

Cape May Court House, NJ
 October 2, 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, & Municipal Solicitor Matt Rooney

1. PRESENTATION BY MAYOR AND COMMITTEE – PROCLAMATION OF HINDU HERITAGE MONTH
2. 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.)

Stan Doniger, Rio Grande, asked about bill list item.

Mayor Donohue explained background of dispute with the Cape May County Herald.

Matt Rooney further discussed litigation and settlement agreement.

Stan Doniger, Rio Grande questioned bill list item for COAH funds.

Mayor Donohue explained it is part of the affordable housing settlement agreement. Further explained where the money is sourced from.

3. RESOLUTION 412-23 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

Fund Description	Fund	Total
Current Fund PY	2.01	-
Current Fund CY	3.01	3,392,504.79
Alarm Billing	3.03	-
Sewer Utility PY	2.07	-
Sewer Utility CY	3.07	25,238.85
General Capital	C.04	617,584.32
Sewer Capital	C.08	-
Grants	G.06	61,913.07
M.A.C.	M.24	-
Emergency Housing	R.23	-
Dog Trust	T.12	75.00
Forfeited Monies	T.13	-
Sewer Escrow	T.16	-
Trust Other	T.17	-
Zoning Escrow	T.19	2,277.00
Zoning Escrow	E.19	-
Unemployment Trust	T.20	-
C.O.A.H	T.27	30,000.00
Recreation Trust	T.28	50.00
	TOTAL	4,129,643.03

4. RESOLUTION 413-23 – 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: 09/18/2023 Regular Meeting and Work Session

5. REPORTS: None

6. ORDINANCE 1682-23 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 128 THEREOF ENTITLED SIGNS – Following second reading, hearing, and consideration for adoption, Ordinance 1682-23 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 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.
 - (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.

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	

(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.

NO COMMENT

7. ORDINANCE 1683-23 - 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 965 LOT 7 IN THE TOWNSHIP OF MIDDLE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1683-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 11/6/2023 at 6:00 p.m.
- 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 965, Lot 7 (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 Harold Austin, the owner of a property contiguous to the Subject Property; and
- WHEREAS, there are, in total, two (2) owners of real estate who are contiguous to the Subject Property, specifically listed as follows:
- | | |
|-------------------|--|
| Block 965 Lot 6 - | Harold Austin
P.O. Box 3162
Jamaica Plain, MA 02130-3162 |
| Block 968 Lot 8 - | Sharon Bretti
411 Smith Road
Yorktown Heights, NY 10598-2014 |
- WHEREAS, the two (2) owners shall be noticed and given an opportunity to participate in an open (private) auction limited to just the two (2) 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 965 Lot 7 is \$1,900.00, and the Township Tax Assessor has stated in writing that the fair market value of the land is \$1,900.00, 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; and
- 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 965, Lot 7 to the highest bidder of an open (private) auction to be held on November 29, 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 two (2) owners of property contiguous to that portion of Block 965, Lot 7 which is offered for sale shall participate; and

2. The minimum bid shall be \$1,900.00; 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.

8. RESOLUTION 414-23 THROUGH 415-23 – APPOINTMENTS (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
John Stevens	Public Safety – Police	Class II SLEO Officer	\$23.00 per hr	09/25/2023
Derek Dorsey	Public Works	Laborer 1 FT/TA (6 months)	\$15.00 per hr	10/02/2023
Javier Avila	Public Works	Laborer 1 FT/TA (6 months)	\$15.00 per hr	10/02/2023
Luke Smearman	Public Works	Laborer 1 FT/TA (6 months)	\$15.00 per hr	10/02/2023
Jason Neely	Public Works	Laborer 1 FT/TA (6 months)	\$15.00 per hr	10/06/2023

(B) WHEREAS, there are various terms of office that have expired; and WHEREAS, the governing body of the Township of Middle would like to reappoint said positions; and 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 named persons be and hereby are appointed or reappointed to fill the following offices/terms:

NAME	POSITION / DEPARTMENT	TERM	SALARY	TERM EFFECTIVE
Michael Linhares	Crossing Guard / Public Safety	1 year	\$1.00	10/02/2023
Mark Higginbottom	Crossing Guard / Public Safety	1 year	\$1.00	10/02/2023

9. RESOLUTION 416-23 – 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
Richard Herrmann	Public Safety – Police	Police Officer	10/09/2023

10. RESOLUTION 417-23 – 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
Tobin, John F IV/J Tobin	53 Honeysuckle Lane	168 // 28	\$590.84
Friel, Norma A	1459 Burleigh Avenue	1410.01 // 55	\$512.24
Pevny, John J Jr	403 Route 47 N	1 // 28	\$378-12

11. RESOLUTION 418-23 – REFUND OF TAXES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, a refund is due to the below property due to a payment made in error.

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
19363	99.04	5	SHL Development LLC Property location: 101 Southgate Rd	\$719.63

PLEASE MAKE CHECK PAYABLE TO:

NVR INC

1020 LAUREL OAK RD #200

VOORHEES, NJ 08043-3518

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw check in the above noted amounts payable to the above-mentioned party, as a refund of 2023 taxes.

BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

12. RESOLUTION 419-23 – AFFIDAVIT OF TAX SALE POSTING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

State of New Jersey

Ss

County of Cape May

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

1. I am the Tax Collector of The Township of Middle, County of Cape May, and State of New Jersey.
2. A notice of assignment for tax title lien #2019-0173 was mailed to the assessed owner, Chapman, Johnnie & Cynthia for block 894 lot 4 by certified and regular mail pre postage paid.
3. Notice of assignment was published in The Press of Atlantic City on September 26th, 2023.
4. A Copy of the Notice of Sale was set up in three of the public places in the Municipality, namely:
 1. Middle Township Municipal Hall
33 Mechanic St
Cape May Court House, NJ 08210
 2. Rio Grande Post Office
1087 Rte 47 S
Rio Grande, NJ 08242
 3. Cape May Court House Post Office
615 Rte 9 S
Cape May Court House, NJ 08210

13. RESOLUTION 420-23 THROUGH 421-23 – EMERGENCY PURCHASE (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, an emergency had arisen with respect to the condition of the sewer pump station located at 32 Lola Lane, Cape May Court House, NJ 08210; and

WHEREAS, it was deemed an imminent hazard by the Superintendent of Sewer Department; and WHEREAS, an emergency purchase pursuant to NJSA 40A:11-6 may be awarded without advertisement for bids or bidding in that an emergency affecting the health and public safety requires the immediate performance of the service.

WHEREAS, there is the need for emergency sewer pump repair at 32 Lola Lane, Cape May Court House, NJ 08210, as stated by the Superintendent of Sewer Department. Therefore, such contract may be awarded without competitive bidding as permitted by NJSA 40A:11-6; and

WHEREAS, the emergency sewer pump repair shall be awarded to GE MECHANICAL, INC. of Vineland, NJ 08360 in the amount of \$5,634.50

GE Mechanical, Inc.
2316 South Main Road
Vineland, NJ 08360

(B)WHEREAS, an emergency had arisen with respect to the condition of the sewer pump station located at 97 Holly Ave, Rio Grande, NJ 08242; and

WHEREAS, it was deemed an imminent hazard by the Superintendent of Sewer Department; and WHEREAS, an emergency purchase pursuant to NJSA 40A:11-6 may be awarded without advertisement for bids or bidding in that an emergency affecting the health and public safety requires the immediate performance of the service.

