

**Cape May Court House, New Jersey
TOWNSHIP OF MIDDLE
TOWNSHIP COMMITTEE
WORK SESSION AGENDA
October 21, 2019 4:00 PM (prevailing time)**

CALL TO ORDER:

Mayor's Announcement: 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).

Notice of this meeting was properly given in Resolution No. 25-19 entitled "Establishing Work Session Meeting Nights" which was adopted by Township Committee of the Township of Middle on January 2, 2019.

Members present are Mayor Donohue, Deputy Mayor Gandy, and Committeemember Clark

Deputy Township Clerk Andrea Singley, Township Engineer Vincent Orlando & Municipal Solicitor Marcus Karavan
Business Administrator/Township Clerk Kimberly Krauss was absent

FLAG SALUTE:**ITEMS OF DISCUSSION:**

Update on "Cape May County
Commons" Project – Jeffrey
Lindsay & Elizabeth Bozzelli

Mayor Donohue:

- Briefly discussed former Kmart Plaza
- Spoke of excitement for the upgrade to the plaza
- Introduced Jeff Lindsay, Freeholder Thorton, Beth Bozzelli and William Burns

Jeffrey Lindsay:

- Gave background on the beginning of the project for the site
- Discussed process of purchasing the site
- Presented proposed site plan for the site
- Discussed the various features within the complex
- Stated all site work to be completed by December 31, 2019
- Presented animated walk through of the complex
- Continued to discuss the various features for the complex

Mayor Donohue:

- Asked if the corridor will allow one to walk all the way through the court yard

Jeffrey Lindsay:

- Confirmed that it would
- Discussed award of bid to owners of Harbor Square Theater who are planning a beer garden, movie theater, restaurant bar, bowling alley and arcade.

Jeffrey Lindsay:

- Discussed the various stores currently in agreement for use of the store fronts and the areas that are still open for rent
- Spoke of the various government services being placed within the complex
- Commented on the agreement for a Tractor Supply to open in the complex with a 20-year term agreement
- Reiterated the County's initial goal was not to enter into the redevelopment of the site but found it to be more beneficial
- Stated the complex will help add about 50 jobs to Cape May County
- Spoke of excitement the County has for this project

Mayor Donohue:

- Asked how much of the complex will remain vacant and if the County is seeking private tenants for all of the vacant spaces

Jeffrey Lindsay:

- Stated south of Tractor Supply will be used for public purpose but the rest of the space will be set aside for private purposes; further explained they are trying to use the vast amount of the complex for private purposes

Committeeman Gandy:

- Commented on the corner of Route 47 and Route 9; asked what pressure the County can put on the State of New Jersey to make that space look more presentable

Jeffrey Lindsay:

- Stated it was something he believes the Freeholder Board would be interested in working with Middle Township to renovate

Committeeman Clark:

- Spoke of State once possibly expanding the intersection and explained they never moved forward; further explained the State bought the gas station but never finished with upgrading the area

Committeeman Gandy:

- Spoke of Town Center

Mayor Donohue:

- Asked about the serving of alcohol within the complex; Spoke of the concern by various residents and the current liquor license holders

Jeffrey Lindsay:

- Gave background on the research done for the liquor license at the complex
- Explained what a concessionaire's permit is

- Further explained it is a license for government owned properties only
- State is was strictly for consumption only.

Mayor Donohue:

- Asked if the permit is renewed on an annual basis

Jeffrey Lindsay:

- Explained the County must give their approval for the permit and it is done through an RFP process
- Further discussed the process for obtaining the permit
- Stated there is a \$2,400 fee and the permit holder must reapply and pay the fee for the permit each year

Mayor Donohue:

- Asked if the permit is being used anywhere else in the County

Jeffrey Lindsay:

- Stated not in Cape May County currently; to his knowledge Atlantic City is utilizing 12 of the concessionaires permits currently along the walk.

Stan Donigar, Rio Grande:

- Asked what provisions are being made for access to the complex for those who are disabled

Jeffrey Lindsay:

- Explained the various features to assist with residents who are disabled and may have difficulty trying to get to the complex

Dennis Roberts, CMCH:

- Asked if property taxes will be paid on non-governmental used areas in the complex

Jeffrey Lindsay:

- Confirmed that those areas will be taxable
- Explained the question has been brought up before; further explained the County plans to condo sections of the complex and try to make it easier for the Township Tax Assessors to tax those areas
- Stated approximately 100,000 sq ft will be taxed

Lou Altobelli, CMCH:

- Asked if other theater companies submitted bids for the theater

Jeffrey Lindsay:

- Explained National Company's did not want to go through to RFP process

Lou Altobelli, CMCH:

- Asked if other theaters were aware of the proposed alcohol permit

Jeffrey Lindsay:

- Confirmed that they were aware

Lou Altobelli, CMCH:

- Asked if an LLC is required to have insurance for the liquor license in case of an accident

Jeffrey Lindsay:

- Began to explain

Lou Altobelli, CMCH:

- Spoke of various government contracts he currently has and his requirements with his contracts.

Jeff Lindsay:

- Began to explain provisions in the lease agreements

Lou Altobelli, CMCH:

- Further asked about the company's LLC

Jeffrey Lindsay:

- Discussed evaluation process of the theater

Lou Altobelli, CMCH:

- Discussed comparison between a smaller company and a larger theater company.
- Further discussed liability concerns of the theater having a liquor license
- Spoke of committee voting on the liquor license

Mayor Donohue:

- Explained Middle Township is not voting on this subject

Lou Altobelli, CMCH:

- Asked for clarification that Middle Township has no rights in regards to the theater and liquor license

Jeffrey Lindsay:

- Explained Middle Township is not involved in the process

Mayor Donohue:

- Further explained Middle Township has the same rights as anyone would have in the public hearing process of legal approval

Lou Altobelli, CMCH:

- Asked about elected officials being a part of the theater's LLC

Jeffrey Lindsay:

- Stated no elected official is part of the theater's LLC

Lou Altobelli, CMCH:

- Stated he thought the Mayor of North Wildwood was part of the LLC

Jeffrey Lindsay:

- Stated no and further explained the claim

Lou Altobelli, CMCH:

- Asked if the North Wildwood Mayor is currently running the restaurant at another affiliated theater of the company
- Questioned the County's processing of the theaters

Jeffrey Lindsay:

- Asked for further explanation of question

Lou Altobelli, CMCH and Jeff Lindsay went back and forth regarding liquor license for the theater in an indiscernible fashion

Lou Altobelli, CMCH:

- *Further discussed concerns regarding bid process for the theater*
- *Asked Jeff Lindsay if they did everything possible to get the best possible bids*

Jeff Lindsay:

- *Responded yes then began to explain bid process for the theater*

Lou Altobelli, CMCH:

- *Continued to discuss concerns regarding the bidding process*

Jeff Lindsay:

- *Reiterated conversations were had with national companies*

Lou Altobelli, CMCH:

- *Stated thoughts regarding the difference between the theaters in relation to government*

Mayor Donohue:

- *Stated to Lou Altobelli that he was out of line; explained he cannot make accusations without evidence*

Lou Altobelli, CMCH:

- *Asked what is being done to protect the current liquor licenses*

Jeffrey Lindsay:

- *Spoke of claims made by Mr. Altobelli*

Lou Altobelli, CMCH:

- *Asked about fair bid and taxes for the theaters; further asked about what the Township and County are doing to protect the liquor licenses currently in the Township*
- *Continued to discuss the liquor licenses within the Township*

Jeffrey Lindsay:

- *Explained the license is not free and the concessionaire permit has been around for a long time*
- *Stated to Mr. Altobelli he should reach out to his state legislature with any concerns regarding concessionaire permits*

Richard Rutherford, Rio Station:

- *Discussed concern of various types of liquor licenses in the area and the concern of diminishing of value of the current liquor licenses in the township*
- *Asked about the leasing of the property in relation to the license*

Jeffrey Lindsay:

- *Further explained the concessionary permit*

Rick Rutherford, Rio Station:

- *Asked about loop holes*

Jeffrey Lindsay:

- *Stated the permit is not a loop hole*

Rick Rutherford, Rio Station:

- *Continued to discuss concerns and frustrations*

Mayor Donohue:

- *Explained the new breweries, wineries, distilleries are being permitted at the state level; further explained the Township cannot control when these facilities are put in the Township*
- *Further explained that the permit for the theater is not a license*
- *Discussed the previous one-mile rule not being in effect after being challenged in court previously*

Lou Altobelli, CMCH:

- *Commented on the County entering the "Real Estate Business"*
- *Believes not everything beneficial for the Cape May County is necessarily beneficial for Middle Township*
- *Commented on the price of a liquor license and the businesses the permit may affect*
- *Further discussed concern regarding the insurance for the movie theater*
- *Continued to discuss concerns regarding the liquor licenses*

Marc Karavan:

- *Stated he sees no liability on the Township's part in regard to an accident involving the concessionary permit premise*
- *Reiterated that the project on the facility is completely ran by the County*

Elizabeth Franco, Rio Station:

- *Asked if any other money does back to the Township with the concessionary permit after the sale of liquor*

Jeffrey Lindsay:

- *Asked for clarification*
- *Explained the permit fee of \$2,400 for not go back to the County or Township but directly to the State of New Jersey*
- *Stated it is an annual application that must be applied for and paid to continue to utilize the permit*
- *Further explained the County only approves the application for submission by the company to the State of New Jersey*

Elizabeth Franco, Rio Station:

- *Clarified the permit is a state permit but the county will vote on the permit*

Jeffrey Lindsay:

- *Further explained the approval process and requirements of the concessionaire permit*

Rick Rutherford, Rio Station:

- *Gave thoughts of the permit verses a plenary consumption license*

Rick Rutherford, Rio Station:

- *Asked about protection for the businesses already established within the Township of Middle and County of Cape May*

Lou Altobelli, CMCH:

- *Spoke of concern that the County can approve an application for the concessionary permit at another time for any other County-owned land*

Jeffrey Lindsay:

- *Advised Mr. Altobelli reached out to his State Legislator*

Lou Altobelli, CMCH:

- *Asked what the benefit is to the County in relation to the concessionaire permit*

Jeffrey Lindsay:

- *Spoke of trying to revitalize the complex*

Lou Altobelli, CMCH:

- *Asked if people would not go to the theater restaurant if there is no liquor license*

Jeffrey Lindsay:

- *Explained all three interested theaters wanted liquor to be sold at the complex*

Rick Rutherford, Rio Station:

- *Asked why the theater did not purchase the liquor license being sold by the Township of Middle*

Jeffrey Lindsay:

- *Further explained the reason for the utilization of the concessionaire permit*

Rick Rutherford, Rio Station:

- *Stated he believes his family's restaurant should help provide enough taxes for the area*
- *Spoke of Jeff Lindsay's response to his statement*

Jeffrey Lindsay:

- *Explained he was acknowledging Mr. Rutherford's concerns*

Rick Rutherford, Rio Station:

- *Asked if they are at a standstill at this point*

Lou Altobelli, CMCH:

- *Asked hypothetical question regarding situation of County buying a separate piece of property*

Jeffrey Lindsay:

- *Stated yes if that business was on property that the county was interested in purchasing and the business wanted to sell alcohol then yes, the county would be able to approve another concessionaire permit*

Lou Altobelli, CMCH:

- *Discussed concerns of County property purchases*

Jeffrey Lindsay:

- *Stated the County is currently doing economic redevelopment at the airport as well*

Lou Altobelli, CMCH:

- *Asked if they will be selling alcohol there as well*

Jeff Lindsay:

- *Responded that they are doing redevelopment there for technology companies*

Lou Altobelli, CMCH:

- *Clarified that if the County wanted to, they could have a license at the airport as well*

Jeff Lindsay

- *Stated yes, the County could authorize a concessionaire permit at the airport*

Robin Mets:

- *Asked about the devaluation of the liquor licenses*
- *Asked if current liquor license owners have had a dip in their alcohol sales*

Rick Rutherford, Rio Station:

- *Stated his food sales are up but he believes bar sales have gone down*

Robin Mets:

- *Asked if that would be something the owners would want to look into*
- *Suggested the various licenses are allowing people to enjoy all the different places*

Rick Rutherford, Rio Station:

- *Explained breakfast was started two years ago and has helped the business*
- *Further explained he has not isolated the independent sales*

