

Cape May Court House, NJ
April 6, 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

*Additional notice of this virtual meeting was posted on April 2, 2020.

1. QUESTION/ANSWER PERIOD ON AGENDA (*This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to the public comment portion at the conclusion of the meeting.*)
2. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by _____ seconded by _____ 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. \$2,702,889.90
3. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by _____ seconded by _____ 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: 03/16/2020 Regular Meeting.*
4. REPORTS: The following departments have submitted their reports for the months indicated: Sewer for the month of March; Sterback Harbor for the month of March; Tax Collector for the month of March
5. 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 – Following second reading, hearing, and consideration for adoption, Ordinance 1606-20 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
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 and Operation 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, Sunset Beach, Highs Beach and Kimble’s Beach. No person shall operate, regardless of point of entry, private or otherwise, a motor vehicle on any Township property located on the beaches along the Delaware Bay.
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, any agent of the New Jersey Department of Environmental Protection, the United States Army Corps of Engineers or any such state or federal agency, or any aquaculturist engaged in legal aquaculture activities as authorized by the New Jersey Department of Environmental Protection.
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.

6. RESOLUTION – ACKNOWLEDGEMENT OF RETIREMENT – On motion by _____ seconded by _____ 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 retirement listed below is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Walter Pinkston	Public Works	Truck Driver	08/01/2020
Robert Eagan	Public Safety	PS Telecommunications Operator	04/01/2020

7. RESOLUTION – ACKNOWLEDGEMENT OF RESIGNATION – On motion by _____ seconded by _____ 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
Eddie Allen	Public Works	Laborer 2	03/31/2020

8. RESOLUTION - APPROVAL FOR PAYMENT TERMINAL LEAVE – RAYMOND SCOTT KLECZ – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, Raymond Scott Klecz retired with an effective date of April 1, 2020; and

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

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

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

Raymond Scott Klecz

Sick Hours: 521.66

Personal Hours: 6.00

Vacation Hours 299.67

Total Hours: 827.33

\$18,151.38 (inclusive of payroll tax expense to the Township)

9. RESOLUTION – RELEASE OF TRUST ACCOUNTS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid; and

WHEREAS, the applicants are entitled to a refund of this money.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts, as listed on the attached sheets, shall be released.

10. RESOLUTION – CANCEL TAXES – On motion by _____ seconded by _____ 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 taxes are hereby cancelled due to tax exemption.

Account	Block	Lot	Owner/ Property location	2020 1 st 1/2
4840	325	8	Tees, Joseph K Jr Property location: 205 W Pacific Ave 100% Disabled Veteran as of 01/01/2020	\$1,635.49

11. RESOLUTION – REFUND OF TAXES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, a refund is due for overpayment made on tax exempt property.

ACCT	BLOCK	LOT	OWNER/LOCATION	2020 1 st 1/4
4840	325	8	Tees, Joseph K Jr 205 W Pacific Ave Cape May Court House, NJ 08210 Property location: 205 W Pacific Ave	\$817.75

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.

12. RESOLUTION – APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY – SAFE AND SECURE COMMUNITIES GRANT PROGRAM – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to apply for funding of approximately \$60,000.00 with a match of \$208,042.42 for an approximate project total cost of \$268,042.42 for a project under the State of New Jersey Safe & Secure Communities Grant Program; and

WHEREAS, the Township Committee of the Township of Middle has reviewed the application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Township of Middle for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that:

1. *As a matter of public policy the Township of Middle wishes to participate to the fullest extent possible with the Department of Law and Public Safety;*
2. *The Attorney General of New Jersey will receive funds on behalf of the applicant;*
3. *The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds; and*
4. *The Division of Criminal Justice shall initiate allocations to the applicant as authorized by law.*

BE IT FURTHER RESOLVED, that the subaward number for said project is 20-0506 for a subaward period of 09/02/2019 through 09/01/2020.

13. RESOLUTION – AMENDING RESOLUTION 180-18 – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – ENVIRONMENTAL RESOLUTIONS, INC – 2018 ROAD PROGRAM – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, Resolution No. 398-17 authorized an agreement with Environmental Resolutions, Inc. for paving design, bidding services, contract administration and construction management for the 2017 Road Program project, as a fair and open contract pursuant to N.J.S.A. 19:44A-20.4 et.seq.; and WHEREAS, Resolution No. 180-18 amended said Resolution to include additional services to include the 2018 Road Program; and

WHEREAS, said contract needs to be further amended to include additional services for phase II of said project.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement 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.

ENVIRONMENTAL RESOLUTIONS, INC.

*Paving Design, Bidding Services, Contract Administration and Construction Management
2018 Road Program
Not to Exceed \$747.50*

14. RESOLUTION – APPROVE CHANGE ORDER NO. 1 – JADEN ROAD FINAL ROAD SURFACING AND DRAINAGE REPAIR – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, Ricky Slade Construction was awarded the final road surfacing and drainage repair for Jaden Road on November 4, 2019 via Resolution 452-19; and

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 Ricky Slade Construction., and is hereby approved, and that the change order results in a decrease of \$6,200.70 to the original contract amount of \$112,791.20 for an amended contract amount of \$106,590.50.

- family homes, duplexes or any type of residential rentals, except as expressly excluded herein) with a term of less than 180 days.*
2. *Commencing on the date of this resolution and continuing until formally rescinded by the Township Committee, the transient or seasonal rental of any and all such facilities (i.e. for a period of less than 180 days) shall be and is hereby prohibited in the Township of Middle. It is contemplated that the Township Committee will address this issue on May 18, 2020; however, whether or not the resolution will be rescinded will depend on the facts and circumstances at that time. Residents are advised not to rely on that date as a time certain for the removal of this restriction.*
 3. *This prohibition shall not apply to the following classes of rentals or individuals:*
 - A. *Rentals made to healthcare workers actively employed, or to be immediately employed, by local hospitals, and healthcare facilities.*
 - B. *Rentals made to active military or Coast Guard personnel stationed in Cape May County;*
 - C. *Rentals made to individuals housed as part of State directed non-congregate shelter initiatives;*
 - D. *Rentals made to individuals taking temporary residents supported by federal, state, or local emergency and/or housing assistance;*
 - E. *Pre-existing leases in effect prior to the date of this resolution with less than 180 days remaining on the lease term, subject, however to the proviso that such leases may not be renewed. The Township reserves the right to “vet” such pre -existing leases in order to verify the authenticity of same.*
 - F. *Individuals receiving temporary shelter pursuant to a code blue emergency.*
 - G. *Construction workers actively employed in the construction of essential state, county or local facilities.*
 4. *When determining whether any hotel, motel, bed and breakfast facility/ air B & B facility, apartment, condominium unit, private residence, single-family home, duplex or any type of residential rental is permissively operating by housing individuals listed in items A, B, & C above, the municipality shall defer to the determination made by the County Office of Emergency Management which shall consult with the New Jersey Office of Emergency Management in making that determination.*
 5. *This Resolution may and shall be supplemented an amended as circumstances warrant.*
 6. *This Resolution shall take effect immediately; all appropriate officers and employees of the Township of Middle are hereby authorized to take such action as may be reasonably necessary to enforce the provisions herein.*

19. PUBLIC COMMENT:

Motion to adjourn meeting –
1st:
Pass on Roll Call: 2nd: