

Cape May Court House, NJ
October 5, 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.*)
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. \$3,085,509.98
3. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETING – 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: 09/21/2020 Regular Meeting.*
4. REPORTS: Clerk for the Month of September; Sterback Harbor for the Month of September; Sewer Collection for the Month of September; Tax Collector for the Month of September
5. ORDINANCE 1611-20 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 236 SECTION 11 SCHEDULE VII (236-35), THEREOF, ENTITLED STOP INTERSECTIONS - Following second reading, hearing, and consideration for adoption, Ordinance 1611-20 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk's Office.
BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:
SECTION 1. Section 236-11 (and furthermore schedule VII (236-35) of the Code of the Township of Middle is hereby supplemented by the addition of the following:

<i>INTERSECTION</i>	<i>STOP SIGN ON</i>
<i>George Street and Main Street</i>	<i>All Approaches</i>

SECTION 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.
SECTION 3. Should any section, paragraph, sentence, clause or phase 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 4. This Ordinance shall become effective immediately upon final passage and publication, according to law.
6. ORDINANCE 1612-20 - AN ORDINANCE VACATING A PORTION OF 28TH AVENUE AS SHOWN ON SHEET 23.05 OF THE TAX MAP OF MIDDLE TOWNSHIP - On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1612-20 passed first reading. Second reading, public hearing and consideration for adoption will be held on 11/02/2020 at 6:00 p.m.
BE IT ORDAINED, by the Township Committee of the Township of Middle, in the County of Cape May and the State of New Jersey, as follows:
SECTION 1. The public right, title and interest in, along, upon and over the following described land is hereby vacated, surrendered and extinguished: All that certain tract of parcel of land, situate in the Township of Middle identified as a portion of 28th Avenue, as more clearly set forth on Tax Map Sheet 23.05 of the Tax Map of Middle Township, annexed hereto and bounded as follows:
 - A. *To the West by Block 1233.01 Lots 4&5*
 - B. *To the East by Block 1234.01 Lot 1*
 - C. *To the South by the Grassy Sounds Bridge*
 - D. *To the North by North Wildwood Road*
The applicable portion of the Tax Map (Sheet 23.05) is attached as Exhibit "A", depicting the portion of 28th Avenue to be vacated,
SECTION 2. The Township of Middle, for itself, its successors and assigns, reserves unto itself the right to construct, install, build, operate, maintain, use, repair, replace and relocate such public utilities and cable television facilities, within the described premises, which it may, at any time hereafter, deem

necessary for the public health, safety, convenience and welfare, and the Township of Middle further reserves unto itself the right to use, maintain, repair, replace and relocate all existing utilities and cable television facilities owned or controlled by it located in, adjacent to, upon or through said land, and further reserves unto itself an easement over, under, through and across the portion of the land described as may be necessary or expedient for the purpose of maintaining, replacing, relocating, installing, leveling, constructing and repairing its utilities, mains and appurtenances, if any, wherever there exists a pipeline and appurtenances thereto beneath the surface of the aforesaid described land. The Township of Middle further reserves for its benefit and the benefit of any utility or cable television company the right to maintain, repair, and replace utilities or facilities installed by them in, adjacent to, over or through the aforesaid land. All of the aforesaid rights shall be unaffected by this ordinance.

SECTION 3. Subsequent to the successful adoption of this ordinance the Township shall issue deeds to the adjoining land owners transferring the appropriate portion of the vacated lands as required by statute.

SECTION 4. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. Should any part of this ordinance be declared unconstitutional or invalid, the remaining portions of this ordinance shall not be affected thereby, but shall remain in full force and effect, and to this end the provisions of this ordinance are declared to be severable.

SECTION 6. This ordinance shall become effective immediately upon final passage and publication, according to law.

