September 4, 2023.
- Landscaping - Week of September 18, 2023.
- Completion by October 1, 2023.

### 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.

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

Project Status Report  
August 7, 2023

Page 2 of 2

### Municipal DCA Grant to Reconstruct Existing Restrooms at Municipal Building

- Exhaust fans should be installed in the next 2 weeks.
- Contractor to start immediately after installation.

### Goshen Basketball Courts

- Construction 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).
  - NJ Transit requesting full crossing specifications, including signals.
  - Revisiting project to remove paving within NJDOT Right of Way.

### Ockie 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

- Requesting quotes for sign package.

### Rio Grande Re-Development

- Report to be completed by August 11, 2023.
- To be reviewed by Attorney and Clerk.
- Tentative date for Planning Board Meeting, October 10, 2023.

### Middle Township Public Works Parking Lot

- Survey ordered.

### Clarence Davies Sports Complex

- Completing plans for ADA playground and snack stand playground.
- Estimated bid date – October 2023.

FINAL/MIDDLE/GENERAL/PROJSTATUS/2023/8-7-23

## 38. PUBLIC COMMENT:

*Wanda Matthews, Whitesboro, asked about adding a turn signal traffic light at the intersection of Route 9 and Main Street in Whitesboro.*

*Mayor Donohue responded that we can request a traffic study from the NJDOT, as Route 9 is their jurisdiction.*

*Ed Dillio, Cape May Court House, asked for an update on the homeless situation in Middle Township.*

*Mayor Donohue responded that the recent adoption of the temporary structure ordinance does not reference the homeless and property owners in violation of the ordinance will be processed accordingly. Mr. Donohue stated that he has sent emails to State and County Officials to seek assistance with the homeless crisis in Middle Township and the conversations are ongoing to discuss solutions.*

*Matt Rooney stated that any violations of the ordinance would go through the Municipal Court process and would not be Township Committee's right to discuss.*

*Committeeman Norris stated that the Volunteers of America are a small step in the process.*

*Bobby Harrison, Whitesboro, asked the Township to pave and maintain Fishborn Avenue. Mr. Harrison also asked about adding street lights to roadways.*

*Kimberly Osmundsen stated that Fishborn Avenue is not an accepted or dedicated roadway in the Township and that the homeowners on that roadway would be responsible for maintenance. Ms. Osmundsen stated that the roadway does not meet the criteria to be fully paved to meet the standards for an approved Township roadway.*

*Vince Orlando stated that there are other paper streets in the Township which are named, but are not maintained by the Township.*

*Dawn Robinson, Burleigh, asked if the food vendor requirements would be the same as the transient merchant vendor requirements.*

*Kimberly Osmundsen responded that the Township is looking to regulate stationary food vendors and that the requirements are the same as transient merchants.*

*Dawn Robinson, Burleigh, stated that the Township should be improving the paper streets to allow more development.*

*Vince Orlando stated that the roads must be improved with paved access and minimal lot frontage for building.*

*Bobby Harrison, Whitesboro, stated that he was still unclear as to what the Township will do for maintenance on paper streets.*

*Mayor Donohue stated that it is not the Township's property to maintain. Kimberly Osmundsen stated that she will provide the statute to Mr. Harrison for review.*

*Stan Doniger, Railroad Avenue, questioned the tax overpayment resolution and whether properties can be developed with liens on the property, i.e.: property maintenance. Mr. Doniger asked if permits could be held (not issued) until the liens are satisfied.*

*Kimberly Osmundsen and Mayor Donohue stated that the tax overpayment and property maintenance issues fall under two separate statutes. Vince Orlando stated that he is unsure what permits, if any, could be held due to outstanding liens.*

*Emmett Vandergrift, Pigment Holdings, LLC, expressed his interest in opening a retail cannabis location in Middle Township. Reviewed their qualification that they believe makes them qualified to be eligible to open the business here in Middle Township. Asked what the licensing requirements and process for Middle Township.*

*Michael Maley, Township's Cannabis Counsel, elaborated the revisions made to the cannabis ordinance to reflect the updated regulations made by the state and define the business allowances within the Township.*

*Lillian Wing, Whitesboro, asked about the status of the replacement of signage in Rio Grande and expressed concern with the bus stop location and traffic safety by the Starbucks in Rio Grande.*

*Kimberly Osmundsen stated that she has photos showing that the signage has been replaced and that the bus stop is an NJTA issue that would have to be addressed with them.*

Motion to enter closed session – 7:41 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 re-enter open session – 8:15 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 – 8:15 PM

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

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

---

Emily Bartleson, Deputy Registrar

Minutes By: S. Schumann