

Cape May Court House, NJ
January 22, 2020
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, Business Administrator/Township Clerk Kimberly Krauss, Deputy Township Clerk Andrea Singley, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan

1. PRESENTATION BY MAYOR AND COMMITTEE – EMPLOYEE OF THE YEAR – DUSTIN STURM

Mayor Donohue:

- *Provided background of the employee of the month/year program*
- *Discussed Dustin's accomplishment and traits that lead to him being chosen as employee of the year*

Committee:

- *Presented Dustin with plaque to honor him*

2. PRESENTATION BY MAYOR AND COMMITTEE – MIDDLE MATTERS AWARD – AVA TOLIVER

Mayor Donohue:

- *Discussed background on Middle Matters award program*
- *Read nomination presented by Lieutenant Doug Osmundsen nominating Ms. Toliver for the award for her actions which saved a driver from a burning vehicle on Indian Trail*

3. DISCUSSION WITH N.J. DOT REGARDING ROUTE 47 TEMPORARY ROAD CLOSURE

Mayor Donohue:

- *Briefly discussed closure of Route 47 and the effects that closure will have*
- *Spoke of previous meeting with the DOT with regard to the same; also mentioned various proposed detours discussed*

Vanessa Holman, DOT Chief of Staff:

- *Introduced herself as well as Vanessa Meades*

Mayor Donohue:

- *Spoke of discussions with Ms. Holman and Ms. Meades with regard to the use of social media and GPS services to make motorists aware of the closure*

Vanessa Holman, DOT Chief of Staff:

- *Mentioned that GPS will show the detour and signage with detour options that will be posted*

Mayor Donohue:

- *Added that the power point will be posted on the Township website*

Vanessa Holman, DOT Chief of Staff:

- *Suggested that residents follow the DOT on various social media outlets as they will be sure to coordinate with the Township to get notifications and updates out to the public*
- *Also mentioned that Alexa and Google can now be utilized to get traffic updates*

Vanessa Meades, Acting Regional Coordinator:

- *Presented slide show discussing problems of the roadway and plans for repairs and detours.*

Steve Schapiro, NJ DOT:

- *Elaborated on detour routes.*

Joe Griffies:

- *Asked if the age of pipes were a factor.*

Vanessa Meades, Acting Regional Coordinator:

- *Responded that she could not confirm that.*

Joe Griffies:

- *Also asked about possible breaks of other pipes along Route 47.*

Vanessa Meades, Acting Regional Coordinator:

- *Stated that while not able to predict the future, the NJDOT takes a proactive approach to maintain roads and attempt to correct any issues before having to completely shut down roads; further explained.*

Joe Griffies:

- *Commented on need of extension of Route 55.*

Dan Lockwood, Boyd Street:

- *Requested confirmation that the road will be shut down until June.*

Vanessa Meades, Acting Regional Coordinator:

- *Indicated that as of now it will be closed until June; cannot make promises on shorter timeframe.*

Mayor Donohue:

- *Discussed in ability to shut project down for holidays such as Memorial Day.*

John Schmicker:

- *Commented on condition of the road and commended the DOT for making the proper repairs.*

Vanessa Holman, DOT Chief of Staff:

- *Spoke of Commitment to Communities program and advocacy by Mayor Donohue and other Township officials.*

Richard Cash:

- *Also discussed condition of roadway and additional time to transport product due to road closure.*
- *Asked about the potential of a temporary bridge.*

Vanessa Meades, Acting Regional Coordinator:

- *Stated that a temporary bridge was considered but it was not going to be an option.*

Vanessa Holman, DOT Chief of Staff:

- *Stated that the project will be done by the 4th of July.*

Jeff Moore:

- *Commented on concern of tractor trailers and speed limits on alternate routes along detour.*
- *Asked about possible speed reductions along said routes.*

Vanessa Holman, DOT Chief of Staff:

- *Discussed process behind speed reductions; not a quick solution.*
- *Spoke of trying to divert trucks to major highways.*

Steve Shapiro:

- *Also commented on proposed detour route; would work with the Township if issues arise.*

Jeff Moore:

- *Spoke of pole accidents on roads being proposed for detour.*

Mayor Donohue:

