

Cape May Court House, NJ
 September 18, 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, 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 395-23 – 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	2,041.20
Current Fund CY	3.01	304,809.79
Alarm Billing	3.03	-
Sewer Utility PY	2.07	-
Sewer Utility CY	3.07	82,474.14
General Capital	C.04	19,243.25
Sewer Capital	C.08	12,543.97
Grants	G.06	49,327.96
M.A.C.	M.24	750.00
Emergency Housing	R.23	-
Dog Trust	T.12	-
Forfeited Monies	T.13	-
Sewer Escrow	T.16	-
Trust Other	T.17	-
Zoning Escrow	T.19	1,487.00
Zoning Escrow	E.19	55.00
Unemployment Trust	T.20	2,846.61
C.O.A.H	T.27	-
Recreation Trust	T.28	964.00
TOTAL		476,542.92

3. RESOLUTION 396-23 – 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: 09/06/2023 Regular Meeting and Closed Session

4. REPORTS: Zoning for month of August; Clerk for month of August

5. ORDINANCE 1680-23 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 129 THEREOF TITLED DUMPSTERS, REFUSE CONTAINERS, AND PORTABLE STORAGE CONTAINERS – Following second reading, hearing, and consideration for adoption, Ordinance 1680-23 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, the governing body of the Township of Middle that Chapter 129 of the Revised General Ordinances of the Township of Middle be and is hereby amended as follows:

SECTION 1: PURPOSE AND DEFINITIONS

§ 129-1. Purpose.

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

§ 129-2. Definitions.

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

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

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

PERSON

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

REFUSE CONTAINER

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

STORMWATER

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

WATERS OF THE STATE

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

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

SECTION 2: GENERAL PROHIBITED CONDUCT

§ 129-3. Prohibited conduct.

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

§ 129-4. Exceptions to prohibition.

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

SECTION 3: PORTABLE WASTE AND REFUSE CONTAINERS

§ 129-5. Permits required.

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

be issued in the name of the property owner and shall be displayed prominently by the permittee upon the private property adjacent to the public property upon which the roll-off dumpster or roll-off container is placed. The Zoning or Construction official shall provide copies of any permits that are issued pursuant to this section to the Middle Township Police Department and Code Enforcement Officials.

§ 129-6. Permit time and fees.

- A. Consistent with N.J.S.A. 27:51-1, approval for placement of a roll-off dumpster or roll-off container upon a street, highway or public property shall remain in effect for a period of not more than thirty (30) days. Prior to expiration of an initial thirty (30)-day approval, a thirty (30)-day permit may be endorsed for a thirty (30)-day renewal period by the Zoning or Construction official one time only without charge to the applicant.
- B. Fees:
 - 1) One-day permit: \$50.
 - 2) Seven-day permit: \$150.
 - 3) Thirty-day permit: \$250.
- C. Only those permits taken out for a thirty (30)-day period shall be eligible for the additional thirty (30)-day renewal period as outlined in Subsection A of this section. One-day permits and seven-day permits shall not be eligible for any period of renewal.

Dumpsters on a residential property that is not under construction do not require a permit; however, the dumpster shall not be present for longer than forty-five (45) days from the date of the placement of the dumpster on the property.

§ 129-7. Location.

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

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

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

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

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

§ 129-10. Temporary removal.

Notwithstanding the fact that a permit for placement of a roll-off dumpster or roll-off container may have been issued by the Zoning or Construction official, nothing contained in this Chapter shall be interpreted as or deemed as precluding the Middle Township Chief of Police, Middle Township Fire Chief, or Code

Enforcement official from ordering the temporary removal of any roll-off dumpster or roll-off container that has been placed upon a street, highway or public property for reasons of traffic safety or public safety.

SECTION 4: PORTABLE STORAGE CONTAINERS

§ 129-11. Permitted temporary uses.

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

§ 129-12. Permit required.

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

§ 129-13. Number of permitted containers.

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

§ 129-14. Size of permitted containers.

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

§ 129-15. Duration of permit.

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

§ 129-16. Location.

