

Cape May Court House, NJ
 June 15, 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, Deputy Township Clerk Andrea Singley, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan
Business Administrator/Township Clerk Kimberly Krauss was absent

1. PROCLAMATION BY MAYOR AND COMMITTEE – JUNETEENTH
2. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)
 - Stan Donigar, Rio Grande:
 - Questioned annual stormwater report.
 - Vince Orlando, Township Engineer:
 - Explained details behind report.
3. RESOLUTION 201-20 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Committeeman Gandy seconded by Mayor Donohue 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. \$1,346,717.04
4. RESOLUTION 202-20 – 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: 06/01/2020 Regular Meeting.
5. REPORTS: Clerk for the month of May; Tax Collector for the month of May; Sterback Harbor for the month of May; Sewer for the month of May; Finance for the month of May
6. RESOLUTION 203-20 – 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
Doug Osmundsen	Public Safety	Police Lieutenant	11/01/2020
George Spalding	Public Works	Supervising Equipment Operator	11/01/2020

7. RESOLUTION 204-20 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance; and
 WHEREAS, N.J.S.A. 40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds, debris, etc.; and
 WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle “Property Maintenance;” and
 WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied; and
 WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations; and
 WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby imposes a lien on the properties listed below as indicated.
 FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.

OWNER	PROPERTY LOCATION	BLOCK // LOT	AMOUNT
King Estates LLC	462 Route 47 N	5//20	\$380.76

Newkirk, Henry S Etals	454 Shunpike	325//22	\$327.72
Tyler, Wilton S	2 N George Street	935//17	\$353.02
Erm LLC	1729 Route 9 N	12.05//63.01	\$327.72
GVI Investments LLC	400 Shunpike	325//1	\$365.68

8. RESOLUTION 205-20 THROUGH 206-20 - AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Pyrotechnics by Althouse DBA Schaefer Fireworks, Inc.

and the Township of Middle for the fireworks display at the July 4, 2020, Middle Township Fourth of July Celebration, with a rain date of July 5, 2020, 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.

FURTHER RESOLVED, that this contract is contingent upon obtaining any and all requirements and approvals as set forth by the Atlantic County Joint Insurance Fund.

Pyrotechnics by Althouse DBA Schaefer Fireworks, Inc.

4th of July Celebration

Not to Exceed \$7,844.00

(B) NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Mott MacDonald and the Township of Middle for engineering services pertaining to emergency sewer repairs 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.

Mott MacDonald

Engineering Services – Emergency Sewer Repairs

Not to Exceed \$17,500.00

9. RESOLUTION 207-20 - AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – DAVID A. STEFANKIEWICZ – PLANNING 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 Planning Board has formally passed Resolution No. 012320, appointing David A. Stefankiewicz, Esquire, of Stefankiewicz and Belasco, LLC, as Planning Board Solicitor for 2020. 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:
David A. Stefankiewicz – Planning Board Solicitor – Not to Exceed \$30,000.00
BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2020.

10. RESOLUTION 208-20 – APPROVE TRANSIENT MERCHANT VENDOR LICENSE – JAMES R. BROWN DBA JIM’S MISTER SOFTEE OF CAPE MAY COUNTY, LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, James R. Brown dba Jim’s Mister Softee of Cape May County, LLC has applied for a Vendor’s License to operate an ice cream truck in Middle Township, and WHEREAS, proper application has been made to the Township of Middle, County of Cape May, State of New Jersey and the proper fees have been paid. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the vendor applicant is hereby licensed by the Township of Middle to operate an ice cream truck in Middle Township from June 15, 2020 through December 31, 2020.

11. RESOLUTION 209-20 – INCREASING PUBLIC BIDDING THRESHOLD – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the public bidding threshold for Municipal Contracting Units is adjusted every five years by the State Governor in conjunction with the Department of Treasury; and WHEREAS, the Township of Middle “Township” desires to take advantage of the increased bid threshold to expeditiously purchase goods and services which ultimately saves the Township time and money; and WHEREAS, pursuant to the provisions of the Local Public Contracts Laws N.J.S.A. 40A:11-3, as authorized by the New Jersey State Treasurer, effective July 1, 2020 the Township can increase its Public Bidding threshold from \$40,000.00 to \$44,000.00 if the Township has a Qualified Purchasing Agent; and

WHEREAS, through resolution, Joshua Niemann is designated a Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq. and N.J.S.A. 40A:11-3; and

NOW, THEREFORE BE IT RESOLVED, by the Committee of the Township of Middle, in the County of Cape May, in the State of New Jersey hereby increases its public bidding threshold to \$44,000.00.