Robin Mets:

- *Stated she believes it would be beneficial studying the effects other bars have had or not had on his business*

Rick Rutherford, Rio Station:

- *Explained he would like to be able to go to the movies or bowling and have a drink but does not understand the \$2,000 cost for the permit*

Robin Mets:

- *Stated that Jeff Lindsay did explain the annual cost for the permit in detail*

Rick Rutherford, Rio Station:

- *Asked when the Township is voting*

Mayor Donohue:

- *Stated the Township does not vote on this matter*
- *Explained this is a County run project*
- *Further explained the Township has the same ability to make public comment like the residents*

Rick Rutherford, Rio Station:

- *Asked for clarification that the permit is set as presented*

Mayor Donohue:

- *Stated they can apply to the state for approval*

Rick Rutherford, Rio Station:

- *Asked if they applying to the state*
- *Further asked if anything can be done at this point*

Jeffrey Lindsay:

- *Stated yes, anyone concerned can reach out to the New Jersey Alcohol Beverage Control*

Dawn Robinson, Burleigh:

- *Served Lou Altobelli with lawsuit*

Update on Areas in need of
Rehabilitation/Redevelopment –
James Maley

James Maley:

- *Gave update on the areas in need of redevelopment and rehabilitation*
- *Gave presentation on rehabilitation zones within the Township of Middle*
- *Explained the different processes for rehabilitation and redevelopment areas*
- *Stated the areas have been through the Planning Board process and Township Committee process for designation of the various areas*
- *Went over the current process for the redevelopment area*
- *Reviewed the Indian Trail Redevelopment area and where the project is currently at; further discussed condemnation area*
- *Discussed the various rehabilitation areas within the Township*

Vince Orlando, Engineer:

- *Stated Triad had a plan for rehabilitation*
- *Explained they went in front of Planning Board and received approval for an expanded rehabilitation area*

James Maley:

- *Continued to discuss the various rehabilitation areas within the Township*
- *Explained process for the Township to sell and improve the areas according to Redevelopment & Rehabilitation laws*
- *Stated the Planning board is on board and is understanding of the redevelopment and rehabilitation process as well*
- *Stated this gives the Township more control over project; explained the ways the law can help to redevelop these pieces of property and the Committees role in the redevelopment*

Mayor Donohue:

- *Asked what happens next for these areas*

James Maley:

- *Explained the next step is waiting on a project to be placed on these areas*
- *Stated the next step for Indian Trail is that Committee can discuss ways to get the ball moving to encourage a project for this area*

Mayor Donohue:

- *Discussed disconnect between getting areas designated and now getting investors for these areas to begin*

James Maley:

- *Gave suggestions on how to continue the process for these various areas*
- *Discussed various project procedures used for other entities outside the Township*

James Maley:

- *Stated a rehabilitation designation could help the County redevelopment*

Stan Donigar, Rio Grande:

- *Asked about guidelines and regulations with taxes to entice investors*

James Maley:

- *Explained possible deals to help make a project work; further explained it is on a project to project basis*

Mayor Donohue:

- *Asked for clarification on the area in need concept; asked if approval is needed from the State*

James Maley:

- *Confirmed; explained criteria and process for the designation; further explained they have completed the process*

Mayor Donohue:

- *Asked that if designation gives the option for these areas but is not required for these areas*

James Maley:

- *Stated yes it gives the investors the option*
- *Further explained the flexibility of the options for these areas*

DEPARTMENTAL REPORTS AND PROJECT UPDATES:

Administration:

Finance:

Public Works:

Engineering:

Legal:

Tax Collection:

Tax Assessment:

Construction/Planning/Zoning:

Recreation:

Police / Animal Control/ Code Enforcement:

Buildings and Grounds:

Sewer:

Economic Development:

Personnel:

Zoning:

Township Clerk:

SPECIAL PRESENTATIONS OR DISCUSSIONS:

PUBLIC COMMENT: NONE

Motion to Adjourn Meeting – 5:26pm

1st: Committeeman Clark

2nd: Committeeman Gandy

Roll Call Vote: Committeeman Clark, Committeeman Gandy, Mayor Donohue

Kimberly D. Krauss, Twp. Clerk

Minutes by: Emily Bowman