- A. Portable storage containers are prohibited from being placed in streets and public rights-of-way. Placement may occur only upon driveways, side and rear yards if such locations meet the requirements of this section. All such locations must be off-street surfaces at the farthest accessible point from the street. Placement of a container must comply with the side yard accessory structure setback requirements in the zone in which placement is to occur. If a property does not have a driveway or cannot meet the standards described herein, the Zoning Officer or Construction Officer may approve placement of a container in the front yard; however, if such placement does occur, said container must be placed at the farthest accessible point from the street and the surrounding area must be kept in weed-free condition.
- B. Wherever a portable storage container is placed, it shall be subject to all property maintenance standards applicable to accessory structures. No portable storage container shall remain in a state of disassembly or disrepair.

SECTION 5: ENFORCEMENT

§ 129-17. Violations and penalties.

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

SECTION 6: Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 7: 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 8: This Ordinance shall become effective immediately upon final passage and publication, according to law.

6. ORDINANCE 1681-23 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY TO SELL TOWNSHIP-OWNED LAND BY A PRIVATE AUCTION TO BE HELD AMONG CONTIGUOUS OWNERS OF BLOCK 894 LOT 3 IN THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1681-23 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 Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the real property contiguous to the Township owned parcel, provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and

WHEREAS, the Township owns a parcel of land identified as Block 894, Lot 3 (the “Subject Property”) in the Cape May Court House section of the Township that qualifies for such a land sale; and

WHEREAS, the Township has received a “Request Sheet for Sale of Township Owned Real Estate” submitted by Khaaron Watkins, the owner of a property contiguous to the Subject Property

WHEREAS, there are, in total, five (5) owners of real estate who are contiguous to the Subject Property, specifically listed as follows:

Block 894 Lot 1 -	Dylan W. Roberts 234 Gullane Road Charleston, SC 29414-6835
Block 894 Lot 2 -	KW Dreams Properties, LLC PO Box 437 Whitesboro, NJ 08252-0437
Block 894 Lot 4 -	Johnnie & Cynthia Chapman 1946 Bonitz Street Philadelphia, PA 19140-1704
Block 894 Lot 8 -	Felicia L. Legions 2613 Sorento Road Philadelphia, PA 19131-2710
Block 894 Lot 9 -	Monica Farrow 413 Scott Street Cape May Court House, NJ 08210-3305

WHEREAS, the five (5) owners shall be noticed and given an opportunity to participate in an open (private) auction limited to just the five (5) of them participating to purchase the parcel but at a price which is no less than the fair market value of the parcel; and

WHEREAS, the assessment of Block 894 Lot 3 is \$3,800.00, and the Township Tax Assessor has stated in writing that the fair market value of the land is \$3,800.00, which the Township therefore makes the minimum bid; and

WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements for the Ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Township may conduct a private auction to sell the Subject Property owned by the Township to contiguous owners of the same.

SECTION 1.

1. The Township Committee of the Township of Middle shall sell a portion of real property identified as Block 894, Lot 3 to the highest bidder of an open (private) auction to be held on October 10, 2023 at 9:00am in the court room of the Township Hall, 33 Mechanic Street, Cape May Court House, New Jersey, at which time only those five (5) owners of property contiguous to that portion of Block 894, Lot 3 which is offered for sale shall participate; and

2. The minimum bid shall be \$3,800.00; and

3. The auction shall be conducted by the Township’s interim Chief Financial Officer, Neil Young; and

4. The winning bidder shall sign a contract of sale which is attached hereto as Exhibit “A” and the terms of which are incorporated herein in full; and

5. The winning bidder shall be provided a deed in the form attached hereto as Exhibit “B”; and

6. That the Clerk or the Clerk’s representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and

7. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and

8. Any and all costs associated with this transaction, including advertising and postage, are to be paid by the winning bidder.

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.

Shirley Greene asked where the property is located and about the bidding process.

Mayor Donohue clarified the property location and reviewed the bidding process

7. RESOLUTION 397-23 THROUGH 398-23 – APPOINTMENT (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 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
William Hewitt	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hr	09/18/2023

(B) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the following individual is hereby appointed to the volunteer board opposite their name:

NAME	POSITION	BOARD	TERM EXPIRES
Rachell Diaz	Member	Environmental Commission	12/31/2023*
Betsi Kohler	Alt. Member #1	Environmental Commission	12/31/2024*
Bridget O'Connor	Alt. Member #2	Environmental Commission	12/31/2024*

*Filling unexpired term.

8. RESOLUTION 399-23 – ACKNOWLEDGING REQUEST FOR INTERGOVERNMENTAL TRANSFER – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Intergovernmental Transfer Program through New Jersey Civil Service Commission provides the opportunity for eligible New Jersey state and local government employees with permanent civil service status to transfer between local-to-local employment jurisdictions while maintaining their permanent status, and

WHEREAS, this program promotes more efficient public service by allowing civil service jurisdictions to share talented and experienced individuals with other governmental sectors, and

WHEREAS, all parties involved in the transfer (the transferring employee, the sending jurisdiction, the receiving jurisdiction, and the New Jersey Civil Service Commission) must agree to the transfer for it to be completed. A transfer is not valid until approved by the Civil Service Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Governing Body of the Township of Middle does hereby acknowledge and approve the preparation of an Intergovernmental Transfer for Christopher Baczek, Police Officer.

BE IT FURTHER RESOLVED, that Human Resources, and/or any other required official of the Township of Middle, is hereby authorized to process all “sending agencies” forms in connection with said transfer.

9. RESOLUTION 400-23 – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	EFFECTIVE DATE
Jason Breakell, Sr.	Public Works	Laborer 1 P/T Permanent	Laborer 1 F/T Permanent	09/11/2023

10. RESOLUTION 401-23 – 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
Chad Murnaghan	Finance	Account Clerk	09/17/2023

11. RESOLUTION 402-23 – 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
Craig, Patricia H	5 Colgate Street	392 // 6	\$493.32

12. RESOLUTION 403-23 – 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 #2014-7559 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 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 18th day of September 2023 that the Committee hereby authorizes the sale by assignment of the Tax Sale Certificate #2014-7559 in the amount of **\$768.81** plus the cost of advertisement to:

Cama Plan FBO Ksenia Augsberger IRA and
Cama Plan Edward Augsberger IRA.
416 Dock St.
Wildwood, NJ 08260

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 Municipal 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.

13. RESOLUTION 404-23 – APPROVE CHANGE ORDER NO. 3 – 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 #3 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 \$1,200.00 for an amended contract amount of \$85,858.00.
14. RESOLUTION 405-23 – AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY FOR SOLID WASTE DISPOSAL AND RECYCLING SERVICES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") owns and operates a solid waste system ("System") which presently serves the entire County of Cape May in the State of New Jersey, for the disposal, transfer, and recycling of solid waste; and WHEREAS, the CMCMUA's System is comprised of the CMCMUA's Secure Sanitary Landfill, Solid Waste Transfer Station, and Intermediate Processing Facility, as well as several recycling operations and programs; and WHEREAS, the Township of Middle has utilized and desires to continue to utilize the services of the CMCMUA's System; and WHEREAS, there presently exists a contract between the Township of Middle and the Authority for the use of the CMCMUA's System for the disposal, transfer, and recycling of solid waste which will expire on December 31, 2023 entitled "Shared Services Agreement for Solid Waste Disposal" ("Agreement"); and, WHEREAS, the Township of Middle and the Authority desire to enter into a new agreement and to fix the expiration date of said agreement to occur on December 31, 2025; and WHEREAS, the Authority has offered the "shared Services Agreement for Solid Waste Disposal and Recycling Services" to the Township of Middle in order to more efficiently provide and continue to offer municipalities within Cape May County the use of the CMCMUA's Solid Waste System from January 1, 2024 through December 31, 2025; and WHEREAS, the Authority has submitted the same proposed form of Agreement to all of Cape May County Municipalities which will provide for both solid waste disposal and certain recycling services through December 31, 2025; and WHEREAS, N.J.S.A. 40A:65-1 et seq. authorized a municipality to enter into a contract with any other local unit for the sharing of governmental services. NOW THEREFORE BE IT RESOLVED, by the governing body of the Township of Middle, County of Cape May and State of New Jersey, that the Township of Middle shall enter into a contract with the Authority entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services", effective January 1, 2024, in the form to be maintained on file in the office of the Middle Township Clerk, and that the appropriate Middle Township officials are hereby authorized and directed to execute said agreement.