- *Validated Mr. Moore's concerns.*
- *Mentioned routing trucks to Route 83 and Court House South Dennis Road and extra signage.*

Chief Leusner:

- *Also commented on speed concerns.*

Vanessa Holman, DOT Chief of Staff:

- *Discussed past experiences and the fact that trucks learn quickly of proper routes to take.*

Chief Leusner:

- *Added that additional patrols will be added for the change of traffic.*
- *Urged residents to reach out to the police department with concerns.*

4. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)

NONE

5. RESOLUTION 53-20 – 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:
Current Acct. \$2,644,354.23
6. RESOLUTION 54-20– APPROVING MINUTES FROM PREVIOUS MEETINGS – 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: 01/06/2020 Reorganization Meeting.
7. REPORTS: Finance for the month of December; Sterback Harbor for the month of December; Sewer for the month of November; Tax Collector for the month of December
8. ORDINANCE NO.1606-20 – AN ORDINANCE PROHIBITING MOTOR VEHICLE ACCESS AT THE COOK'S BEACH, NORBURY'S LANDING, PIERCE'S POINT, REED'S BEACH AND SUNSET BEACH PUBLIC ACCESS POINTS- On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No.1606-20 passed first reading. Second reading, public hearing and consideration for adoption will be held on 02/19/2020 at 6:00 p.m.
WHEREAS, the Township of Middle is home to a number of public access points, which afford residents and visitors opportunity to enjoy the coastal waters and beaches on the western boundary of the Township along the Delaware Bay.

WHEREAS, said public access points were designed to encourage pedestrian travel to the shoreline along the Delaware Bay and are not equipped to support the passage of motor vehicles.

WHEREAS, the operation of motor vehicles along the shoreline of the Delaware Bay poses significant risks to the health and safety of the operator as well as to the environment and ecosystem.

WHEREAS, the Township Committee has determined that it is in the interest of the health, safety and welfare of Township residents and visitors alike to prohibit the use of motor vehicles, via access points within the Township, on the shorelines and beaches of the Delaware Bay.

WHEREAS, this prohibition is consistent with the Township's Municipal Public Access Plan, in that it still permits public access to the municipality's shorelines along the Delaware Bay, but reduces potential damage to the environment that may result from motor vehicle access.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and the State of New Jersey that the code of the Township of Middle is hereby amended to reflect the creation of the following chapter as follows:

Section 1. Prohibition on Motor Vehicle Access on Delaware Bay Shoreline

No person shall access, via motor vehicle, the shoreline and beaches along the Delaware Bay through the Township access points located at Cook's Beach, Norbury's Landing, Pierce's Point, Reed's Beach and Sunset Beach.

Section 2. Definitions

Motor vehicle, as used in this section, means any vehicle which is self-propelled, including golf carts and all-terrain vehicles, but not including bicycles.

Section 3. Exceptions

This section shall not apply to any municipal employee, acting in his capacity as a Township employee, or any agent of the New Jersey Department of Environmental Protection, the United States Army Corps of Engineers or any such state or federal agency.

Section 4. Prior Written Approval

The prohibitions of this section shall not apply to any individual, organization, entity or otherwise who obtains prior written approval from the Township of Middle to utilize said access points for environmental, humanitarian or other such purposes.

Section 5. Penalties

Any individual, organization, or other such entity that shall be convicted of a violation of this chapter shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be subject to a fine of up to \$500.00 for a first offense and a fine of up to \$1,000.00 for each subsequent violation(s).

Section 6.

A copy of this Ordinance shall be placed on file with the Township Clerk.

Section 7.

Notice of the adoption of this Ordinance shall be published in a newspaper of general circulation in the Township of Middle and a newspaper of general circulation in Cape May County.

Section 8.

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

Section 9.

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 10.

This Ordinance shall become effective twenty (20) days after final passage and publication, according to law.

Mayor Donohue:

- Provided background on what led to introduction of Ordinance.

