

Cape May Court House, NJ
 September 6, 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. QUESTION/ANSWER PERIOD ON AGENDA (*This question-and-answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.*)

NONE

2. RESOLUTION 371-23 – 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	491.28
Current Fund CY	3.01	3,388,169.58
Alarm Billing	3.03	1,052.83
Sewer Utility PY	2.07	-
Sewer Utility CY	3.07	4,123.74
General Capital	C.04	227,602.77
Sewer Capital	C.08	-
Grants	G.06	183,527.40
M.A.C.	M.24	-
Emergency Housing	R.23	-
Dog Trust	T.12	31.80
Forfeited Monies	T.13	-
Sewer Escrow	T.16	-
Trust Other	T.17	-
Zoning Escrow	T.19	26,799.08
Zoning Escrow	E.19	8,344.75
Unemployment Trust	T.20	-
C.O.A.H	T.27	126.50
Recreation Trust	T.28	4,712.50
TOTAL		3,844,982.23

3. RESOLUTION 372-23 – 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: 08/21/2023 Regular Meeting, Work Session, and Closed Session

4. REPORTS: Tax/Sewer Collector for month of August; Sterbeck Harbor for month of August

5. ORDINANCE 1675-23 – AN ORDINANCE AMENDING CHAPTER 231 OF THE CODE OF THE TOWNSHIP OF MIDDLE REGARDING TRANSIENT RETAIL MERCHANTS – Following second reading, hearing, and consideration for adoption, Ordinance 1675-23 was adopted on motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and 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.

Ed Dillio asked about door to door soliciting permits.

Mayor Donohue explained the Township does not currently have a permitting process.

Dan Auld, S&H Cuisine, asked if the ordinance applies to an individual that owns a property with a food truck.

Kimberly Osmundsen explained that the regulating of stationary businesses would go through the Planning and Zoning Boards. This ordinance regulates the food trucks on commercial property.

6. 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 –
Following second reading, hearing, and consideration for adoption, Ordinance 1676-23 was adopted on motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
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.

Emmett Vandergrift asked if the Township anticipates creating a green zone map where the Township would prefer the business to be located.

Kimberly Osmundsen explained that the ordinance outlines the locations that the businesses would be allowable as well as the application process.

Nancy Battagliese, Rio Grande, asked about the number of voters that voted for the allowance of cannabis.

Mayor Donohue explained he did not have the exact number of voters but 67% of Cape May County voters, voted in favor for cannabis allowance.

Nancy Battagliese, Rio Grande, asked about the number of businesses allowed.

Mayor Donohue explained that the ordinance outlines the allowances and limits the total to 2 cannabis businesses within the Township.

7. 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 – Following second reading, hearing, and consideration for adoption, Ordinance 1677-23 was adopted on motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
- 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.

8. 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 – Following second reading, hearing, and consideration for adoption, Ordinance 1678-23 was adopted on motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

BE IT ORDAINED 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

9. 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 – Following second reading, hearing, and consideration for adoption, Ordinance 1679-23 was adopted on motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

BE IT ORDAINED 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) Public Safety – 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) Vehicles And Equipment – 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) Buildings and Grounds – 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) Administration – Acquisition And Installation, As Applicable, Of Computer Hardware/Software and Furniture For Township Offices.	\$40,000	\$38,095	\$1,905	5.00 years
TOTALS	<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

10. ORDINANCE 1682-23 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 128 THEREOF TITLED SIGNS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1682-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 10/2/2023 at 6:00 p.m. BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that Chapter 128 of the Revised General Ordinances of the Township of Middle be and is hereby amended as follows:

SECTION 1:

§ 218-83 Signs.

A. Purpose: The regulation of signs under this article is intended to:

- (1) Ensure that the proposed signage is compatible with surrounding land uses.
- (2) Create a more attractive economic and business climate within the commercial areas of the Township.
- (3) Protect and enhance the physical appearance of all areas.
- (4) Reduce the distractions, obstructions and hazards to pedestrian and auto traffic caused by the indiscriminate placement and use of signs.
- (5) To protect the historic character of the Cape May Court House Overlay District by ensuring that signage is aesthetically compatible.
- (6) Effectuate the Master Plan goal to "Update sign standards that promote safety while discouraging sign proliferation."

