

Cape May Court House, NJ  
 May 18, 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 virtually on Zoom Video Platform and through Facebook Live. 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. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)

*None*

2. RESOLUTION 185-20 – 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. \$2,579,732.55

3. RESOLUTION 186-20 – 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: 05/04/2020 Regular Meeting.

4. REPORTS: Finance for the month of April; Sewer for the month of April; Tax Collector for the month of April; Sterback Harbor for the month of April; Clerk for the month of April

5. RESOLUTION 187-20 – 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
Maribeth Novsak	Public Safety	PS Telecommunications Operator Trainee P/T	\$10.46 per hour*	05/18/2020

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

6. RESOLUTION 188-20 – 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.

7. RESOLUTION 189-20 – REFUND OF TAXES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the former property owner referenced below made a payment in error after selling said property.

ACCT	BLOCK	LOT	LOCATION	2020
229	5	101	5 Arbutus Court	\$1,409.78

Please make payable to the following as requested:

Patricia Willis  
 11648 Bond St.  
 OverlandPark, KS 66210

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 a 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.

8. RESOLUTION 190-20 – AUTHORIZING LEASE UNDER STATE CONTRACT FOR COPY MACHINE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, there is a need to lease various copy machine/ printers for the Township of Middle, in the County of Cape May, State of New Jersey; and

WHEREAS, machines will be leased for the following departments:

1. Clerk
2. Administration
3. Tax Assessor
4. Finance
5. Public Works

WHEREAS, this can be leased through State Contract #T-2075 (A51465); and

WHEREAS, public bids are not required when the purchase is under State Contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:

Ricoh Americas Corporation

Five Dedrick Place

West Caldwell, NJ 07006

For the lease/purchase of copier machines/ printer for 48 months in the amount of \$1,101.57 per month

9. RESOLUTION 191-20 – SUPPORTING TRAFFIC CALMING MEASURES – 96<sup>TH</sup> STREET BRIDGE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Robert Church, County Engineer has requested that the Township of Middle endorse “traffic calming measures” approaching the 96<sup>th</sup> Street Bridge by the installation of speed tables constructed on the west approach, and if needed on the east approach to the bridge; and

WHEREAS, if the Township is in agreement, the County is requesting a Resolution be presented on this 18<sup>th</sup> day of May, 2020.

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 endorses the proposal for Traffic Calming Measures presented by Robert Church, County Engineer, County of Cape May, New Jersey.

10. RESOLUTION 192-20 – RESCINDING RESOLUTION 167-20, REGARDING THE PROHIBITION ON TRANSIENT & SEASONAL RENTALS WITHIN THE TOWNSHIP OF MIDDLE, CAPE MAY COUNTY, NEW JERSEY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, on March 9, 2020, Governor Phil Murphy issued Executive Order 103 (2020) which declared a Public Health Emergency and State of Emergency in New Jersey; and,

WHEREAS, since the issuance of Executive Order 103 (2020) Governor Murphy has issued a series of Executive Orders the stated purpose of which is to protect the health, safety and welfare of New Jersey residents through efforts to reduce the rate of community spread of 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 Governor Phil Murphy issued Executive Order 108 (2020) which, inter alia, recognized that certain municipalities may have legitimate concerns about an influx of new visitors and the resulting public health concerns as the entire state endeavors to comply with social distancing measures and avoid unnecessary increases in density of individuals and, accordingly, provided municipalities with the ability to impose restrictions with respect to online marketplaces for arranging or offering lodging; 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 and counties 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, a temporary prohibition against transient/seasonal lodging was necessary to reduce the risk of spreading the COVID-19 to and among the occupants of Middle Township; and

WHEREAS, on April 6, 2020, the Township Committee of the Township of Middle adopted Resolution 167-20 imposing restrictions on transient/seasonal rentals; and

WHEREAS, on April 8, 2020, the duly appointed Emergency Management coordinator of the Township of Middle issued a proclamation creating a prohibition of transient and seasonal rentals within the Township of Middle which was rescinded on May 8, 2020; and

WHEREAS, conditions in the County of Cape May improved since the issuance of the proclamation and resolution referenced above, related to COVID-19; and

WHEREAS, on May 5, 2020, the Cape May County Freeholders adopted a comprehensive proposal for the reopening of Cape May County and provided same to Governor Murphy; and