7. RESOLUTION – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – 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 discontinuation of temporary appointment listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
John Mitchell	Public Works	Laborer 1 F/T T/A (6 months)	09/19/2020

8. 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
Mark Gose	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	09/30/2020
Patricia Brannon	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	09/30/2020
Gerry McCaffrey	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	09/30/2020
Andy Hilvert	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	09/30/2020
Ashley Mitchell	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	09/30/2020
Megan Langrell	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	09/30/2020
John Woytsek	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	09/30/2020
Jeremy Embs	Public Safety – Telecommunications	P/T Telecommunications Operator	09/30/2020

9. RESOLUTION – APPOINTMENTS – NEW HIRES – 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 employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Joseph Graham	Recreation	Recreation Aide	\$24,990.00	10/09/2020
Jessica Mallek	Public Safety – EMS	Emergency Medical Technician P/T Permanent	\$12.60 per hour	10/07/2020
Lisa Stiltner	Public Safety – EMS	Emergency Medical Technician P/T Permanent	\$12.60 per hour	10/01/2020

Keith Alexander	Public Safety – EMC	Emergency Medical Technician P/T Permanent	\$12.60	09/29/2020
-----------------	---------------------	---	---------	------------

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/location	2020	2021
18252	1436.05	52	Spolitino, Fred R & Kathleen Property location: 33 Falkirk Drive 100% Disabled Veteran - Exempt as of 8/17/2020	\$1,688.72	\$2,285.53
17080	257	24 C0001	Sforza, Richard Property location: 3 Way Rd #A 100% Disabled Veteran – Exempt as of 6/4/2020	\$2,497.15	\$2,181.99
15176	163.01	18	Baehr, Louise S Property location: 16 West Woodland Ave 100% Disabled Veteran - Exempt as of 5/29/2020	\$5,126.66	\$4,373.52
17802	114	13 C0176	Mc Gugan, William F & Janet H Property location: 206 Springdale Court 100% Disabled Veteran – Exempt as of 5/12/2020	\$3,738.27	\$2,951.32

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 to the property owner below due to overpayment made on tax exempt property.

ACCT	BLOCK	LOT	OWNER/LOCATION	2020
18252	1436.05	52	Spolitino, Fred R & Kathleen 33 Falkirk Drive Rio Grande, NJ 08242	\$512.40
17080	257	24 C0001	Sforza, Richard E & Colleen K 3 Way Rd #A Cape May Court House, NJ 08210 Property location: 3 Way Rd #A	\$1,374.72
15176	163.01	18	Baehr, Louise S 16 West Woodland Ave Cape May Court House, NJ 08210 Property location: 16 West Woodland Ave	\$2,876.90
17802	114	13 C0176	Mc Gugan, William F & Janet H 206 Springdale Court Cape May Court House, NJ 08210 Property location: 206 Springdale Court	\$2220.10

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 checks in the above noted amounts payable to the above-mentioned parties, 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 – ASSIGNMENT OF TAX SALE LIEN – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle is the holder of Tax Sale Certificate #2013-7162 acquired under N.J.S.A. 54:5-34; and,
WHEREAS, it is deemed financially beneficial to, and in the best interests of, the Municipality to sell or assign that tax sale certificate; and
WHEREAS, the Tax Collector will mail notice of the potential assignment to the property owner at the address as it appears on the tax duplicate within five days prior to the action; and
WHEREAS, notice of the assignment will be posted in three public places within the Township of Middle and published in the Herald Newspaper, within five days prior to the action as required by law.