B. General requirements.

(1) Any sign proposed to be placed in the Township of Middle is subject to review and approval by the Zoning Officer who will determine whether or not such sign is in compliance with this article.

(2) All regulations described in this article shall govern and control the installation, enlargement, expansion, alteration, operation, maintenance, relocation and removal of all signs within the Township that are visible from any street, sidewalk, walkway and public or private property. Any signs not permitted in this article are prohibited.

(a) All existing signs that are presently nonconforming which were legally erected prior to the enactment of this chapter may remain but shall not be replaced if removed or destroyed.

(3) The American Flag, defined as a piece of cloth, varying in size, usually attached at one edge to a staff or cord and used as the symbol of the United States of America, may be flown or displayed without limitation, as it is not considered a sign relative to this section. Federal guidelines that govern the manner in which an American Flag shall be flown shall be followed at all times. Flags used for advertising purposes shall be regulated as set forth in Chapter **210** of the Code of Middle Township.

C. Design standards.

(1) All signs that are to be illuminated shall be lit by a shielded or indirect white light source. No illuminated sign is to be placed so as to permit the beams and/or illumination of such to be directed or beamed upon adjacent public and/or private property so as to create a nuisance or traffic hazard. In addition, any illuminated sign that is adjacent or across the street from any residential zoning district and is visible from such shall be illuminated between the hours of 11:00 a.m. and 7:00 p.m. only, unless the use to which the sign pertains is open for business past those hours. To protect and enhance the historic character of the Cape May Court House Overlay District, no internally illuminated or electronic messaging signs (as defined herein) are permitted in the Cape May Court House Overlay District. Also see § **250-640**, Design guidelines for nonresidential uses in Cape May Court House Overlay Zone.

(2) No sign is to be located so as to, by reason of its position, size, shape, content or color, be confused for, obstruct, impair, obscure or interfere with any traffic control sign, signal or device.

(3) No signs, unless publicly owned, shall be placed within or extend into or over any public right-of-way or easement.

(4) No sign or any part thereof shall be located closer than 10 feet to any lot line and no greater in height than 20 feet (unless otherwise noted).

(5) To determine the square footage of any sign, the measurements shall include the entire display, together with all spaces between letters and/or symbols and any artwork, framing or other work clearly a part of the display area of the sign, but not including the supporting structure. No sign shall contain more than two sides visible from any street. Unless otherwise prohibited, all signs may be double-faced with the maximum area applying to each side individually. Signs that require posts or pylons whose surface is being used for advertising purposes shall include these surfaces in the total sign area.

(6) Wall or facade signs shall not extend above the height of the vertical wall or cornice to which they are attached, nor may they obstruct, project over or occupy any window surface required for light and/or ventilation. Wall or facade signs may not project more than 18 inches from the building facade to which it is attached or be closer than eight feet from the ground level under said sign.

(7) Whichever a proposed development is bordered by more than one street, additional signage may be permitted by the Planning/Zoning Board in accordance with the provisions of this article.

(8) All signs shall be located on the same property with the use, firm, facility, business, product, service or organization they advertise, unless otherwise provided by this chapter.

(9) All signs shall be of a character and composition harmonious with the area of the Township in which the sign is located, and shall have a professional appearance.

(10) Window signs are permitted in all commercial zones limited to 25% of the window area.

D. Construction standards.

(1) All signs are to conform to the structural requirements of the New Jersey Uniform Construction Code. Freestanding signs shall be supported by posts or pylons constructed of concrete, steel, treated wood or other suitable materials or a combination of the same. Posts or pylons are to be securely anchored into the ground so that the sign will withstand high winds. No guy wires or bracing is permitted. Signs attached to structures are to be securely anchored by means of nonrusting metal hardware.

(2) All signs shall be maintained in a safe, secure and proper painted condition. Any sign not maintained in such a manner will be removed at the expense of the permittee if no repairs are performed 10 days after a written notice is issued by the Construction Official.

E. Prohibited signs.

(1) Temporary signs, unless permitted under Code §§ **210-1** et seq. and 218-83.

(2) Animated or moving signs or signs using blinking, flashing, vibrating, revolving, flickering, tracer and/or sequential lighting.

(3) Signs using red, yellow or green lights which would be mistaken for or interfere with the operation of any traffic control signals.

(4) Signs using neon lights or any other material which sparkles or glitters.

(5) Roof signs. No sign may be constructed which attaches to the roof or projects above the roofline.