9. RESOLUTION 55-20 – ACKNOWLEDGEMENT OF TERMINATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following termination listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Christian Maldonado	Public Safety	Police Officer	11/08/2019

10. RESOLUTION 56-20 – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – 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 discontinuation of temporary appointment listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Jana Fincher-Butler	Administration	Keyboarding Clerk 1 F/T T/A – 6 months	01/18/2020

11. RESOLUTION 57-20 – 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	BOARD/DEPARTMENT	POSITION	EFFECTIVE
Tim Rolla	Public Safety	Crossing Guard	01/16/2020
Marykay Serra	Finance	Keyboarding Clerk 1	1/31/2020

12. RESOLUTION 58-20 – APPOINTMENTS – CROSSING GUARDS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. 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	TERM EFFECTIVE	SALARY
Eric Perdomo	Crossing Guard / Public Safety	1 year	01/16/2020	\$1.00

13. RESOLUTION 59-20 – 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	SALARY	EFFECTIVE DATE
Walter Belles Sr.	Public Safety	Emergency Medical Technician P/T	Emergency Medical Technician F/T	\$26,000.00	TBD
Linda Brannon	Public Safety	Emergency Medical Technician P/T	Emergency Medical Technician F/T	\$26,000.00	TBD

14. RESOLUTION 60-20 THROUGH 61-20 – CANCEL TAXES (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, the following cancellation of taxes requires as properties listed below are exempt for 2020:

Account	Block	Lot	Property location	2020 1 st ½
1961	96.02	23	Cape May County Property location: 372 Ch So Dennis RD	\$3,168.63
630	14.01	3	State of NJ Dept. of Environmental Protection Property location: Avalon Blvd	\$254.82
5711	348.01	29	Johnson, Rickard M III Property location: Honeysuckle Lane	\$1,222.96

(B) WHEREAS, the following cancellation of taxes requires as properties listed below are exempt for 2020:

Account	Block	Lot	Property location	2020 1 st ½
7996	563	2	United States of America Property location: Spaulding St	\$48.20

15. RESOLUTION 62-20 – 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 State of New Jersey DEP due to an overpayment

ACCT	BLOCK	LOT	OWNER/LOCATION	2020
630	14.01	3	State of New Jersey DEP P O Box 420 Trenton, NJ 08625 Property location: Avalon Blvd	\$1.20

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 2020 taxes

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

16. PUBLIC HEARING – ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE TO SALTY HANDS, INC

Mayor Donohue:

- Explained that hearing is the final step in issuing the new liquor license.
- Provided background on the process.

17. RESOLUTION 63-20 – AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE TO SALTY HANDS, INC. FOR USE AT THE PREMISES KNOWN AS: 4401 NORTH WILDWOOD BOULEVARD, MIDDLE TOWNSHIP, NEW JERSEY (B 1298 L2) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township Committee of the Township of Middle (“Township”) authorized the public sale of one newly created Plenary Retail Consumption License on September 16, 2019 via Resolution 388-19; and

WHEREAS, On November 20, 2019, the Township accepted sealed bids for the issuance of said Plenary Retail Distribution License in accordance with the requirements of the Division of Alcoholic Beverage Control; and

WHEREAS, the bid submitted by Teresa Hand in the amount of \$803,000.00, represented the high bid received and complied with all specifications; and

WHEREAS, on December 16, 2019, the Township Committee awarded said Plenary Retail Consumption License to Salty Hands, Inc. a New Jersey Corporation owned solely by the successful bidder, Teresa Hand in exchange for full payment of all amounts due; and

WHEREAS, Salty Hands, Inc. has now applied to the Township for a “Person to Person Place to Place” transfer and completed all necessary publications and requirements for same;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey as follows:

1. The Township Committee hereby issues Plenary Retail Consumption License (# - TO BE ASSIGNED BY NJABC) to Salty Hands, Inc., a New Jersey Corporation to be utilized at the location known as 4401 North Wildwood Boulevard, Middle Township, New Jersey (B 1298, L 2,) as set forth in the graphic drawing accompanying the 12page application, subject to the following restriction:

a. Thomas Hand holds a current interest in other ABC licenses in this state; accordingly, this license is issued with the Licensee’s acknowledgement that said License may not be currently utilized for “take out sales” due to the “indirect interest” of Thomas Hand in same, as contemplated in N.J.S.A. 33:1-12.32. This restriction shall remain for as long as Thomas Hand’s “indirect interest” precludes “take out sales” as contemplated in the statute cited.