12. RESOLUTION 210-20 - CREATING A TEMPORARY EMERGENCY RECOVERY PLAN FOR RESTAURANTS AND RETAIL BUSINESSES --“TERP” -- 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, Pursuant to Executive Order 107 (“EO 107) issued by Governor Murphy on March 21, 2020 and which remains in effect until further notice, all businesses which were deemed non-essential were ordered closed until further notice and all restaurants, bars, and food service establishments have been ordered to close except for take-out food orders to be consumed off-premises; and

WHEREAS EO 142, issued by Governor Murphy on May 13, 2020, provided, in part, that “non-essential retail businesses are permitted to reopen to the public, but only where they adopt [certain policies]”, which prohibit customers from entering the store premises and restrict such retail businesses to “curbside pickup” only effective as of 6:00 am on Monday, May 18, 2020; and

WHEREAS, in an effort to aid and assist such retail businesses in the Township of Middle during this COVID-19 Pandemic, and to assist both merchants and customers, and consistent with the spirit of EO 142, the Township intends to permit certain outdoor displays and sales of merchandise, at the option of the merchant, and subject to the terms and conditions specified in this Plan; and

WHEREAS, in anticipation of some modification or relaxation of EO 107 and other applicable Gubernatorial Executive Orders pertaining to the COVID-19 Pandemic, pertaining to restaurants and other food service establishments which currently are restricted to providing only take-out orders or home delivery, the Township intends to permit limited outdoor dining subject to the terms and conditions specified in this Plan which shall be liberally interpreted to facilitate such purpose; and

WHEREAS, the permissions granted by the Township pursuant to this Temporary Emergency Recovery Plan (“Recovery Plan” or “TERP”) shall be for a limited duration and subject to the terms, conditions, and other provisions which are specified herein;

NOW THEREFORE, BE IT 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.

RETAIL SALES OF GOODS & MERCHANDISE

2. Any merchants or retail stores located in the B, RB, TB, TC, HV & VC Zoning Districts, which includes all businesses as well as any business in any other location, which is engaged in the sale of goods and merchandise, and whether or not the operation is conforming or non-conforming under the Township’s current zoning, and without regard as to whether such business has been determined as essential or non-essential pursuant to EO 107 as amended and supplemented, shall be permitted to display merchandise outdoors in an area immediately adjacent to the brick-and-mortar premises and to conduct the sale of such merchandise. To the extent that such business does not have private property available to use for such purpose, then a portion of the Township right-of-way (“ROW”) may be used for such purpose. In order to engage in such outdoor display of merchandise and the same thereof, the merchant must comply with the following:

- a. A permit must be obtained from the Township Zoning Officer following the filing of an application on forms provided by the Township that contains all of the information specified on such application form as well as such other information as specified elsewhere in this Recovery Plan or that may be required by the Township.
- b. To the greatest extent possible, and in compliance with Governor Murphy’s EO 142 issued May 13, 2020, (“EO 142”) all sales, including payments, should be arranged beforehand and the item(s) purchased should be delivered by the merchant to the customer at curbside. All contact between the merchant and the customer MUST be minimal.
- c. The merchant shall be responsible for enforcing the social distancing requirements specified in EO 142 (May 13, 2020.)
- d. The merchant, employee, and customer must wear an appropriate face mask and gloves, if feasible.
- e. The merchant must enforce social distancing requirements at all times. The merchant shall have hand sanitizer on hand for the use of the merchant, employee, and customer. The merchant must provide employees with ample opportunity for hand washing at reasonable periodic intervals and follow the other requirements imposed by EO 142.
- f. If a customer wishes to purchase an item which is not on outside display, the merchant may enter the store to get the item, but the customer may not, under any circumstances, enter the store. The item shall be delivered to the customer at curbside. Upon completion of any purchase, the customer must depart the area. This Recovery Plan for retail stores and merchants shall become effective and shall remain in effect for such time as specified elsewhere herein.

RESTAURANTS AND OTHER FOOD SERVICE ESTABLISHMENTS

3. All restaurants and food service establishments (hereafter collectively referred to as “Restaurants”) shall be permitted to engage in outdoor dining to commence upon relaxation or modification of existing Gubernatorial Executive Orders which prohibit all but take-out service and home delivery, and shall continue for such time as specified elsewhere in this Recovery Plan.