(6) Portable signs that are used for advertising purposes, sidewalk and curb signs, unless permitted under § **218-83F(6)**.

(7) Signs on a tree or utility pole or painted on or otherwise directly affixed to any rock, ledge or other natural feature, whether on public or private property.

(8) Signs which contain statements, words or pictures of any obscene character or nature.

(9) Signs which advertise, identify or pertain to any business no longer conducted or product no longer sold on the premises where the sign is located.

(10) Signs containing advertising which is untruthful.

(11) Banners, strings of banners, pinwheels, inflated signs, and other similar attention-getting devices.

(12) Billboards.

(13) Off-premises signs on stationary boats located within the Township's jurisdiction in any Township waterways or in any waterways adjacent to the Township.

(14) Signs on motor vehicles and trailers that are parked or stored in a lot in excess of 48 hours shall be presumed to be used for advertising purposes and therefore prohibited under this section.

(15) Internally lit or electronic message signs in residential zones or in the Cape May Court House Overlay Zone.

F. Signs permitted without a permit.

(1) Official traffic, parking and street signs.

(2) Signs authorized by the Chief of Police.

(3) Warning and no-trespassing signs indicating private ownership of roadways or other private property that do not exceed two square feet in area, limited to one sign per 200 feet of lot frontage.

(4) Name and number plates identifying residents and affixed to a house, apartment or mailbox that do not exceed four square feet in area.

(5) Signs posted by governmental agencies that are pursuant to governmental statute, order or regulation.

(6) "A-frame" sandwich board signs are permitted in the TB and VC Zones only, provided that the following conditions are met:

(a) No freestanding signs presently exist on the site.

(b) The sign must be displayed during business hours only; and must be removed after closing.

(c) The sign area may not exceed six square feet per side.

(d) The style of the sign must be consistent with the architecture and character of the neighborhood in which it is located. The materials, design and lettering must exhibit a professional appearance.

(7) Real estate, housing development and community entrance signs.

(a) One sign not greater than six square feet, including any attachments, shall be permitted on any property, lot or building, advertising the property, lot or building for sale, rent or lease. Properties with frontage on two roadways shall be permitted two signs. In the event that more than one person with a real estate license is authorized to advertise the property, lot or building, each person with a real estate license may place one such sign on the property, lot or building, to a maximum of two total signs. In the case of any parcel of land larger than one acre or any building containing covered floor space greater than 10,000 square feet, each sign advertising the property, lot or building for sale may be greater than six square feet but not greater than 12 square feet, and for each acre of land area or for each 10,000 square feet of covered floor space there shall be a maximum of four such signs.

(b) In addition, one additional off premises directional sign is permitted per property for sale, only if all of the following conditions are met:

[1] The maximum size of the signs shall be three square feet in area, with nothing attached (including, but not limited to, balloons, pennants and riders).

[2] No more than one sign per corner, with no part of the sign to block or protrude over any part of a sidewalk or driveway.

[3] Signs are permitted only during the time of the open house (defined as period during which a sales agent is present on the property for sale).

[4] Signs are permitted only if anchored to the ground. No signs are permitted on vehicles, poles or structures.

[5] Signs shall be in compliance with sight triangle regulations.

(c) Commercial properties for sale shall be permitted one sign not greater than 16 square feet in area.

(d) Signs advertising that a property, lot or building has been sold, rented or leased shall be permitted for a period not to exceed 30 days.

(e) One sign not greater than 32 square feet shall be permitted to advertise developments containing four or more lots for sale. Such signs shall be set back no less than 10 feet from the property line. All development signs shall be removed when 95% of the lots have been initially sold.

(f) Identification signs calling attention to the entrance to a community within the Township may be permitted, provided that such signs do not exceed 32 square feet, do not call attention to any particular businesses or organizations within the community and are necessary and desirable, in the opinion of the Planning Board, for the general welfare of the Township.

(g) One temporary construction sign not greater than 32 square feet shall be permitted to announce the erection of a building and call attention to the architect, contractors, sponsors and other individuals and firms participating in the construction. Such a sign may be erected for a period of 60 days plus the construction period, after which the sign shall be removed from the premises.

(8) Temporary political signs which promote the election of a particular candidate or candidates, with the following requirements:

[Amended 11-21-2016 by Ord. No. 1537-16]

(a) Removed within five (5) days following the date of the election.