15. RESOLUTION – AWARD OF BID – OFF DUTY POLICE MANAGEMENT AND ADMINISTRATION – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *WHEREAS, it has been deemed necessary and desirable to solicit bids for Off-Duty Police Management and Administration; and WHEREAS, sealed bids were received on September 16, 2020; and WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest complete bid received, which complies with specifications. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the Off-Duty Police Management and Administration be awarded to Extra Duty Solutions as follows:*
Township – Receipt of Ninety-Two and Twenty-Five Hundredths (92.25%) of fees collected
Extra Duty Solutions – Receipt of Seven and Seventy-Five Hundredths (7.75%) of fees collected
FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.
16. RESOLUTION – AMENDING RESOLUTION 93-20 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – CARLUCCIO, LEONE, DIMON, DOYLE AND SACKS – SPECIAL COUNSEL FOR AFFORDABLE HOUSING – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *WHEREAS, Resolution No. 93-20 authorized an agreement with Carluccio, Leone, Dimon, Doyle and Sacks, LLC for affordable housing counsel services, as a non-fair and open contract pursuant to the Pay to Play regulations; and WHEREAS, said contract needs to be amended to include additional services and; WHEREAS, the agreement for services with Carluccio, Leone, Dimon, Doyle and Sacks, LLC will have a total value that will exceed \$17,500; and WHEREAS, Carluccio, Leone, Dimon, Doyle and Sacks, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit Carluccio, Leone, Dimon, Doyle and Sacks, LLC from making any reportable contributions through the term of the contract. 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. FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.*
CARLUCCIO, LEONE, DIMON, DOYLE AND SACKS, LLC –
Affordable Housing Counsel Services
Not to Exceed an additional - \$10,000.00
(Total Contract Amount \$27,500.00)
17. RESOLUTION – INSERTION OF A SPECIAL ITEM OF REVENUE – 2020 SAFE AND SECURE COMMUNITIES GRANT PROGRAM – On motion by _____ seconded by _____ 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:*
2020 Safe and Secure Communities Grant Program \$60,000.00
BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
2020 Safe and Secure Communities Grant Program \$60,000.00
18. RESOLUTION – SOCIAL AFFAIRS PERMIT – WILDWOOD CATHOLIC ACADEMY – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *WHEREAS, Wildwood Catholic Academy has applied for approval to sell alcoholic beverages at an event to be held at The Shore Club, 1170 Golf Club Road, Cape May Court House, New Jersey 08210 on October 19, 2020 from 11:00am until 10:00pm; and WHEREAS, they have provided proper documentation to the Township of Middle. NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.*
19. RESOLUTION – SUPPORTING OCTOBER 6TH AS KNOCK OUT OPIOID ABUSE DAY – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *WHEREAS, New Jersey is in the midst of a life-threatening opioid abuse epidemic; and WHEREAS, the State Senate and General Assembly jointly resolved that October 6 shall be permanently designated as Knock Out Opioid Abuse Day in New Jersey in order to raise awareness about the dangers of, and the link between, opioid abuse and heroin addiction and to educate health care providers, community leaders, state lawmakers and members of the public about the opioid abuse epidemic and its effects throughout the State of New Jersey and across the country; and WHEREAS, there were 59 suspected overdose deaths in Cape May County in 2019 according to the NJ Office of the Attorney General and the majority of the County’s treatment admissions were for heroin/other*

opiates in 2018 according to the NJ Department of Human Services Division of Mental Health and Addiction Services; and

WHEREAS, the Knock Out Opioid Abuse Day campaign is sponsored by the Partnership for a Drug Free New Jersey in cooperation with the Governor's Council for Alcoholism and Drug Abuse and the NJ Department of Human Services Division of Mental Health and Addiction Services to raise awareness of the potential for dependency on prescribed pain medicine and its link to heroin use rates in our state, reduce stigma of addiction and shine a light on the need for recovery support, and communicate to physicians information on safer prescribing messages found in the Centers for Disease Control and Prevention guidelines for prescribing opioids, which include considering other therapies, setting realistic treatment goals with patients and discussing with patients the positives and negatives of opioids; and

WHEREAS, the Township of Middle supports initiatives designed to raise awareness about opioid abuse in New Jersey and take steps to prevent addiction;

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, encourages all residents to visit the HopeOne Mobile Outreach vehicle as it travels throughout the communities of Cape May County providing information, resources and immediate access to services and treatment facilities getting them back on the road to recovery. The Township Committee of the Township of Middle also encourages all residents to utilize the prescription drug drop boxes to dispose of unused and expired medications safely and securely. Prescription drug drop boxes are located at every Police Department in Cape May County.

BE IT FURTHER RESOLVED, that October 6, 2020, be recognized as Knock Out Opioid Abuse Day in the Township of Middle, County of Cape May.

20. RESOLUTION - AUTHORIZING SPECIAL DISPENSATION FOR RELIEF OF CHAPTER 179, ENTITLED NOISE – ROUTE 9 RELIABILITY PROJECT – SWAINTON SUBSTATION – ATLANTIC CITY ELECTRIC – 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 special dispensation for relief from Chapter 179 of the township code is hereby granted in connection with the Route 9 Reliability Project, specifically with regard to work to be done at the Swainton Substation.