WHEREAS, said proposal addresses the issue of transient and seasonal rentals;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWNSHIP COMMITTEE, the Governing Body of the Township of Middle as follows:

1. The averments above are incorporated herein as if set forth at length.
2. Resolution #167-20 is hereby rescinded.

3. The Township of Middle hereby endorses the comprehensive proposal advanced by the County of Cape May.
4. This Resolution may and shall be supplemented and amended as circumstances warrant.
5. 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 reason for the resolution*
- *Spoke of County issued resolution regarding the same*
- *Provided details behind reopening of hotels and motels.*

11. RESOLUTION 193-20 – AUTHORIZE ACCEPTANCE – COUNTY OF CAPE MAY, EMERGENCY MANAGEMENT AGENCY ASSISTANCE PERFORMANCE GRANT – 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 approval for acceptance of the County of Cape May, Emergency Management Agency Assistance Performance Grant in the amount of \$10,000.00 be and is hereby approved. BE IT FURTHER RESOLVED, that said funds will be used to enhance the Emergency Management Program and will be used for Emergency Management purpose.

FURTHER RESOLVED, that Middle Township Emergency Management Coordinator Sean McDevitt is named as the Contact Person and that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

Subaward No: FY19-EMPH-EMAA-0506

Subaward Period: 07/01/2019-06/30/2020

12. RESOLUTION 194-20 – MODIFICATION OF LOAN AGREEMENT AND PROMISSORY NOTE – HABITAT FOR HUMANITY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
 WHEREAS, on or about January 25, 2017, the Township of Middle entered into a mortgage, Loan Agreement and Promissory Note (hereinafter collectively referred to as the “Loan Documents”) with Borrower, for the sum of Eighty-Five Thousand (\$85,000) dollars, which loan was secured by a mortgage lien on the premises identified as Lot 20, Block 236 on the official Tax Map of the Township of Middle; and  
 WHEREAS, said Mortgage was recorded in Mortgage Book 5838, at pages 463 to 467 in the Office of the Clerk of the County of Cape May; and  
 WHEREAS, said documents, call for monthly payments to be made in the amount of Five-Hundred Ninety-Four (\$594.59) dollars on the eighteenth (18<sup>th</sup>) day of each and every month, (commencing on February 18, 2017); and,  
 WHEREAS, Borrowers has requested a forbearance of monthly loan payments due for the months of March, April and May 2020; and,  
 WHEREAS, in light of the coronavirus pandemic and the temporary shutdown of the economic in New Jersey, the Township Committee, the Governing Body, of the Township of Middle, deems it appropriate to grant such request without penalty, and without additional interest accruing;  
 NOW THEREFORE, intending to be legally bound and for consideration of One (\$1.00) dollar, in hand paid, the parties agree to modify the previously executed Loan Agreement and Mortgage Note together with the Amortization Schedule annexed collectively annexed hereto as Exhibit “A” as follows:
  1. All payments of principal and interest shall be suspended for the months of March, April and May of the year 2020. The amortization schedule shall be amended to reflect that the Payment due on March 18, 2020 shall be made June 18<sup>th</sup> 2020 and all subsequent payments shall be numerically adjusted to reflect this adjustment in sequence.
  2. Borrower shall not be required to pay and additions interest or penalties in consideration for this adjustment. Accordingly, **no** additional interest shall accrue during the suspension period and payments shall resume on June 18<sup>th</sup>, 2020 using the numerical data for payment (principal and interest) set forth in the amortization schedule for the March 18, 2020 payment.
  3. The First Mortgage executed by the parties and recorded on February 1, 2017 in Mortgage Book 5838 Pages 463 to 467 in the office of the Clerk of Cape May County shall be deemed to be hereby amended to reflect the terms set forth herein without further amendment of record.
  4. Except as modified herein, all other provisions of the loan documents shall remain the same.

13. RESOLUTION 195-20 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – PROFESSIONAL ENGINEERING SERVICES – ENGINEERING DESIGN ASSOCIATES – LOCAL AID ROAD CONSTRUCTION – LINDEN LANE- 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 Engineering Design Associates. and the Township of Middle for the local aid road construction of Linden Lane, 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.

Engineering Design Associates  
 Local aid construction of Linden Lane  
 Not to Exceed \$19,500.00

#### 14. PUBLIC COMMENT:

*John Lauricella, Cape May Court House:*

- *Asked how much of the tax receipts are off from typical taxes received during this time*

*Mayor Donohue:*

- *Gave background on when taxes are due; discussed grace period allowed by state; further discussed current tax income*

*John Lauricella, Cape May Court House:*

- *Asked that if under dire and uncertain circumstances can or must the Township postpone via state mandate or can the Township do without having an accelerated tax sale*

*Mayor Donohue:*

- *Discussed process of tax sales; spoke about effects on budget if there was not an accelerate tax sale*
- *Stated a little bit more time would be needed to discuss the sale; explained the decision would be made around approximately after June*

*Committeeman Gandy:*

- *Reiterated effect of not having the tax sale would have on the budget; spoke of having to tax people more for those who cannot pay taxes*

*Tom Clark:*

- *Asked when the library will open in any capacity*

*Mayor Donohue:*

- *Spoke of Governor Murphy's steps in regards to the reopening of various public buildings and businesses*

*Rob Everlyn:*

- *Asked if the Township can out access to the bike path in the Edgewood section*

*Committeeman Gandy:*

- *Asked to be clarified if that is the area that was just torn down*

*Mayor Donohue:*

- *Stated no*
- *Explained that 100% of the bike trail is on the Atlantic City Electric Line right of way; further explained he did not think there will be any spurs off the bike path until the entire bike path is complete*

*MaryAnn Alulis:*

- *Asked if all grass that was cut next to the Garden State Parkway can be cleaned up*

*Mayor Donohue:*

- *Specified who owns each side of the street by the parkway*
- *Stated that he can pass the request on to the County*

*Anna Marie McKeever:*

- *Asked about any information for potable water for Del Haven*

*Tom Clark:*

- *Asked if, now that Route 47 is fully active, will police be patrolling more frequently*

*Chief Leusner:*

- *Stated he will be increasing patrols as the season begins and that area will be patrolled more*

#### COMMITTEE COMMENTS:

*Committeeman Norris:*

- *Welcomed new hire Mary Novsak to Middle*
- *Spoke of cancellation of Memorial Day parade; explained contingency plans would be announced the next day*
- *Commented on success of banner plane and front porch prom during the previous Friday's front porch social*
- *Spoke of online concert the upcoming Friday after the Friday night social happy hour with Animal House being streamed through Middle Township Recreation's Facebook page; thanked sponsors of event*

*Committeeman Gandy:*

- *Spoke of long weeks and various everyday challenges*
- *Thanked Middle Township employees for their hardwork*
- *Discussed non-essential permits opened up in the state*

*Mayor Donohue*

- *Stated Middle Township has done an amazing job adapting to current conditions*
- *Discussed current numbers related to the Covid-19 virus*
- *Discussed numbers of Covid-19 cases within long-term facilities; further discussed the low numbers within long term care facilities located within Middle Township*

- *Commented on the Committee's choice to raise the American Flag to full staff in front of town hall; explained choice was to look forward to the future and begin to move forward*
- *Stated the upcoming week is EMS week; explained it was great time to honor all EMS workers; discussed the hard work they do year round*
- *Spoke of cancellation of the Memorial Day parade; stated the Township will be finding a special poignant way to honor the fallen; explained that they hoped to have a more formal announcement the next day*
- *Explained that the upcoming Friday front porch social distancing hour would be to honor veterans*
- *Asked that everyone take a moment to honor former Mayor Chuck Leusner, who was in for medical procedures and asked that all keep him in their thoughts and prayers*
- *Spoke of Governor Murphy's directives; discussed the allowance of construction to commence; explained that retail can only do curbside pick-up at the current time*
- *Explained he was pushing hard to allow for retail businesses to reopen*
- *Further explained that the Middle Township police department did not create the current Executive Orders but are just following the enforcement policies*
- *Explained the process of determination of enforcement of Executive Orders*
- *Stated parks remain status quo and playgrounds remain close in effort to not allow gatherings*
- *Explained that beaches are not closed but severely restricted due to endangered species*

Motion to adjourn meeting – 6:43 pm

1<sup>st</sup>: Committeeman Gandy    2<sup>nd</sup>: Mayor Donohue

Pass on Roll Call: Committeeman Gandy, Mayor Donohue

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Andrea N. Singley, Deputy Township Clerk

Minutes prepared by E. Bowman