WHEREAS, there is the need for emergency sewer pump repair at 97 Holly Ave, Rio Grande, NJ 08242, as stated by the Superintendent of Sewer Department. Therefore, such contract may be awarded without competitive bidding as permitted by NJSA 40A:11-6; and

WHEREAS, the emergency sewer pump repair shall be awarded to GE MECHANICAL, INC. of Vineland, NJ 08360 in the amount of \$7,990.56

GE Mechanical, Inc.
2316 South Main Road
Vineland, NJ 08360

14. RESOLUTION 422-23 THROUGH 423-23 – APPROVE CHANGE ORDER NO 1. (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 Contract was awarded, on September 7, 2022 via Resolution No. 393-22 to South state for the 2022 Road Project.
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 South State for the 2022 Road Project is hereby approved, and that the change order results in a decrease of \$33,909.12 for an amended contract amount of \$635,383.94.
(B)WHEREAS, a Contract was awarded, on January 4, 2023 via Resolution No. 37-23 to CTX Infrastructure for the Walsh Avenue and South Third Street Roadway Improvements project.
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 CTX Infrastructure for the Walsh Avenue and South Third Street Roadway Improvements project is hereby approved, and that the change order results in aa increase of \$18,000.00 for an amended contract amount of \$311,824.50.

15. RESOLUTION 424-23 THROUGH 428-23 – AWARD OF BID (ITEMS A THROUGH E) – 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 2023-9, and
WHEREAS, bids were received on September 25, 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
2023-9	Al's Plumbing	\$1,995.00

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

- (B)WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-10, and
WHEREAS, bids were received on September 27, 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
2023-10	Celtic Air	\$2,600.00

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

- (C) WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-11, and
WHEREAS, bids were received on September 27, 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
2023-11	Al's Plumbing & Heating	\$5,995.00

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

- (D) WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-12, and
WHEREAS, bids were received on September 28, 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
2023-12	Al's Plumbing & Heating	\$1,995.00

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

(E) WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-13, and
 WHEREAS, bids were received on September 28, 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
2023-13	Al's Plumbing & Heating	\$4,500.00

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

16. RESOLUTION 429-23 – RELEASE OF PERFORMANCE BOND – CHARLES BARTO – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, \$58,620.00, is being held as a performance guarantee for Charles for landscape improvements, Block 269 Lot 4 otherwise known as 102 S. Main Street; and
 WHEREAS, the Township Engineer and Zoning Official have recommended the release of said bond, as outlined in P.L. 2017, Chapter 312 amendment.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$58,620.00 is hereby released.

17. RESOLUTION 430-23 – AUTHORIZING ACCEPTANCE OF PERFORMANCE BOND – NORTH WILDWOOD BLVD. ACQ. CO., LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, North Wildwood Blvd. Acq. No., LLC has received certain approvals for the property located at 514 North Wildwood Boulevard to include landscaping improvements, and
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance bond in the amount of \$85,205.00, is hereby accepted.
 FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

18. RESOLUTION 431-23 – TABULATION COMMITTEE – PUBLIC INFORMATION OFFICER – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on December 13, 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:

PUBLIC INFORMATION OFFICER

19. RESOLUTION 432-23 – REJECT BIDS AND RE-ESTABLISH TABULATION COMMITTEE – F600 SUPER DUTY 4X4 TRUCK WITH DUMP BODY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, following public advertisement, bids for F600 Super Duty 4x4 Truck with Dump Body, were received by the Township of Middle on September 27, 2023 at the Township Hall; and
 WHEREAS, according to NJSA 40a:11-13.2(d) The contracting unit wants to substantially revise the specifications for the goods or services; and

WHEREAS, it appears to be in the best interest of the Township to reject the bids and rebid the project.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that all bids received on September 27, 2023 for F600 Super Duty 4x4 Truck with Dump Body are hereby rejected; and

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 25, 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 F600 SUPER DUTY 4X4 TRUCK WITH DUMP BODY

20. RESOLUTION 433-23 – 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
822	1, 2	Pennsylvania Ave	\$ 10,800	Charles Street Developers, LLC