All food service establishments shall be required to implement and abide by whatever social distance requirements are in effect at the time – both for interior and outdoor dining.

4. Any restaurant seeking to engage in outdoor dining shall apply to the Zoning Officer for a permit to do so pursuant to Section 250-630 (Sidewalk Café) of the Middle Township Code. Such application shall meet the requirements as specified elsewhere in this Recovery Plan. In addition to such general requirements, the application, insofar as it pertains to restaurants, shall include a drawing, approximately to scale, showing the layout of proposed tables, chairs and low barriers, showing dimensions of tables, chairs and overall area as related to building façade, sidewalk, existing poles, paper boxes, trees or other sidewalk

installations plus detailed narrative and plan of relevant information describing method of service, proposed hours of service outdoors and method of litter control and trash handling of outdoor service.

4a. In this regard a restaurant may utilize its own existing parking area, with the exceptions of handicapped spaces, which may not be utilized for seating.

5. Any restaurant seeking to use any portion of the Township right-of-way shall execute such forms as required by the Township Solicitor which shall include, at a minimum, the following:

a. an indemnification and hold harmless agreement in favor of the Township;

b. a general liability policy, with limits of coverage as described herein and which shall name the Township of Middle as an additional insured;

c. an acknowledgement that

i. the restaurant may not exceed its existing maximum seating capacity when utilizing outdoor dining;

ii. this is an Emergency Temporary Plan enacted solely because of the COVID-19 Pandemic and that any right conferred to a restaurant operator under this Plan shall terminate on October 31, 2020 unless further extended by the Township in its sole judgment and discretion;

iii. the restaurant operator does not acquire any vested rights or privileges under this Plan and waives any right to continue the permissions granted by this plan beyond October 31, 2020 (or such extended date as may be established by the Township);

d. such further and additional documents as may be required by the Atlantic County Municipal Joint Insurance Fund ("ACMJIF") of which the Township is a member.

6. This Plan shall be approved by Resolution which shall be effective upon issuance and shall extend until October 31, 2020 provided, however, that any extension of the area designated for the sale and consumption of alcoholic beverages beyond what is currently licensed, that is, the "Licensed Premises" is reserved to the Township Committee, the local issuing authority for all matters pertaining to Alcoholic Beverage Licenses including the licensing, renewal and local enforcement of Title 33 of the Statutes of New Jersey and the Rules and Regulations of the Division of Alcoholic Beverage Control in the State Department of Law and Public Safety. THIS PLAN MAY BE MODIFIED OR AMENDED AS CIRCUMSTANCES MAY REQUIRE.

7. As used throughout this Resolution, the term "BYOB" shall mean "bring your own bottle" and shall be limited to wine and beer but shall exclude liquor.

CATEGORY ONE

8. Category One shall consist of all restaurants located in TC, TB, HV & VC Zones that have received previous outdoor dining approval.

9. Those restaurants that have previously received approval for outdoor dining using only their deeded property may seek permission to expand outdoor dining to include a portion of the Township right-of-way by following the procedures outlined in Middle Township Code Section 250-630 (Sidewalk Café). (Appendix "A" attached), subject to all applicable Executive Orders and the conditions herein.

10. Those restaurants that have previously been approved for outdoor dining by way of Site Plan Approval granted by the Middle Township Planning / Zoning Board ("APZB") and the terms of which approval conflict with this Temporary Recovery Plan, the provisions of this Temporary Recovery Plan shall control and supersede such Site Plan Approval but only for the duration of this Plan. On October 31, 2020, this emergency Temporary Plan shall terminate, and the provisions of the Site Plan Approval shall continue in force and effect.

11. Those restaurants in Category One that are licensed for the sale and consumption of alcoholic beverages, may serve alcoholic beverage outdoors but only in the deeded portion of the property and provided that such outdoor area is currently encompassed within the area designated as part of the "licensed premises" or has been licensed under the new ABC expansion of premises permit. Those restaurants may also use an approved part or portion of the Township ROW but only to serve food which patrons may consume in that area.

NO ALCOHOLIC BEVERAGES SHALL BE SERVED OR CONSUMED IN THE AREA OF THE TOWNSHIP SIDEWALK OR RIGHT OF WAY. PATRONS DINING IN THE RIGHT-OF-WAY ARE PROHIBITED FROM BYOB PRIVILEGES.