Mayor Donohue:

- *Congratulated Teresa Hand.*

18. RESOLUTION 64-20 THROUGH 65-20 – AWARD OF BID (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, it has been deemed necessary and desirable to solicit bids for the pipe replacement project for 38 and 40 Channel Road; and

WHEREAS, sealed bids were received on January 8, 2020; and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest complete 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 pipe replacement project for 38 and 40 Channel Road be awarded to Capela Construction, Inc.

Capela Construction, Inc.
Pipe Replacement Project – 38 & 40 Channel Road
Not to Exceed \$19,445.00

FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.

(B) WHEREAS, it has been deemed necessary and desirable to solicit bids for the final road resurfacing of Scallop Court; and

WHEREAS, sealed bids were received on January 8, 2020; and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest complete 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 final road resurfacing of Scallop Court be awarded to Arawak Paving Co., Inc.:

Arawak Paving Co., Inc.
Final Road Resurfacing of Scallop Court
Not to Exceed \$61,000.00

FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.

19. RESOLUTION 66-20 – AMENDING RESOLUTION 03-20 – AWARD CONTRACTS UNDER FAIR AND OPEN PROCESS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, on January 6, 2020 Township Committee awarded DeMichele and DeMichele as Municipal Prosecutor, and said contract was certified for 2020 as Resolution No. 03-20, and

WHEREAS, the Judicial Committee requires that one or more individuals from the offices of DeMichele and DeMichele be specifically named in the body of said Resolution, and

WHEREAS, said resolution shall be amended to include Richard A. DeMichele, Jr.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Resolution No. 03-20 shall be hereby amended.

20. RESOLUTION 67-20 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – THE MARTINELLI GROUP, LLC – PROFESSIONAL LAND SURVEYING SERVICES – 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 Agreement between The Martinelli Group, LLC and the Township of Middle for Professional Land Surveying Services, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-to-Play Statutes.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

The Martinelli Group, LLC
Professional Land Surveying Services
Not to Exceed \$3,750.00

21. RESOLUTION 68-20 – AUTHORIZING EXECUTION OF A FAIR AND OPEN CONTRACT – VICTORIA A. STEFFEN – ZONING BOARD SOLICITOR – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et. seq.; and WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and WHEREAS, the Township Committee has solicited proposals, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria; WHEREAS, the Zoning Board of Adjustment has formally passed Resolution No.2020, appointing Ms. Steffen. 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 submission shall be awarded as follows:
Victoria A. Steffen, Esquire
Zoning Board Solicitor
Not to Exceed \$23,000.00
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.
BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2020.

22. RESOLUTION 69-20 – AMENDING FAIR AND OPEN CONTRACT – BLANEY & KARAVAN P.C. TOWNSHIP SOLICITOR – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, on January 2, 2019 Township Committee awarded Blaney & Karavan/Marcus Karavan as Township Solicitor, and said contract was certified for 2019 as Resolution No. 02-19, and WHEREAS, said contracts shall require an amendment due to various charges in connection with Mt. Laurel/Affordable Housing matters. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreements with said contractor is hereby amended. BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all document in connection therewith.
BLANEY & KARAVAN, P.C.
Township Solicitor
Additional amount not to exceed \$1,000.00
New total not to exceed \$176,000.00

23. RESOLUTION 70-20 – AUTHORIZING CONTRACT EXTENSION WITH TELESYSTEMS INC. (BLOCK LINE SYSTEMS) FOR TELECOMMUNICATION SERVICES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the Township of Middle, via Resolution #468-16, authorized an agreement with Block Line Systems, 1645 West Chester Pike, Suite 200, West Chester, PA 19382, which has since merged with and will heretherefor be recognized as Telesystems Inc., to provide local and long-distance telephone services; and WHEREAS, Telesystems, Inc. has completed and submitted a Business Entity Disclosure Certification which certified Telesystems, Inc. have not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Telesystems, Inc. from making any reportable contributions through the term of the contract; and WHEREAS, Telesystems, Inc. has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and have provided proof of registration to the Township of Middle. WHEREAS, the original contract expires January 31, 2020 and allowed the Township an option to renew for an additional 36 months to lock in lower rate(s). WHEREAS, based on inquires with similar service providers, the current cost savings the Township is receiving currently cannot be matched. NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized, directed, and empowered to sign a contract with Telesystems, Inc. to provide local and long distance telephone services and to take all action deemed necessary to carry into effect the intent and purpose of this Resolution.

24. RESOLUTION 71-20 – PROVIDING FOR TRANSFER OF CERTAIN 2019 BUDGET APPROPRIATION RESERVES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, various 2019 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2019 Budget Appropriation Transfers in the last two months of 2019; and WHEREAS, N.J.S.A.:40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW THEREFORE BE IS RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and the State of New Jersey, that the following transfers of budget appropriation reserves be made in the budget of Middle Township for the year 2019:

<u>Account Number</u>	<u>Name</u>	<u>From</u>	<u>To</u>
9-01-23-220-220-411	Group Insurance Premiums	10,200.00	
9-01-31-440-440-475	Telephone Costs		10,200.00
	Totals:	10,200.00	10,200.00

25. RESOLUTION 72-20 – APPROVAL TO SUBMIT A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY JUVENILE JUSTICE COMMISSION – 2020 SUMMER EXPANSION PROGRAM – 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 Township Committee of the Township of Middle formally approve the grant application for the above stated program.
 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 and any other documents necessary on connection therewith:

26. RESOLUTION 73-20 – DECLARING MIDDLE TOWNSHIP A SECOND AMENDMENT/LAWFUL GUN OWNER SANCTUARY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, the Second Amendment of the United States Constitution reads: “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed;” an individual right affirmed by the United States Supreme Court and,
 WHEREAS, the State of New Jersey was the first state to ratify the Bill of Rights, including the right to keep and bear Arms, and the New Jersey Supreme Court has recognized it as a fundamental right of its citizens; and
 WHEREAS, certain legislation introduced in the State Legislature, and certain legislation introduced in the current session of the United States Congress could have the effect of infringing on the rights of law-abiding citizens to keep and bear Arms, as guaranteed by the Second Amendment of the United States Constitution; and
 WHEREAS, the Township of Middle is concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of Middle Township to keep and bear Arms or could begin a slippery slope of restrictions on the Second Amendment Rights of the citizens of Middle Township; and
 WHEREAS, the Township of Middle desires to express its deep commitment to the rights of citizens of Middle Township to keep and bear Arms; and
 WHEREAS, the Township of Middle desires to express opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the citizens of Middle Township, such as Assembly Bill 6003 proposed before the New Jersey General Assembly; and
 WHEREAS, the Township of Middle desires to express its intent to stand as a Sanctuary Municipality for Second Amendment rights and to oppose, within the limits of the Constitution of the United States, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the right of the citizens to keep and bear arms, including through legal action, the power of appropriation of public funds, and the right to petition for redress of grievances.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the Township Committee declare as follows:

1. The Committee of the Township of Middle hereby expresses its intent to uphold the Second Amendment rights of the citizens of Middle Township and its intent that public funds of the Township not be used to restrict Second Amendment rights or to aid in the unnecessary and unconstitutional restriction of the rights under the Second Amendment of the citizens of Middle Township to bear Arms; and
2. The Committee of the Township of Middle hereby declares its intent to oppose unconstitutional restrictions on the right to keep and bear Arms through such legal means as may be expedient, including without limitation court action; and
3. The Committee of the Township of Middle hereby declares Middle Township, New Jersey, County of Cape May as a “Second Amendment/Lawful Gun Owner Sanctuary.”

STATEMENT

This Resolution designates Middle Township, County of Cape May, State of New Jersey as a “Second Amendment/Lawful Gun Owner Sanctuary.”