(b) Shall not be placed on public property.

(c) Shall not be placed within a site triangle.

(d) Shall not exceed three square feet in area if located in a residential zone, except on an approved commercial property.

(e) Shall not exceed 32 square feet in area if located in a commercial zone.

(9) Yard sales and/or garage sale signs must be removed within 24 hours after the event.

(10) "Open" Flags

(a) Each business shall be limited to one (1) "Open" flag as described herein.

(b) "Open" flags shall be no larger than 3' x 5' in size.

(c) "Open" flags shall be on a pole attached to either the building or the building side of an existing freestanding sign consistent with § 218-83H(4).

(d) The flag shall say only "Open" and contain no other content.

(e) No other advertising flags or banners shall be permitted

- (f) "Open" flags shall be displayed only during business hours when the business is actually open.
- (g) In multi-tenant buildings, tenants must obtain approval from the landlord to attach an "Open" flag to the building or existing freestanding sign.
- (h) Each tenant shall be limited to one "open" flag on a multi-tenant building.
- (i) In addition to an "open" flag as described herein, a business shall be permitted to a display the American Flag as set forth in § 218-83B(3) of this chapter and the other cited sections of the Middle Township code referenced therein though nothing in this section shall be construed to regulate or limit the display of the American Flag on a building or business property.

G. Signs permitted in residential zones.

- (1) All signs permitted in § 218-83F of this chapter.
- (2) Identification signs for residential developments, provided that they are associated with an approved use within a residential zone. Such signs are not to exceed 32 square feet in area and six feet in height. If there are two entrances to the development, a second sign of up to half the size of the first is permitted.
- (3) Business signs that are accessory to a nonconforming commercial use or a commercial use approved by a variance granted by the Zoning Board of Adjustment.
 - (a) Freestanding signs shall not exceed 16 square feet in area, five feet in height.
 - (b) One facade sign is permitted to be placed or inscribed upon the facade of the building for each use or activity that takes place there. Such sign shall not exceed an area of 1/4 square foot for each one foot in width of the front of the building or portion thereof devoted to such use or activity, and in no case shall exceed 20 square feet in area.
- (4) Any sign specifically permitted in § 250-500, Conditional uses, will take precedent over this section.

H. Signs permitted in TP Town Professional.

- (1) All signs permitted in § 218-83G, Signs permitted in residential zones.
- (2) Nonilluminated direction signs.
- (3) One facade sign is permitted to be placed or inscribed upon the facade of the building for each use or activity that takes place there. Such sign shall not exceed an area of 1/4 square foot for each one foot in width of the front of the building or portion thereof devoted to such use or activity and in no case shall exceed 20 square feet in area. Where a business faces two highways, as determined by the Board Engineer, utilizing appropriate highway designations, a second facade sign of up to 1/2 of the size of the first facade sign is permitted. Such sign shall meet the same requirement as all permitted building signs.
- (4) One freestanding sign is permitted. Such sign is not to exceed an area of 16 square feet and five feet in height; setback: 10 feet.
- (5) Temporary signs for the promotion of a public function or charitable fund-raising event that meets all of the following conditions:
 - (a) Prior to the installation of any such sign, the applicant shall file an application for a zoning permit which shall include a sketch of the sign, dimensions of the sign, its location and the dates proposed for its exhibition.
 - (b) Shall not be erected more than 21 days prior to the first day of the event and shall be removed not more than three days after the last day the event has taken place.
 - (c) Such signs shall not exceed six feet in height and 32 square feet in area if on event property, and shall not exceed 16 square feet if off site.
 - (d) The event must be held in Middle Township and must benefit a public agency or legally established nonprofit.
 - (e) The sign must not be located in a public right-of-way.
 - (f) Only one sign per property is permitted.
 - (g) Shall not be located within a residential zone.
 - (h) The sign shall not be illuminated, and the materials, design and lettering must exhibit a professional appearance.

I. Signs Permitted in the B Business, HV Hildrith Village, TB Town Business, and VC Village Commercial Zoning Districts.

- (1) All signs permitted in § 218-83F of this chapter.
- (2) Nonilluminated directional signs.
- (3) One sign attached to the main building. Such sign shall not exceed an area of one square foot for each one foot in width of the front of the building or portion thereof devoted to such use or activity and in no case shall exceed 50 square feet in area. Such sign shall have a vertical dimension no greater than five feet. Where a business faces two major highways, as determined by the Board Engineer, utilizing appropriate highway designations, a second facade sign of up to 1/2 of the size of the first facade sign is permitted. Such sign shall meet the same requirement as all permitted building signs.
- (4) One freestanding sign which shall not exceed two square feet in area for each ten-foot interval of street frontage of the lot on which the sign is to be located. Such signs shall not exceed 20 feet in height and shall contain a maximum of 40 square feet of area with the exception of specific types of business as set forth in this section. The setback of sign edge from right-of-way/property line shall be a minimum of 10 feet.
- (5) Temporary signs for the promotion of a public function or charitable fund-raising event that meets all of the following conditions:
 - (a) Prior to the installation of any such sign, the applicant shall file an application for a zoning permit which shall include a sketch of the sign, dimensions of the sign, its location and the dates proposed for its exhibition.
 - (b) Shall not be erected more than 21 days prior to the first day of the event and shall be removed not more than three days after the last day the event has taken place.
 - (c) Such signs shall not exceed six feet in height and 32 square feet in area if on event property, and shall not exceed 16 square feet if off site.

Zones	Facade/Wall Sign Area	Freestanding Sign Area	Setback (feet)
TP	1/4 square foot for each 1 foot maximum building width, 20 square feet maximum	16 square feet; 5 feet high maximum	10
B, HV, TB, VC	1 square foot for each 1 foot maximum building width, 50 square feet maximum	2 square feet for each 10 feet street frontage; 20 feet high maximum 40 feet maximum areas	10
TC	2 square feet for each 1 foot of building width, 150 square feet maximum	See chart above	

(d) The event must be held in Middle Township and must benefit a public agency or legally established nonprofit.

(e) The sign must not be located in a public right-of-way.

(f) Only one sign per property is permitted.

(g) Shall not be located within a residential zone.

(h) The sign shall not be illuminated, and the materials, design and lettering must exhibit a professional appearance.

J. Signs permitted in the TC Town Center Zone.

(1) Wall signs.

(a) Each business shall be permitted one wall sign of two square feet of sign area for each linear foot of building width, but shall not exceed 150 square feet.

(b) Where a business faces two major highways, as determined by the Board Engineer, utilizing appropriate highway designations, a second facade sign of up to 1/2 of the size of the first facade sign is permitted. Such sign shall meet the same requirement as all permitted building signs.

(2) Freestanding sign. Each property shall be permitted one freestanding sign calling attention to the shopping center and/or the business(es) located therein. The area of the freestanding sign shall be based on total square footage as stated below:

(3) Temporary signs for the promotion of a public function or charitable fund-raising event that meets all of

Minimum Retail Square Footage (square feet)	Permitted Sign Area (square feet)	Setback of Sign Edge From Right-of-Way/Property Line (feet)
0 to 5,000	2 per 10 linear foot of width of building, not to exceed 40 square feet	10
5,001 to 10,000	40	10
10,001 to 20,000	60	15
20,001 to 50,000	100	20
50,001 to 100,000	250	25
100,001 and over	400	30

the following conditions:

(a) Prior to the installation of any such sign, the applicant shall file an application for a zoning permit which shall include a sketch of the sign, dimensions of the sign, its location and the dates proposed for its exhibition.

(b) Shall not be erected more than 21 days prior to the first day of the event and shall be removed not more than three days after the last day the event has taken place.

(c) Such signs shall not exceed six feet in height and 32 square feet in area if on event property, and shall not exceed 16 square feet if off site.

(d) The event must be held in Middle Township and must benefit a public agency or legally established nonprofit.

(e) The sign must not be located in a public right-of-way.

(f) Only one sign per property is permitted.

(g) Shall not be located within a residential zone.

(h) The sign shall not be illuminated, and the materials, design and lettering must exhibit a professional appearance.

K. Farm markets. Farm markets shall be permitted to have one temporary sign with interchangeable lettering. The square footage of the sign shall be limited to 32 square feet.

SECTION 2: Any 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 or clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

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

11. RESOLUTION 373-23 – 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
Sarah Frazier	Public Safety – Police	Class II SLEO Officer	\$23.00 per hr	09/05/2023

12. RESOLUTION 374-23 – DEPARTMENT/PROMOTIONAL TITLE CHANGE – 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 department changes listed below are hereby acknowledged:

NAME	PREV. DEPT.	NEW DEPT.	TITLE	SALARY	EFF. DATE
Tashie Anderson-Bryant	Municipal Court	Public Safety – Police Records	Clerk 1 F/T	\$30,000.00	09/01/2023

13. RESOLUTION 375-23 – 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
Morrell Hoyle	Public Works	Laborer 1 F/T T/A (6 months)	08/21/2023
Josh Nemeth	Environmental Commission	Member	04/13/2023

14. RESOLUTION 376-23 – 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.

15. RESOLUTION 377-23 – 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
NR Deed LLC	20 Johnstown Lane	350 // 62	\$528.72

16. RESOLUTION 378-23 THROUGH 379-23 – REFUND OF TAXES (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, a refund is due to the below property due to the mortgage company paying on incorrect block and lot number.

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
7120	473	27	HENRY, MICHELE	1,538.43

Please make checks payable and mail to:
CORELOGIC

3001 HACKBERRY RD
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 a check in the above noted amount 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 tax payment was made via ACH for the below referenced property; and WHEREAS, said property has since been sold resulting in a need to refund the former owner.

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
18654	1432	6 C0094	LOW, STEPHANIE 104 TIDEWATER AVE	480.00

Please make check payable and mail to:

ANNE PANNA
220 WOODLAWN AVE.
MERCHANTVILLE, NJ 08109

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 a check in the above noted amount 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.

17. RESOLUTION 380-23 – ASSIGNMENT OF TAX TITLE LIEN – 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 the holder of Tax Sale Certificate #2019-0173 acquired under N.J.S.A. 54:5-34; and, WHEREAS, it is deemed financially beneficial to, and in the best interests of, the Municipality to sell or assign that tax sale certificate; and WHEREAS, the Tax Collector will mail notice of the potential assignment to the property owner at the address as it appears on the tax duplicate within five days prior to the action; and WHEREAS, notice of the assignment will be posted in three public places within the Township of Middle and published in the Cape May County Herald, within five days prior to the action as required by law. NOW, THEREFORE, BE IT RESOLVED by Township Committee of the Township of Middle, County of Cape May, State of New Jersey on this 6th day of September 2023 that the Committee hereby authorizes the sale by assignment of the Tax Sale Certificate #2019-0173 in the amount of \$588.34 plus the cost of advertisement to:

KW Dreams Properties, LLC
P O Box 437
Whitesboro, NJ 08252

For the consideration therein set forth, which sum includes the lien for unpaid subsequent taxes for the periods set forth, all as provided for and permitted under N.J.S.A. 54:5-113,

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk be and are hereby authorized execute and deliver all assignment forms or other legal documents necessary to effectuate the various sales permitted by this Resolution.

18. RESOLUTION 381-23 – INSERTION OF A SPECIAL ITEM OF REVENUE (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2023 in the sum of:

Local Grant – Nationwide Opioids Settlement Fund

\$6,766.88

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

Local Grant – Nationwide Opioids Settlement Fund

\$6,766.88

(B) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2023 in the sum of:

NJ Division of Highway and Traffic Safety – 2023 Drive Sober or Get Pulled Over

\$7,000.00

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

NJ Division of Highway and Traffic Safety – 2023 Drive Sober or Get Pulled Over

\$7,000.00

19. RESOLUTION 383-23 – APPROVE CHANGE ORDER NO. 4 – 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 #4 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 \$10,950.00 for an amended contract amount of \$499,725.00.

20. RESOLUTION 384-23 – APPROVE CHANGE ORDER NO. 1 – HAND AVENUE SIDEWALK EXTENSION – PHASE II – HACKNEY CONSTRUCTION, INC. – 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 March 6, 2023 via Resolution No. 135-23 to Hackney Construction Inc. for the Hand Avenue Sidewalk Extension, Phase II. NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #1 for the project awarded to Hackney Construction Inc. for the Hand Avenue Sidewalk Extension, Phase II project is hereby approved, and that the change order results in an increase of \$17,569.00 for an amended contract amount of \$106,719.90.

21. RESOLUTION 375-23 – APPROVE CHANGE ORDER NO. 2 – RENOVATIONS TO MIDDLE TOWNSHIP MUNICIPAL BUILDING RESTROOMS – 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 April 3, 2023 via Resolution No. 185-23 to MJJ Construction for the Renovations to Middle Township Municipal Building Restrooms. NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #2 for the project awarded to MJJ Construction for the Renovations to the Middle Township Municipal Restrooms project is hereby approved, and that the change order results in an increase of \$1,150.00 for an amended contract amount of \$84,658.00.

22. RESOLUTION 386-23 THROUGH 387-23 – AWARD OF BID (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. (A)WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-8, and WHEREAS, bids were received on August 22, 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
2023-8	Nece’s Plumbing	\$3,800.00

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

(B) WHEREAS, on June 6th, 2023, the Township of Middle advertised bids for ‘South Dennis Road Pump Station Improvements’; and WHEREAS, on July 26th, 2023, the Township received and opened six (6) bids; and WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, which complies with specifications; and NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for South Dennis Road Pump Station Improvements, IN THE AMOUNT OF \$847,065.00, be and hereby is awarded to:

B&H CONTRACTING, INC.
HAMMONTON, NJ 08037

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

1. The term of the contract for South Dennis Road Pump Station Improvements shall be for one (1) year commencing on September 7th, 2023, or until project completion.
2. The appropriate officials be and are hereby authorized and directed to enter into and execute a contract with B&H Contracting, Inc.
3. Said award of contract shall be contingent upon the availability of funds for 2023.

FURTHER BE IT RESOLVED, pursuant to the rules of the Local Finance Board of the State of New Jersey that no amount of this contract shall be chargeable or certified until such time as services are ordered or otherwise called for prior to placing the order. Upon adoption of the 2023 budget, it shall be the responsibility of the official responsible for issuing the purchase order to notify and seek certification of the availability of funds from the Township Treasurer.

23. RESOLUTION 388-23 THROUGH 389-23 – TABULATION COMMITTEE – (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on October 18, 2023 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

BURGLAR AND FIRE ALARM ADMINISTRATIVE SERVICES

(B) 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 Township Officials be and hereby are appointed to tabulate the bids to be taken on September 27, 2023 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

One (1) New F-600 Super Duty 4x4 Truck with Dump Body

24. RESOLUTION 390-23 – ENDORSEMENT IN SUPPORT OF THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION MID-BLOCK CROSSWALK PEDESTRIAN IMPROVEMENTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, a meeting was held on October 20, 2022 between the NJDOT and representatives of the Middle Township concerning the Mid-Block Crosswalks located on Route 9 at M.P.s. 12.35, 12.39, and 12.69 in Middle Township; and

WHEREAS, representatives of the Middle Township were in agreement with the concept of the crosswalk improvements to the Preliminary Preferred Alternative (PPA); and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of Middle Township as follows:

1. The Township Council authorizes and directs the Township Clerk to forward a letter to the NJDOT indicating support for the proposed improvements to the Mid-Block Crosswalk on Route 9.
2. The Township Clerk is further directed to forward such a letter to be attached to this Resolution expressing its support for this project.

25. RESOLUTION 391-23 – 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
883	2, 3	Gibbs Street	\$ 24,100	Marcio Dias
1055	6	2105 Route 9 South	\$ 25,000	Shirley Green

26. RESOLUTION 392-23 – CATERING PERMIT – BS LIQUOR LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, BS Liquor LLC has applied for approval to sell alcoholic beverages at Big Little 9 Golf Course located at 600 Bayberry Drive, Cape May Court House, on October 7, 2023 from 11:00am to 8:00pm; 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 Catering Permit.

27. RESOLUTION 393-23 – AUTHORIZING THE EXECUTION OF DEVELOPERS AGREEMENT – SEWER CONNECTION – MAVIS TIRE SUPPLY – 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, that the attached Developers Agreement between the Township of Middle, DOMIKE LLC and Mavis Tire Supply LLC is hereby authorized.

BE IT FURTHER RESOLVED, that the Mayor and/or Business Administrator are hereby authorized to sign the agreement in connection therewith.

28. RESOLUTION 394-23 – CLOSED SESSION – PENDING LITIGATION (GARDEN STATE OUTDOOR, LLC V. ZONING BOARD OF ADJUSTMENT OF MIDDLE TOWNSHIP ETAL); POTENTIAL LIGATION (CODE ENFORCEMENT) – 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: PENDING LITIGATION (GARDEN STATE OUTDOOR, LLC VS. TOWNSHIP OF MIDDLE)

2.) The general nature of the subject matter to be discussed is as follows: PENDING LITIGATION (GARDEN STATE OUTDOOR, LLC VS. TOWNSHIP OF MIDDLE)

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.

29. ENGINEERING REPORT:



Township of Middle
Project Status Report
September 6, 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
 - Panola Rd. – Re-construct asphalt gutter line to improve drainage of gutter at Second Ave. – COMPLETED.

Norbury Landing Project

- Park Opened.
- Landscaping - Week of September 18, 2023.
- Completion by October 1, 2023.

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

- Bids received 12/21/22.
- Contract Awarded to CTX Construction.
- Construction 75% complete.
- Paving to begin end of September.

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.

Municipal DCA Grant to Reconstruct Existing Restrooms at Municipal Building

- Construction 75% Complete.

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

Project Status Report
September 6, 2023

Page 2 of 2

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.
 - Project submitted to NJDOT without improvements to railroad right-of-way.

Ockie Wisting Park

- Construction started August 21st.
- Light poles and fixtures on back order.

Avalon Fishing Pier

- Requesting quotes for sign package.

Rio Grande Re-Development

- Report to be completed by August 11, 2023.
- Reviewed report with attorney during site visit.
- Report currently being revised.

Middle Township Public Works Parking Lot

- Survey to be completed end of September.

Clarence Davies Sports Complex

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

FINAL/MIDDLE/GENERAL/PROJSTATUS/2023/9-6-23

30. PUBLIC COMMENT:

Jim Mooers, Grassy Sound Marina, asked about the County project beginning at the Grassy Sounds Pier and the listing of his marina on the bill list. Further discussed encounter that took place at his marina with County staff members, Kimberly Osmundsen and Middle Township Police Officers.

Vince Orlando advised that the bill list item is pertaining to EDA and an escrow account.

Kimberly Osmundsen explained call she received regarding the incident at the pier. Stated she had sent Mr. Mooers an email to set up a meeting between himself, Mayor Donohue and herself.

Stan Doniger, Rio Grande, spoke of house bill signed by the governor regarding landlords and businesses requiring them to file certificates of liability with municipalities. asked about the township plan to implement this regulation.

Mayor Donohue explained that the Township is in the process of setting up protocol to begin receiving this paperwork. They are in the beginning of establishing a business registration process which will include this paperwork at part of the registration.

Emmett Vandergrift, discussed concerns with the regulation of THC products.

Daniel Auld, S&H Cuisine, spoke of interactions as a food truck owner with homeless individuals. Proposed joining up with the Township to take his trucks out during the winter to where the homeless are located to feed them and have a mental health professional join him to help assist these individuals, especially the homeless veterans.

Mayor Donohue discussed meeting the previous day along with various government entities and volunteer programmers to discuss the homelessness not only in Middle Township but throughout the County and State.

COMMITTEE COMMENTS

Committeeman Norris:

- *Advised that the new police sub station is near completion.*
- *Discussed visit he took to Norbury Landing and that the project is looking great.*
- *Commented on the Art Camp held by the Recreation Department. Thanked all staff that assisted with the camp.*
- *Explained that the final summer concert of the series was the previous week. Thanked all the sponsors that donated to allow the series to take place. Thanked the entire staff that assisted with the event each week.*
- *Advised that the first disc golf tournament would be held at Ockie Wisting on October 21st.*
- *Thanked all boy scouts that attended the meeting.*

Committeeman Gandy:

- *Reiterated Committeeman Norris comments on the Township projects. Thanked Vince Orlando Kimberly Osmundsen, Suzanne Schumann, and Nancy Sittineri on all their hard work on each of these projects.*
- *Thanked Troop 65 on their attendance.*

Mayor Donohue:

- *Stated it was a great year for the summer concert series. Discussed the great response from the business community that helped sponsor the event.*
- *Spoke of it being the first day of school in Middle Township. Wished all the teachers, kids and parents a safe and productive year.*
- *Recognized the hiring of Sarah Frazier as a Class II Officer. Discussed the struggle of finding new officers throughout the Country.*
- *Recognized Tashie Bryant on her move from the Courts to Police Records.*
- *Thanked the County for abiding to their request for a 4-way stop on Bayshore Road and Millman Boulevard.*

Motion to enter closed session – 6:47 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to re-enter open session – 7:49 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to adjourn meeting – 7:50 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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