15. RESOLUTION 406-23 – AUTHORIZING THE EXECUTION OF A PROPERTY ACQUISITION AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE, ATLANTIC-CAPE BUILDERS, LLC, ESTATE OF THOMAS T. TOWER, AND DEBRA V. TOWER AS PART OF THE REDEVELOPMENT OF THE INDIAN TRAIL REDEVELOPMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
- WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and/or supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment or rehabilitation; and
- WHEREAS, by way of Resolution No. 167-18 adopted on April 2, 2018, the Mayor and Committee of the Township of Middle (the “Township Committee”) designated certain property identified on the Township’s Official Tax Map as Blocks 169 through 173, Blocks 175 through 208, Block 210 and Block 211 and all qualifiers therein (the “Indian Trail Redevelopment Area” or “Redevelopment Area”), as a Condemnation Redevelopment Area pursuant to the criterion set forth in the Redevelopment Law; and
- WHEREAS, by way of Ordinance No. 1564-18 adopted on May 7, 2018, the Township Committee adopted a redevelopment plan (the “Redevelopment Plan”) for the Indian Trail Redevelopment Area; and
- WHEREAS, by way of Resolution No. 456-18 adopted on November 19, 2018, the Township Committee rescinded the Condemnation Redevelopment Area designation of certain parcels within the Indian Trail Redevelopment Area and re-designated said parcels, identified on Exhibit “A” of the Property Acquisition Agreement, as a Non-Condemnation Redevelopment Area pursuant to the Redevelopment Law; and
- WHEREAS, by way of Ordinance No. 1578-18 adopted on December 17, 2018, the Township Committee adopted an amendment to the Redevelopment Plan which outlined which properties within the Indian Trail Redevelopment Area were subject to acquisition by the Township pursuant to its powers of eminent domain in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq. (the “Eminent Domain Act”) and the Redevelopment Law; and
- WHEREAS, the Indian Trail Redevelopment Area contains three hundred and six (306) individual parcels, of which the Township owns one hundred and twenty-eight (128) parcels (the “Township Properties” identified on Exhibit “B” of the Property Acquisition Agreement, other persons or entities, not a Party to this Agreement, own forty-nine (49) parcels (referred to as “Acquisition Properties” identified on Exhibit “C” of the Property Acquisition Agreement) (the “Township Properties” and “Acquisition Properties” are collectively referred to herein as “Township/TBA Properties”), and Atlantic-Cape, Estate and Tower collectively own eighty (80) parcels (collectively referred to as the “Atlantic-Cape Properties” identified on Exhibit “D” of the Property Acquisition Agreement) (the Township/TBA Properties and Atlantic-Cape Properties are collectively referred to as All Properties); and
- WHEREAS, the Redevelopment Law, N.J.S.A. 40A:12A-8(f), authorizes the Township to arrange or contract for the planning, construction, or undertaking of any project or redevelopment work in an area designated as an area in need of redevelopment or rehabilitation; and
- WHEREAS, the Redevelopment Law, N.J.S.A. 40A:12A-8(b) and N.J.S.A. 40A:12A-22(i), authorizes the Township to acquire property within a redevelopment area, and N.J.S.A. 40A:12A-8(c) authorizes the Township to acquire property by eminent domain; and
- WHEREAS, the Redevelopment Law, N.J.S.A. 40A:12A-8(g) authorizes the Township to lease or convey property to any other person or entity in furtherance of a redevelopment plan; and
- WHEREAS, the Redevelopment Law, N.J.S.A. 40A:12A-22(k), authorizes the Township to operate, maintain, renovate, repair, or otherwise deal with any property; and
- WHEREAS, the Redevelopment Law, N.J.S.A. 40A:12A-22(o) authorizes the Township to enter into all contracts and agreements necessary or incidental to the performance of the duties authorized in the Redevelopment Law; and
- WHEREAS, the Township and Atlantic-Cape have engaged in such negotiations and the Township Committee has determined that it is in the best interests of the Township to enter into a Property Acquisition Agreement with Atlantic-Cape for the purpose of sharing the cost, expense, and profits associated with acquiring and conveying title to All Properties within the Indian Trail Redevelopment Area to a third-party redeveloper for purposes of redevelopment within the Township and, specifically, the Indian Trail Redevelopment Area; and
- WHEREAS, the Project being undertaken by the Parties is: (1) the acquisition by the Township of the Acquisition Properties, (2) the joint selection and entering of an agreement jointly by the Parties with another redeveloper to construct a residential project, and (3) the sale of All Properties to such redeveloper and the division of net proceeds between the Parties in accordance with this Agreement (the “Project”).
- NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Middle, County of Cape May, State of New Jersey as follows:
1. That the aforementioned recitals are incorporated as though fully set forth at length.
 2. That the Township Committee does hereby authorize the execution of the Property Acquisition Agreement Atlantic-Cape Builder, LLC, Estate of Thomas T. Tower, and Debra V. Tower. The Township Committee does hereby authorize the Mayor and the Township Clerk to execute said Property Acquisition Agreement on behalf of the Township, subject to the approval of the Township Solicitor.
16. RESOLUTION 407-23 – 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
876	6, 7	W. Dunbar St	\$ 17,300	Louis Bocchicchio
876	1, 14	W. Main St	\$ 34,900	Louis Bocchicchio
730	1, 2	Jackson St	\$ 20,000	Louis Bocchicchio
730	1, 2, 3, 4	Jackson St	\$ 31,000	Louis Bocchicchio