21. RESOLUTION 434-23 – TRICK OR TREAT 2023 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Trick or Treat will be held in the Township on Monday, October 31, 2023 from 5:00pm until 8:00pm.
22. RESOLUTION 435-23 – RECOGNIZING OCTOBER 6, 2023 AS KNOCK OUT OPIOID ABUSE DAY IN CAPE MAY COUNTY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, New Jersey is in the midst of a life-threatening opioid abuse epidemic; and
WHEREAS the State Senate and General Assembly jointly resolved that October 6 shall be permanently designated as Knock Out Opioid Abuse Day in New Jersey in order to raise awareness about the dangers of, and the link between, opioid abuse and heroin addiction and to educate health care providers, community leaders, state lawmakers and members of the public about the opioid abuse epidemic and its effects throughout the State of New Jersey and across the country; and
WHEREAS there were 44 suspected overdose deaths in Cape May County in 2022 according to the NJ Office of the Attorney General and the majority of the County’s treatment admissions were for heroin/other opiates in 2022 according to the NJ Department of Human Services Division of Mental Health and Addiction Services; and
WHEREAS the Knock Out Opioid Abuse Day campaign is sponsored by the Partnership for a Drug Free New Jersey in cooperation with the Governor’s Council for Alcoholism and Drug Abuse and the NJ Department of Human Services Division of Mental Health and Addiction Services to raise awareness of the potential for dependency on prescribed pain medicine and its link to heroin use rates in our state, reduce stigma of addiction and shine a light on the need for recovery support, and communicate to physicians information on safer prescribing messages found in the Centers for Disease Control and Prevention guidelines for prescribing opioids, which include considering other therapies, setting realistic treatment goals with patients and discussing with patients the positives and negatives of opioids; and
WHEREAS, the Township of Middle supports initiatives designed to raise awareness about opioid abuse in New Jersey and take steps to prevent addiction;
WHEREAS, the Cape May County Board of Chosen Freeholders supports initiatives designed to raise awareness about opioid abuse in New Jersey and take steps to prevent addiction
NOW, THEREFORE, BE IT RESOLVED, that the Cape May County Board of Commissioners encourages all residents to utilize the prescription drug drop boxes, located at every Police Department in Cape May County, to dispose of unused and expired medications safely and securely.
BE IT FURTHER RESOLVED that October 6, 2023 be recognized as Knock Out Opioid Abuse Day in the County of Cape May.
23. RESOLUTION 436-23 – CATERING PERMIT – CAPE HOSPITALITY GROUP LP – HARVEST FESTIVAL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, Cape Hospitality Group LP has applied for approval to sell alcoholic beverages at Middle Township’s Harvest Festival to be held at 33 Mechanic Street, Cape May Court House, on October 28, 2023 from 10:00am to 5:00pm, with a rain date of October 29, 2023 from 12:00pm to 5:00pm, 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.
24. RESOLUTION 437-23 – SOCIAL AFFAIRS PERMIT – WILDWOOD CATHOLIC ACADEMY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, Wildwood Catholic Academy. has applied for approval to sell alcoholic beverages at an event to be held at Shore Club, 1170 Golf Club Road, Cape May Court House, NJ 08210 on October 16, 2023 from 12:00pm until 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 Social Affairs Permit.
25. RESOLUTION 438-23 – AUTHORIZING MAYOR TO SIGN THE RECERTIFICATION OF THE EMERGENCY MANAGEMENT OPERATIONS PLAN FOR THE TOWNSHIP OF MIDDLE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, in 2021 the Township of Middle Operations Plan was submitted to the Cape May County Office of Emergency Management and the State of New Jersey Office of Emergency Management; and
WHEREAS, the Emergency Operations Plan is about to expire and it is necessary to update and adopt a revised Emergency Operations Plan.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, in the County of Cape May and State of New Jersey, as follows:
1. The allegations of the preamble are incorporated herein by this reference.
 2. The Mayor, Emergency Management Coordinator and other Township officers are authorized to execute the revised Emergency Operations Plan.
 3. The Mayor’s Signature shall constitute acceptance and adoption of the revised Emergency Operations Plan on behalf of the Township of Middle.

4. All Township officials, officers and employees are empowered to take such action as it may be necessary or advisable in order to carry out the intent and purpose of this Resolution.
26. RESOLUTION 439-23 – AUTHORIZING APPLICATION SUBMISSION – NJDEP TIER A MS4 STORMWATER INFRASTRUCTURE MAPPING – 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 Tier A MS4 Stormwater grant from the New Jersey Department of Environmental Protection for up to \$25,000 for development, update and maintenance of the stormwater mapping services. 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 Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Environmental Services, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and the New Jersey Department of Environmental Services. 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:
27. RESOLUTION 440-23 THROUGH 441-23 – AMENDING RESOLUTION (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, Resolution No. 47-23 designated the Press of Atlantic City as the official newspaper for the printing of legal advertisements for Middle Township, for the year 2023; and WHEREAS, subsequent to litigation under Docket No. CPM-L-45-23, the Township and the Cape May County Herald have entered into a settlement agreement providing for, among other items, the designation of the Herald as the Township’s official newspaper for public noticing and legal advertising; and WHEREAS, said designation from Resolution No 47-23, needs to be amended to reflect the Cape May County Herald as the official newspaper; and WHEREAS, that in the case where something cannot responsibly be published in the Cape May County Herald due to its publication schedule, the Press of Atlantic City shall be designated as an official newspaper for such circumstances as well. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the designation is hereby amended. BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.
(B) WHEREAS, Resolution No. 380-23, authorized the assignment of tax title lien of Tax Sale Certificate #2019-0173 in the amount of \$58834 to KW Dreams Properties LLC. and; WHEREAS, said resolution needs to be amended to correct the newspaper of publication. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Resolution 380-23 is hereby amended to reflect that notice of the assignment of the tax title lien is to be published in The Press of Atlantic City.

28. PUBLIC COMMENT:

Dawn Robinson, Burleigh, asked about item 7 and the qualifications for private land sales. Discussed land sale request by friend.

Kimberly Osmundsen explained the parcel is an undersized lot that the Township owns and is surrounded by lots that are owned by outside parties. Further explained the difference between the Township decision to sell a Township owned lot surround by non-township owned land versus selling Township owned lots surrounded by other Township owned property.

Dawn Robinson, Burleigh, continued to discuss circumstances.

Mayor Donohue explained facts of the property changed over time.

Dawn Robinson/Kimberly Osmundsen continued to discuss sale of Township owned property.

Dawn Robinson, Burleigh, asked about housing development on Oyster Road and their affordable housing requirements.

Kimberly Osmundsen explained they have an obligation for affordable housing set aside. Advised that there is a packet explaining the process in the Construction Office.

Sarah Lees Maguire asked about 2-hour time limit for new food truck ordinance and the generator requirements. Discussed generator requirements that are required for fire inspections.

Mayor Donohue explained that the ordinance should be reflected to be 4 hours.

Kimberly Osmundsen advised the ordinance will be correct to reflect 4 hours.

Adele Link asked about the 60-day limitation.

Mayor Donohue explained this only applies if you are looking to be at the same location for a three-day period more than once.

Montell Pitt asked about the reason for the limitation.

Mayor Donohue explained complaints received throughout the summer regarding food trucks, further explained goal of this ordinance is to strike a balance between food trucks, restaurants, and property allowances there the food trucks are at.

Adele Link asked if this is for all mobile vendors or just food trucks.

Kimberly Osmundsen explained this license falls under transient merchant code and speaks to all mobile food vendors.

Adele Link asked if the Township, food truck and restaurant owners can strike this balance.

Mayor Donohue asked what is affecting them?

Adele Link explained many of the events they attend are more than 7 hours.

Mayor Donohue explained discussions with places like Lazy Bass where they are a restaurant and would need to come in front of the Planning Board to adjust their property allowances. That he believes that this discussion would be beneficial between the truck owners, restaurants and committee.

Adele Link asked if this is affective of private properties or private commercial properties.

Kimberly Osmundsen explained that there are conditions for specific private residential events.

Mayor Donohue explained the restrictions to sell to only people at a private event is for the private residence.

Kimberly Osmundsen discussed complaints received regarding site plan approvals in regards to parking.

Sarah Lees Maguire, spoke of questions sent to Middle Township regarding her food truck and her concern that no one reached out to her after to notify her of the changes.

Committeeman Gandy explained that they do not have a listing of all businesses in Middle Township to be able to notify all food trucks. Further advised that Township Committee has already agreed that they are willing to get together t discuss the ordinance to make it more compatible to business owners. Continued to explained the purpose behind the ordinance is due to the number of complaints received regarding the businesses.

Adele Link explained that had the wording in the Herald been different the food truck owners would have been at the meeting for the ordinance adoption.

Marilyn Mattera asked how the Township will reach out to the food truck owners for the meeting.

Mayor Donohue advised the Clerk's Office will get together everyone's contact.

Adele Link asked about violations in relation to the ordinance.

Mayor Donohue explained the violations and requirements to have these rules on book. Agreed that it is a good idea to sit down and discuss the ordinance. Explained ordinance's can always be amended.

Dawn Robinson, Burleigh, asked about finger print and payment requirement.

Kimberly Osmundsen explained that the ordinance sets the requirements for the licenses.

Sarah Lees Maguire asked if the food vendor and transient merchant license were different.

Kimberly Osmundsen explained that the requirements fall under the same chapter as transient merchant.

Montell Pitt asked if everyone is required to get food truck permits.

Kimberly Osmundsen explained it is similar to short term rental where the Township does its own due diligence.

Montell Pitt asked about restriction to stay on a property for 7 hours for 3 consecutive days.

Montell Pitt explained concern of having to get a fire inspection each time the truck is moved.

Kimberly Osmundsen asked Adele Link about fire inspection permits.

Adele Link explained the requirement is per municipality but are able to get a fire permit for the year.

Montell Pitt asked about having to move his truck on a commercial property whether he owns it or not.

Kimberly Osmundsen explained that he will need site plan approval.

Dawn Robinson, Burleigh, explained that Vince Orlando gave them approval to sell on their lot.

Kimberly Osmundsen advised they still would need to go in front of the board for site plan approval.

Adele Link asked about the intrusive background requirement.

Kimberly Osmundsen explained the original intent of the ice cream truck is it falls under Megan's Law. Advised the governing body could amend that requirement if they choose.

Michael Maguire asked why this was not introduced at the end of the year for the beginning of the new year.

Kimberly Osmundsen explained an ordinance cannot be introduced in one year and adopted the next year. Further explained that the licenses will be good for the remainder of the current year and the entirety of 2024.

Adele Link explained that the Board of Health requires them to have everything a restaurant does.

Matt Rooney explained towns all over the state are pursuing these types of licenses.

COMMITTEE COMMENTS:

Committeeman Norris:

- *Congratulated Avalon Honda on their new show room.*
- *Reminded that signups are open for the disc golf tournament at Ockie Wisting on October 21st.*
- *Reminded that Harvest Festival is on October 28th.*
- *Halloween parade is on October 25th*
- *Thanked everyone that came out to the meeting to voice their opinions*

Mayor Donohue:

- *Explained they are attempting to rectify the situation in relation to all the complaints received regarding food trucks.*
- *Advised that registrations are open for the Halloween house decorating contest.*
- *Reiterated that the Halloween parade is on October 25th and Harvest Festival is on October 28th*
- *Advised that the Environmental Commission was having toiletries drive to contribute to CARA. Donations were being collected in the Construction Zoning Office.*
- *Recognized the hard work being done to maintain the number in the Police Department. Welcomed new Class II Officer. Stated he was looking forward to putting multiple officers in the academy this upcoming January.*

Motion to adjourn meeting – 7:03 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