CATEGORY TWO

12. Category Two shall consist of all restaurants located in the TC, TB, HV & VC Zoning Districts that have NOT received previous outdoor dining approval.

13. These restaurants may apply for outdoor dining to be conducted only on the deeded portion of their respective properties. The application shall comply with the provision of Middle Township Code Section 250-630 (Sidewalk Café). (Appendix "A" attached), subject to all applicable Executive Orders and the conditions herein.

Outdoor sale and consumption of alcoholic beverages shall be permitted to the same extent as allowed for Category One properties and subject to the same conditions.

14. The Zoning Office shall determine if the restaurants are such that there can be no use of the Township right-of-way without substantial risk of injury to patrons and members of the public and substantially interfering with vehicular travel. In such event, any use of the Township right-of-way for outdoor dining is prohibited.

15. For restaurant(s) located in the TC, TB, HV & VC Zones Zoning District that already have an outdoor deck where dining is permitted, no additional outdoor dining area shall be allowed, and the existing outdoor dining area shall only be utilized when permitted by Gubernatorial Executive Order and subject to compliance with any social distancing requirements imposed. Patrons may BYOB.

CATEGORY THREE

16. Any restaurant located in any other zoning district, that is other than in the TC, TB, HV & VC Zones, including all those which are non-conforming uses in the zone wherein they are situated, may apply for outdoor dining in the same manner and to the same extent as restaurants located in Category One. Any such application shall be subject to the General Provisions of this Emergency Temporary Plan.

PROVISIONS APPLICABLE TO RESTAURANTS IN ALL CATEGORIES

17. The provisions of sections 3 through 16 are intended solely for the purpose of assisting all restaurants in the Township (the great majority of which only operate seasonally) in serving the maximum number of patrons possible at any one time. This is in recognition of the fact that social distancing requirements and

other regulations will operate to limit the number of restaurant patrons to a number that will, very likely, fall below the maximum number of patrons that could normally be seated for on-premises dining. By increasing the area for dining to the outdoors, the goal is to provide all restaurants with the capability of serving a greater number of patrons while observing social distancing and other requirements.

PERMIT APPLICATION REQUIREMENTS

18. Every application for a temporary permit under this Recovery Plan for either outdoor sales of merchandise or outside dining shall be completed on forms provided by the Township for that purpose. No fee shall be charged for such permit. Restaurants that have previously been approved for outdoor dining must apply under this Recovery Plan.

19. Such application shall contain all of the information and documents required. Incomplete applications cannot be processed.

20. Each retail merchant and restaurant shall, if issued a temporary outdoor permit, be allowed to use a portion of the Township ROW subject to such restrictions and conditions contained in the temporary permit.

21. Each applicant for a temporary outdoor permit that using any part of the Township ROW shall provide the Township with a certificate of insurance naming the Township of Middle etc. as an additional insured with liability limits specified herein. Such applicant shall also execute an Indemnification and Hold Harmless Agreement to indemnify and hold the Township harmless from any claim filed by any individual claiming injury or other damages arising out of the use of the Township ROW. The form of Indemnification and Hold Harmless shall conform to the requirements of the Atlantic County Municipal Joint Insurance Fund (ACMJIF) of which the Township is a member.

LIABILITY INSURANCE REQUIREMENTS AND SCHEDULE OF INSURANCE

22. Notwithstanding the indemnification, hold harmless and defense obligations of the USER/APPLICANT, the USER/APPLICANT shall provide, at its own cost and expense, proof of the following insurance to the "TOWNSHIP OF MIDDLE":

General Liability including Products & Completed Operations Insurance with a minimum combined single limit of liability per occurrence for bodily injury and property damage of one million (\$1,000,000) dollars with a minimum annual aggregate of two million (\$2,000,000) dollars.

Liquor Liability with a minimum limit of liability per occurrence of one million (\$1,000,000.00) dollars with a minimum annual aggregate of two million 250 (\$2,000,000.00) dollars (if applicable).

The TOWNSHIP OF MIDDLE shall be named as an "Additional Insured" and shall be provided with an endorsement to the policy evidencing the designation.

Failure by the USER/APPLICANT to supply such written evidence of the required insurance coverage, and/or the failure by the USER/APPLICANT to maintain the coverage for the duration of this Agreement shall result in the USER's/APPLICANT's default of this Agreement and the USER/APPLICANT shall be prohibited from using said ROW.

