

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.)

No Comments

2. RESOLUTION 152-20 – 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. \$2,702,889.90

3. RESOLUTION 153-20 – 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: 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, SUNSET BEACH, HIGHS BEACH OR KIMBLE’S BEACH ROAD ACCESS POINTS – Following second reading, hearing, and consideration for adoption, Ordinance 1606-20 was adopted on motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

WHEREAS, 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.

No Comments

6. RESOLUTION 154-20 – ACKNOWLEDGEMENT OF RETIREMENT – 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 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 155-20 – 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
Eddie Allen	Public Works	Laborer 2	03/31/2020

8. RESOLUTION 156-20 – APPOINTMENT – NEW HIRE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Lorin C. Perednas	Public Safety	Telecommunications Operator P/T Trainee	\$10.46 per hour*	04/08/2020

*Increase to \$15.00 per hour upon completion of training

9. RESOLUTION 157-20 - APPROVAL FOR PAYMENT TERMINAL LEAVE – RAYMOND SCOTT KLECZ – On motion by Committeeman Gandy seconded by Committeeman Norris 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)

10. RESOLUTION 158-20 – RELEASE OF TRUST ACCOUNTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid; and
 WHEREAS, the applicants are entitled to a refund of this money.

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

11. RESOLUTION 159-20 – CANCEL TAXES – 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 taxes are hereby cancelled due to tax exemption.

Account	Block	Lot	Owner/ Property location	2020 1 st ½
4840	325	8	Tees, Joseph K Jr Property location: 205 W Pacific Ave 100% Disabled Veteran as of 01/01/2020	\$1,635.49

12. RESOLUTION 160-20 – 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 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.

13. RESOLUTION 161-20 – 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 Committeeman Gandy seconded by Committeeman Norris 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.

14. RESOLUTION 162-20– AMENDING RESOLUTION 180-18 – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – ENVIRONMENTAL RESOLUTIONS, INC – 2018 ROAD PROGRAM –On motion by Committeeman Gandy seconded by Committeeman Norris 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

15. RESOLUTION 163-20 – APPROVE CHANGE ORDER NO. 1 – JADEN ROAD FINAL ROAD SURFACING AND DRAINAGE REPAIR – On motion by Committeeman Gandy seconded by Committeeman Norris 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.

16. RESOLUTION 164-20 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – THOMAS G. SMITH – CONFLICT ATTORNEY, STATE TAX COURT MATTER – 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 Thomas G. Smith and the Township of Middle for conflict attorney services, for a State Tax Court matter, 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.

Thomas G. Smith – Conflict Attorney Services – Not to Exceed \$2,000.00

17. RESOLUTION 165-20 – INSERTION OF A SPECIAL ITEM OF REVENUE – NEW JERSEY GOVERNOR’S JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMMITTEE, MIDDLE TOWNSHIP POLICE DEPARTMENT 2020 SUMMER EXPANSION PROGRAM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2020 in the sum of:

JJDP MTPD SUMMER EXPANSION PROGRAM	\$9,251.00
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BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

JJDP MTPD SUMMER EXPANSION PROGRAM	\$9,251.00
Match	\$0.00
Subaward Number:	J-J:6-23-16
Subaward Period:	4/01/20-9/30/20

18. RESOLUTION 166-20 - EXTENSION OF DUE DATE – 2ND QUARTER SEWER USER FEE – 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 grace period for paying 2nd quarter sewer user fees, without interest penalty, be extended for an additional thirty (30) days.

Mayor Donohue:

- *Explained sewer payment process*
- *Discussed extension of grace period for sewer payments*
- *Spoke of discussion for possible grace period for property taxes*

19. RESOLUTION 167-20- AUTHORIZING IMMEDIATE ACTION AND IMPOSING RESTRICTIONS ON TRANSIENT / SEASONAL RENTALS IN CONJUNCTION WITH ADMINISTRATIVE ORDER 2020 – 8 ISSUED BY THE NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT – 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 is charged with protecting the health, safety and welfare of its citizens; and

WHEREAS, “flattening the curve” relative to the spread of the COVID - 19 variant of the Coronavirus is a paramount concern throughout this State and throughout the United States; and