27. RESOLUTION 74-20 – AUTHORIZING ACCEPTANCE OF CASH BOND – 220 HAND AVENUE, LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, 220 Hand Avenue, LLC has received certain approvals for the property located at 220 Hand Avenue to include landscape buffering, and

WHEREAS, the developer is about to or has commended development of the project together with the related improvement and has chosen to post a cash bond for the same.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the cash bond in the amount of \$1,675.00 is hereby accepted.
 FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

28. RESOLUTION 75-20 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – FLOOD PLAIN MANAGER – 2020 – On motion by [redacted] seconded by [redacted] 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 Agreement between DeSimone Management, LLC and the Township of Middle be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

DeSimone Management, LLC
 Flood Plain Manager
 Not to Exceed \$10,000.00

29. RESOLUTION 76-20 – APPOINTMENT – ACMJIF CLAIMS COORDINATOR – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employee is hereby appointed to the following position opposite their name:

NAME	TITLE	EFFECTIVE
Elizabeth Simpkins	ACMJIF Claims Coordinator	01/22/2020

Kimberly Krauss:

- *Provided brief background of appointed position.*

Mayor Donohue:

- *Thanked Liz Simpkins and Varvara Kuen of Human Resources for stepping up and taking on this role.*

Kimberly Krauss:

- *Further explained that the appointment is a volunteer position and no compensation is received.*

30. PUBLIC COMMENT:

Lillian Wing:

- *Thanks Marc Karavan and Nick Badame for installing new heater; asked Committeeman Gandy about work that he had offered to do.*

Mayor Donohue:

Lillian Wing:

- *Spoke of torn up dirt road in front of church on Goshen Swainton Road.*

Mayor Donohue:

- *Discussed issue of right of way and the fact that the road is dirt.*

Lillian Wing:

- *Further discussed safety issues on said road.*

Mayor Donohue:

- *Responded that he will discuss Ms. Wing's concerns with Chief Leusner.*

Sandy Hickerson, Absecon:

- *Stated that she was in attendance to support the second amendment rights resolution and thanked the Committee and County.*

Dan Lockwood, Boyd Street:

- *Also thanked committee for supporting the County to become a sanctuary county for the 2nd amendment.*

John Trainor:

- *Echoed sentiments on second amendment resolution.*

Bob Wiseman:

- *Asked specifically what it means to bear arms:*

Mayor Donohue:

- *Suggested that Mr. Wiseman contact a lawyer for clarification.*

Bob Wiseman:

- *Continued to ask for a definition.*

Mayor Donohue:

- *Stated that the Township stands by the Resolution.*
- *Spoke of various laws from state to state and his belief that the laws proposed by the State infringe on citizens' right to the 2nd amendment to own a firearm.*

COMMITTEE COMMENTS:

Committeeman Gandy:

- *Commented on Ava Toliver and her stepping up to help a fellow citizen in need; honor to know that she lives in our community.*
- *Spoke of passing of Jim McLaughlin and Cathy Cornell; spoke of Mr. McLaughlin's role on the planning board as well as Ms. Cornell's various roles she played for the Township.*
- *Discussed committee working hard to make positive change.*
- *Recognized Chris Russ on his graduation from the police academy.*
- *Also mentioned job openings in the Township.*

Committeeman Norris:

- *Thanked Ava Toliver for her actions.*
- *Discussed MLK Breakfast; stated that it was a great event.*
- *Also acknowledged police academy graduation.*
- *Recognized Dustin Sturm and his staff at the rec for their hard work.*

Mayor Donohue:

- *Also discussed success of MLK Breakfast.*
- *Spoke of Court House Fire banquet dinner; volunteer of the year Bryon Samon Jr.*
- *Recognized passing of Jim McLaughlin and all of his hard work serving on the zoning board.*
- *Provided details for the State of the Township address.*
- *Also recognized Marie Hayes being sworn in as President of State Association of Counties.*
- *Also acknowledged the passing of Cathy Cornell; the heart and soul of the traffic advisory board.*
- *Discussed President Trump's visit; historic event.*
- *Spoke of event coming up for veterans at the Wildwood convention center, Friday January 31st.*

Motion to adjourn meeting – 7:05pm

1st: Committeeman Gandy

2nd: Committeeman Norris

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

Andrea N. Singley, Deputy Township Clerk

Minutes prepared by E. Bowman