The insurance companies providing the above referenced coverage must be licensed by the State of New Jersey and acceptable to the TOWNSHIP. The USER shall take no action to cancel or materially change any of the insurance required under this Agreement without the TOWNSHIP's prior approval. The maintenance of insurance under this section shall not relieve the USER of any liability greater than the limits or scope of the applicable insurance coverage.

23. EFFECTIVE DATE. This Temporary Recovery Plan shall become effective as follows:

Retail stores: Effective Monday, June 1, 2020 through midnight on October 31, 2020. This Plan may be terminated sooner upon the Governor permitting all retail establishments to resume normal operations and without restrictions.

Restaurants and Food Service Establishments: Effective upon relaxation of Gubernatorial Orders which currently require restaurants to remain closed and, when effective, to remain in effect through midnight on October 31, 2020.

24. VIOLATIONS Any violation of the temporary permit authorized by this Recovery Plan, or any violations of this resolution upon which it is authorized or of any Gubernatorial Executive Order shall be grounds for the suspension or revocation of the Township's Temporary Permit by the Zoning Officer. The continued violation shall be cause for prosecution under the Township's ordinances.

25. The Municipal Clerk/Administrator, Construction Official, Zoning Officer and all other appropriate personnel, agent, servants and employees of the Township of Middle are hereby empowered and authorized to take such action as may be necessary to implement to the provisions of this resolution;

Complete copy of Resolution available in the Clerk's office

13. RESOLUTION 211-20 through 213-20 – COVID-19 EXPANSION OF PREMISES PERMIT (ITEMS A THROUGH C) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, Cape Hospitality Group LP has applied for approval temporarily expand their licensed premises to accommodate outdoor dining pursuant to Executive Order 150 issued by Governor Phil Murphy on June 3, 2020; and

WHEREAS, they have provided proper documentation to the Township of Middle; and

WHEREAS, the proper fees have been paid to the New Jersey Division of Alcoholic Beverage Control.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the COVID-19 expansion of premises permit as of June 12, 2020 with an expiration date of November 30, 2020.

(B) WHEREAS, Bucket Brigade Brewery LLC has applied for approval temporarily expand their licensed premises to accommodate outdoor dining pursuant to Executive Order 150 issued by Governor Phil Murphy on June 3, 2020; and

WHEREAS, they have provided proper documentation to the Township of Middle; and

WHEREAS, the proper fees have been paid to the New Jersey Division of Alcoholic Beverage Control.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the COVID-19 expansion of premises permit as of June 12, 2020 with an expiration date of November 30, 2020.

(C) WHEREAS, Coho Brewing LLC has applied for approval temporarily expand their licensed premises to accommodate outdoor dining pursuant to Executive Order 150 issued by Governor Phil Murphy on June 3, 2020; and
WHEREAS, they have provided proper documentation to the Township of Middle; and
WHEREAS, the proper fees have been paid to the New Jersey Division of Alcoholic Beverage Control.
NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the COVID-19 expansion of premises permit as of June 12, 2020 with an expiration date of November 30, 2020.