WHEREAS, on March 9, 2020, through Executive Order No.103, the facts and circumstances of which are adopted by reference herein, the Governor of the State of New Jersey declared both a public health emergency and a State of Emergency throughout the State due to the public health hazard posed by Coronavirus disease 2019 (COVID –19); and

WHEREAS, thereafter, on March 21, 2020, the Governor issued Executive Order No. 107, the facts and circumstances of which are also adopted herein, by reference, which established social mitigation strategies for combating COVID 19; and

WHEREAS, subsequently and also on March 21, 2020, the Governor issued Executive Order No. 108, the facts and circumstances of which are also adopted by reference herein, which recognizes that there are

certain limited circumstances in which it may be in a beneficial for localities to be able to impose additional restrictions and specifically identified that certain municipalities may have legitimate concerns about an influx of new visitors, which may cause public health concerns as the state imposes social distancing measures and aims to avoid unnecessary increases in the density of individuals; and WHEREAS, thereafter, on April 4, 2020, Colonel Patrick J Callahan, the State Director of Emergency Management for the State of New Jersey, issued Administrative Order No. 2020 – 8, further empowering municipalities to impose additional restrictions in response to COVID -19, on the ability of hotels, motels, guesthouses, private residences or part thereof to accept new transient guests or seasonal tenants after the effective date of said Order; and WHEREAS, the Governing Body of the Township of Middle in order to protect the health, safety and welfare of the Citizens of the Township of Middle, deems it imperative that they act immediately with regard to this matter by Resolution as opposed to Ordinance, pursuant to said Administrative Order and, in concert with the Municipal Emergency Management Coordinator, as empowered by N.J.S.A. App.A:9-40.5; NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWNSHIP COMMITTEE, the Governing Body of the Township of Middle as follows:

1. Transient or Seasonal rentals are hereby defined as residential rentals (inclusive of hotels, motels, bed and breakfast facilities/ AIRBNB facilities, apartments, condominium units, private residences, single-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.

Mayor Donohue:

- *Discussed Middle Township’s call on renters to take a short-term break on rentals*
- *Spoke of governor’s approval for municipalities to be allowed to ban short term rentals for a brief period of term.*
- *Explained the topic will be revisited at the May 18th meeting to either disband the restrictions or possibly extend the time period.*
- *Discussed exemptions within the ban; coast guard, health care workers, housing assistance etc.*

20. PUBLIC COMMENT:

Gu Nar (Facebook comment):

- *Asked - “When is the township going to address the methadone clinic and the amount of people they have congregating in and outside”*

Chief Leusner:

- *Stated the Township and Cape May County have been in contact with the methadone clinic*
- *Explained warnings have been issues to the clinic*
- *Discussed process being taken in regards to the overcrowding at the clinic*

Mayor Donohue:

- *Spoke of frustration regarding the situation*
- *Further discussed efforts being taking to ensure the methadone clinic follows proper procedures*

COMMITTEE COMMENTS:

Committeeman Gandy:

- *Thanked everyone for taking time out of their day to join the online zoom meeting*
- *Thanked employees for all their hard work*
- *Spoke of hard work done by the public works department; further discussed work being done by the sewer department*
- *Reminded all not to flush wipes*

Committeeman Norris

- *Thanked everyone for joining the meeting*
- *Thanked both employees, which were on the agenda to retire, for all their hard work*
- *Recognized Kimberly Krauss for all the work she has done for the Township during the pandemic*
- *Discussed calls being made to senior residents and encouraged others to join and reach out to the Township's older residents.*

Mayor Donohue:

- *Thanked Township employees for their fantastic work over the last few weeks; Discussed efforts put in by all employees*
- *Stated the most important thing to do at this moment is to stay away from each other; Discussed various reasons one may have to have to leave the house; spoke of importance of avoiding contact with other people*
- *Spoke of businesses and people who are not able to work at the moment; stated that there are many programs available to assist people financially and programs are available to help people who need to sign up*
- *Spoke of press releases to update the community on projects being done within the Township and ways the Township and it's employees have had to adjust to the times*
- *Spoke of Easter egg coloring contest*
- *Discussed the call list being established for residents to call senior residents; recommended residents to call the Township senior center to add seniors to the call list*

Motion to adjourn meeting – 6:30PM

1st: Committeeman Gandy

2nd: Mayor Donohue

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

Andrea N. Singley, Deputy Township Clerk

Minutes prepared by E. Bowman