17. RESOLUTION 408-23 – AUTHORIZING APPLICATION SUBMISSION – FY 2024 CAPE MAY COUNTY DIVISION OF CULTURE & HERITAGE RE-GRANTING PROGRAM – SUMMER CONCERT SERIES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle desires to apply for and obtain a FY 2024 grant from the County of Cape May for up to \$12,000.00 to assist with the General Programing Support Costs (GPSC) associated with the Middle Township Summer Concert Series.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey that,

- 1) that the Township of Middle does hereby authorize the application for such a grant, and,
- 2) recognizes and accepts that the County of Cape May, may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the County of Cape May, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the County of Cape May, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and the County of Cape May.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement to sign the agreement, and any other documents necessary in connection therewith:

18. RESOLUTION 409-23 – AUTHORIZING THE EXECUTION OF AGREEMENT – THE CAPE MAY COUNTY HERALD – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the settlement agreement between The Cape May County Herald and the Township of Middle.

19. RESOLUTION 410-23 – APPOINTING CONDITIONAL REDEVELOPER AND AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (“Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of rehabilitation or redevelopment; and

WHEREAS, pursuant to Resolution 148-18, the Township Committee of the Township of Middle (“Township”) designated Block 1434, Lots 2, 3, 4, 8 & 9 of the Township of Middle as an Area in Need of Redevelopment (“Redevelopment Area”) in accordance with N.J.S.A. 40A:12A-5; and

WHEREAS, in accordance with its plans for the revitalization of the Township of Middle, the Township Committee, via Ordinance No. 1563-18, adopted the “Redevelopment Plan For the Rio Grande Redevelopment Area, Township of Middle, Cape May County, New Jersey 2018” (“Redevelopment Plan”), which sets forth, inter alia, the plans for the rehabilitation and redevelopment of the Redevelopment Area; and

WHEREAS, the Township has been in discussion with RYAN SQUARED LLC regarding redevelopment of the Redevelopment Area; and

WHEREAS, Redeveloper has presented its rehabilitation and redevelopment concepts to the Township, and the Township and Redeveloper desire that the Redevelopment Area be rehabilitated and redeveloped in accordance with a Redevelopment Plan; and

WHEREAS, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented, provides for a process for redevelopment entities to enter agreements with redevelopers to carry out and effectuate the terms of a redevelopment plan; and

WHEREAS, the parties intend to commence exclusive negotiations toward formulation of a Redevelopment Agreement to develop the Redevelopment Area in accordance with the requirements of a Redevelopment Plan; and

WHEREAS, in such event, the Township desires to designate RYAN SQUARED LLC as Conditional Redeveloper in order to negotiate with Conditional Redeveloper for a period of one hundred eighty (180) days in an effort to agree upon a Redevelopment Agreement; and

WHEREAS, the Township and Conditional Redeveloper desire to memorialize, in writing, their agreement under a non-binding Memorandum of Understanding that evidences the Parties’ statement of intent.

NOW, THEREFORE, BE IT RESOLVED, that RYAN SQUARED LLC is hereby designated as Conditional Redeveloper for the Redevelopment Area and the Mayor and Township Clerk are hereby authorized to execute a Memorandum of Understanding between the Township and Conditional Redeveloper evidencing the parties’ agreement to conduct exclusive negotiations toward the formulation of a Redevelopment Agreement for the Redevelopment Area.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

20. RESOLUTION 411-23 – AUTHORIZING THE EXECUTION OF MOU – COUNTY OF CAPE MAY – CV COMMUNITY DEVELOPMENT BLOCK GRANT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
- WHEREAS, Cape May County was awarded a federal allocation of CDBG CV1 federal funds from the New Jersey Department of Community Affairs and set aside \$315,000 to the Township of Middle, and
- WHEREAS, The County’s CV1 Grant agreement was subsequently amended by an additional award of CV3 funds, increasing the County’s award to totaling \$581,730, and
- WHEREAS, All CDBG-CV funds were awarded by the State of New Jersey for the purposes of preventing, preparing for, and responding to the COVID-19 pandemic, and
- WHEREAS, The County has been charged with the implementation and administration of these grant funds; and, wishes to provide funding to the Sub recipient to undertake a project with such funds; and
- WHEREAS, the County determined that the funding could be properly utilized for air quality improvements in public facilities that either serve eligible populations or are located in geographically eligible areas.
- NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the MOU between The County of Cape May and the Township of Middle pertaining to the CV Community Development Block Grant and HVAC improvements to various township buildings.

21. ENGINEERING REPORT:



Township of Middle
 Project Status Report
 September 18, 2023
 Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.

Project Status Report
 September 18, 2023

Page 2 of 2

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 week of September 25, 2023.

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.

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.

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

Oekie Wisting Park

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

Avalon Fishing Pier

- Waiting for Certificate of Authorization from sales representatives.

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/2023/9-18-23

Mayor Donohue brought up resolutions on the agenda directed towards redevelopment. Explained the plan is to discussed the redevelopment project during the October 16th work session. Thanked Jim Maley, Redevelopment Attorney, for attending the meeting.

22. PUBLIC COMMENT:

Dawn Robinson, Burliegh, asked if there is a chart depicting the redevelopment area.

Mayor Donohue advised that there are various maps and discussed a brief history of the Indian Trail site.

Jim Maley, Redevelopment Attorney, reviewed map of the broken-up parcels showing what parcels are owned by the Township of Middle and what are owned by the Tower Family. Explained these resolutions are the beginning of creating an opportunity for a developer to build on the land.

Dawn Robinson, Burliegh, asked if the agreement were to fall thru would the Township consider creating roads to the Township owned land.

Jim Maley, Redevelopment Attorney, explained the difficulties with trying to put roads through the area to only Township properties.

Mayor Donohue further explained that there have been various developer inquiries of the property but no substantial plans or proposed projects yet but any housing development in the area would have to have a 20% set aside for affordable housing.

Stan Doniger, Rio Grande, asked if a study had been done regarding the school impact a development would have.

Mayor Donohue reiterated that there is currently no development project planned for the land so there has not been a study. Explained that studies done show that most families that move into these types of affordable units are already located with the municipality.

Ed Beddow asked about rescinding the resolution that supported the bus stop on Lena Street and asked for it to be moved closer to Garden Lakes.

Mayor Donohue explained the stop was as close as they were able to get.

Ed Beddow continued to discussed issues with the resolution, the bus stop and New Jersey Transit.

Mayor Donohue explained that the resolution cannot be rescinded to make the bus stop automatically be removed. Advised the process would have to be completed in its entirety for the bus stop to be reconsidered.

Stan Doniger, Rio Grande asked for an updated on the hotel on Stone Harbor Boulevard.

Mayor Donohue explained that the Township has completed their part of the process and are now awaiting approvals by the State.

Vince Orlando further explained the current stance of the Center's Designation application pending with the State Planning Committee.

Bob Harrison, Whitesboro, asked about Fishborn Street and the ownership documents of the street.

Matt Rooney explained that from the previous meeting Mr. Harrison attended Kimberly Osmundsen explained that the street is a paper street. He is unsure what ownership documents there would be since the street is not dedicated.

Bob Harrison, Whitesboro, continued to request documents of ownership of the street.

Matt Rooney reviewed the definition of a paper street.

COMMITTEE COMMENTS:

Committeeman Norris:

- *Discussed visit to Brookdale Assisted Living Home for National Assisted Living week. Congratulated the hard-working staff on all that they do.*
- *Advised that registration was open to the Halloween Parade, costume contest and house decorating contest.*
- *Recognized the resignation of Chad Murnaghan.*

Committeeman Gandy:

- *Recognized the resignation of Chad Murnaghan.*

Mayor Donohue:

- *Recognized the resignation of Chad Murnaghan,*
- *Recognized the transfer of Officer Baczek.*

Motion to adjourn meeting – 6:36 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Kimberly D. Osmundsen, Township Clerk

Minutes Prepared By: E. Bartleson