14. RESOLUTION 214-20 – AUTHORIZING APPLICATION – ATLANTIC CITY ELECTRIC SUSTAINABLE COMMUNITIES GRANT PROGRAM – ENVIRONMENTAL STEWARDSHIP – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle desires to apply for and obtain a grant from the Atlantic City Electric Sustainable Communities Grant Program for approximately \$5,000.00 to develop or update the Township’s Open Space Plan.
NOW THEREFORE BE IT RESOLVED, that the Township of Middle does hereby authorize the application for such a grant, and
BE IT FURTHER RESOLVED, that the Township of Middle hereby recognizes and accepts that the organization may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from said organization, does further authorize the execution of any such grant agreement.
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:
15. RESOLUTION 215-20 THROUGH 216-20 – APPROVE CHANGE ORDER NO. 1 (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
(A) WHEREAS, Scallop Court Final Road Resurfacing Contract was awarded January 22, 2020, via Resolution No. 65-20 to Arawak Paving Co., Inc;
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 Arawak Paving Co., Inc, and is hereby approved, and that the change order results in an increase of \$3,245.99 to the original contract amount of \$61,000.00 for an amended contract amount of \$64,245.99.
(B) WHEREAS, the pipe replacement project for 38 & 40 Channel Road Contract was awarded February 3, 2020, via Resolution No. 88-20 to Compass Construction, Inc;
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 Compass Construction, Inc, and is hereby approved, and that the change order results in an increase of \$4,412.00 to the original contract amount of \$22,903.00 for an amended contract amount of \$27,315.00.
16. RESOLUTION 217-20 – INSERTION OF A SPECIAL ITEM OF REVENUE – NEW JERSEY DEPARTMENT OF TRANSPORTATION, DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT, FISCAL YEAR 2019 SAFE STREETS TO TRANSIT PROGRAM (SSTT) GRANT-AMENDED- IN THE AMOUNT OF \$15,000 – 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:
FY2019 SAFE STREETS TO TRANSIT PROGRAM (SSTT) GRANT - AMENDED
\$15,000.00
BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
FY2019 SAFE STREETS TO TRANSIT PROGRAM (SSTT) GRANT – AMENDED
\$15,000.00
17. RESOLUTION 218-20 – AWARD OF BID – HAND AVENUE SIDEWALK EXTENSION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, it has been deemed necessary and desirable to solicit bids for the Hand Avenue sidewalk extension project;
WHEREAS, sealed bids were received on October 29, 2019; and
WHEREAS, Resolution 511-19 authorized the Township of Middle to exceed the 60-day bid limitation for an additional ninety (90) days
WHEREAS, it appears that the following bid submitted represents a figure equal to the next 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 Hand Avenue Sidewalk Extension be awarded to Charles Marandino, LLC.

Charles Marandino, LLC
Hand Avenue Side Walk Extension

Not to Exceed \$99,065.00

BE IT FURTHER RESOLVED, that the Township of Middle will receive an allotment of \$15,000.00 from the Transportation Trust Fund for said project.

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

18. RESOLUTION 219-20 – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK & WALBERG ENGINEERS – BIKE PATH NORTH – 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 Remington, Vernick & Walberg Engineers shall provide engineering, contract administration and management services for the following:

Remington, Vernick & Walberg Engineers
Engineering, Contract Administration & Management
Bike Path North
Not to Exceed an additional \$27,000

19. PUBLIC COMMENT:

Mayor Donohue:

- *Discussed funding for Hand Avenue sidewalk project as well as additional services for Bike Path North.*

Stan Donigar, Rio Grande:

- *Asked for updates on various topics previously discussed at work session meetings.*

Mayor Donohue:

- *Discussed State suspending review of applications for marijuana dispensaries due to a pending suit and ballot question on legalization of marijuana in November.*

Vince Orlando, Township Engineer:

- *Provided update on County Commons project.*
- *Mentioned standstill on pocket park concept at Route 47 and Route 9 due to COVID.*
- *Spoke of status of Rio Grande Park construction.*
- *Also discussed Master Plan meetings being held possibly in July; held off to avoid hosting meeting via Zoom.*
- *Explained zoning changes would need to be implemented as part of the master plan for hotel concept to move forward.*
- *Provided update on old Atkinson's restaurant.*

Chris Hines, VP of NAACP:

- *Thanked the Committee and Township for Juneteenth Proclamation.*
- *Also thanked Mayor Donohue for his support throughout peaceful protests.*

COMMITTEE COMMENTS:

Committeeman Norris:

- *Discussed Committee decision to host fireworks.*
- *Spoke of excitement for outdoor dining and retail.*
- *Provided information on Juneteenth celebration.*

Committeeman Gandy:

- *Thanked everyone at the Township for their hard work during public health emergency.*
- *Spoke of social distancing for 4th of July fireworks.*
- *Also discussed excitements for Juneteenth celebration.*

Mayor Donohue:

- *Reviewed several agenda items including emergency sewer repairs and 4th of July fireworks.*
- *Discussed phase 2 of reopening of the State as well as agenda items to assist businesses with reopening process.*
- *Spoke of peaceful protests held in the Township; thanked all in attendance including officers from other towns.*
- *Mentioned Township-implemented programs already in place.*
- *Discussed 21st Century Policing Zoom meeting.*
- *Recognized retirement of Lieutenant Doug Osmundsen.*
- *Also reviewed various changes the Police Department has made over the years to rebuild and strengthen the department.*
- *Spoke of commitment to making the Community better.*
- *Pledged to residents to listen and build upon the continuing open dialogue built between the Township, Police Department and concerned residents.*

Motion to adjourn meeting – 6:43PM

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