21. RESOLUTION – URGING THE GOVERNOR TO REOPEN ALL BUSINESSES AND INCREASE INDOOR DINING CAPACITY TO AT LEAST 50% OCCUPANCY – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, the worldwide COVID-19 pandemic has crippled businesses in Township of Middle and the entire nation during the year 2020; and

WHEREAS, the Governor has stated that it would be appropriate as COVID-19 numbers go down that the economic numbers of the State of New Jersey should rise; and

WHEREAS, with a rate of transmission of 0.98 and a positivity rate of just 1.6%, there is no reason why the State of New Jersey should not proceed with the reopening of the economy, which would not only increase economic numbers further but also provide jobs and needed income for millions of New Jersey residents; and

WHEREAS, it is unfathomable that counties in South Jersey, with low rates of transmission and positivity, should be grouped together in economic stagnation with high-risk counties in North Jersey, where the vast majority of COVID-19 problems have occurred – that “safe” counties such as Cape May County, with just a fraction of the cases compared to other regions of the State, should not be permitted to reopen their economies immediately; and

WHEREAS, while allowing eating establishments to open at 25% capacity is a step in the right direction, this limited capacity opening was not permitted until Labor Day weekend, when a large portion of New Jersey restaurants and eateries were getting ready to close up for the year; and

WHEREAS, when restaurants and eateries maintain the Governor's mandated social distancing requirements, there is no reason why they cannot, where space permits, use up to 50% capacity of their establishments – and as the transmission rate remains so low in Cape May County, that capacity should continue to be increased; and

WHEREAS, such measures as increasing restaurant capacity and reopening businesses are imperative if the economic viability of the Township of Middle and its surrounding areas is to be maintained and grow in the future.

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

- 1. Statements of the preamble hereto are incorporated herein by this reference.*
- 2. The Township of Middle hereby urges the Governor to implement a regional approach to reviving the economy of the State of New Jersey, with low-risk COVID-19 areas being permitted to reopen immediately, instead of the current “one-size-fits-all” approach which continues to damage the economy of the entire State.*
- 3. The Township of Middle hereby urges the Governor to allow businesses in Cape May County to reopen immediately without restriction.*
- 4. The Township of Middle hereby urges the Governor to allow restaurants and eateries in Cape May County to increase their indoor dining capacity to 50% immediately.*
- 5. The City Clerk shall forward copies of this Resolution to the Governor, State Senate majority and minority leaders, District 1 legislators, Cape May County Freeholders and each municipality in Cape May County.*

22. RESOLUTION – APPOINTING MEMBERS TO THE MIDDLE TOWNSHIP LAW ENFORCEMENT COMMUNITY ENGAGEMENT COMMITTEE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Middle Township Committee has previously determined that it would be in the best interest of the Township and its residents to form the Middle Township Law Enforcement Community Engagement Committee to give a voice to a diverse group with a shared mission – to foster trust and mutual respect between the police and the community; and

WHEREAS, the Committee has solicited Township residents to serve as members of the advisory committee and a number of residents have volunteered to serve.

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 individuals are hereby appointed to the Middle Township Law Enforcement Community Engagement Committee:

<i>NAME</i>	<i>TERM</i>	<i>TERM EXPIRES</i>
<i>Rudy Sheptock Local Clergy</i>	<i>3 yrs</i>	<i>12/31/2023</i>
<i>Melisha Anderson, Educator</i>	<i>3 yrs</i>	<i>12/31/2023</i>
<i>Butch Hamer, Concerned Citizens of Whitesboro Representative</i>	<i>3yrs</i>	<i>12/31/2023</i>
<i>Quanette Vasser-McNeal, Member of Local Chapter of the NAACP</i>	<i>3 yrs</i>	<i>12/31/2023</i>
<i>Dan Auld, Middle Township Resident</i>	<i>2 yrs</i>	<i>12/31/2022</i>
<i>AG Anderson, Middle Township Resident</i>	<i>2 yrs</i>	<i>12/31/2022</i>
<i>Maureen Hagan, Middle Township Resident</i>	<i>2 yrs</i>	<i>12/31/2022</i>
<i>Patrick Miller, CARES Program, Representative from the Township's social service partners</i>	<i>1 yr</i>	<i>12/31/2021</i>
<i>Chief Christopher Leusner, Middle Township Police Department Liason</i>	<i>1yr</i>	<i>12/31/2021</i>
<i>Rachel Shepherd, Secretary</i>	<i>1yr</i>	<i>12/31/2021</i>

23. PUBLIC COMMENT:

Motion to adjourn meeting –

1st: _____ 2nd: _____

Pass on Roll Call: