

Cape May Court House, NJ  
 October 4, 2021  
 REGULAR MEETING  
 FLAG SALUTE  
 THIS MEETING IS BEING RECORDED:

I hereby declare that notice has been given to the Herald Times, the Atlantic City Press and posted on the bulletin board of the Middle Township Municipal Building, stating the time and place of the following meeting, as required in P.L. 1975, Chapter 231 of the State of New Jersey. (Sunshine Law).

The Township Committee met on the above date at 6:00 PM at the Middle Township Municipal Building. Members present were Deputy Mayor Gandy, Committeemember Norris, Deputy Business Administrator Suzanne Schumann, & Steve Morris for Municipal Solicitor Marcus Karavan

**\* Mayor Donohue, Business Administrator/Township Clerk Kimberly Osmundsen, Township Engineer Vince Orlando & Deputy Township Clerk Andrea Singley were absent**

1. RESOLUTION 400-21 – APPOINTMENT – TEMPORARY ACTING DEPUTY TOWNSHIP CLERK – On motion by Committeeman Norris seconded by Committeeman Gandy 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 the following employee is hereby temporarily appointed (for a period of 30 days) to the in-house title opposite their name:

NAME	DEPARTMENT	TITLE	EFFECTIVE
Suzanne M. Schumann	Administration	Temporary Acting Deputy Township Clerk	10/04/2021

\*In-House title of Temporary Acting Deputy Township Clerk due to the uncertainty of COVID-19 and the potential limitations of COVID-19.

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.)

*Maryann Alulis, CMCH:*

- *Asked if the proposed street vacation would be permanent or temporary*

*Committeeman Gandy:*

- *Explained the item was being tabled but if passed it would be permanent*

*John Lauricella, Cape May Court House:*

- *Asked about the Linden Lane change order*

*Suzanne Schumann:*

- *Explained the costs are associated with the road reconstruction*

*John Lauricella, Cape May Court House:*

- *Commented on difference in costs for each phase*

*Committeeman Gandy:*

- *Responded that the Township would look into the phases further to see how they are broken out*

*Ed Dillio, CMCH:*

- *Asked about Patsy's Way Development Agreement*

*Steve Morris:*

- *Gave brief background on the bond posted for the development*
- *Explained Township's efforts to move the project forward*

*Ed Dillio, CMCH:*

- *Asked if access to the development would still be off Fishing Creek Road*

*Steve Morris:*

- *Stated he was unsure of specifics*

*Ed Dillio, CMCH:*

- *Asked about what type of housing would be built there*

*Steve Morris:*

- *Suggested reaching out to the Planning Board for development details*
- *Explained that the agreement is to make sure the developer completes the requirements to bring the development to code*

*Suzanne Schumann:*

- *Explained developers have had conversations with David May, she is unsure if a new plan has been submitted but he can reach out to Mr. May for updates*

*Ed Dillio, CMCH:*

- *Asked if Suzanne can reach out to Mr. May for updates*

*Suzanne Schumann:*

- *Confirmed she would get the information for Mr. Dillio*

*Committeeman Gandy:*

- *Spoke of back history on the development and hear-say on the street with regards to the developer's plans*

*Kathy Maggin, CMCH:*

- *Asked about possibility of a marijuana plant being built*

Committeeman Gandy:

- Explained that the item is not on the agenda; did mention that the purposed plant is if the applicant receives their license from the State

Suzanne Schumann:

- Stated that the plant is purposed at the old LaMonica Plant

Committeeman Gandy:

- Explained that approval was given 2 years ago but is still in the process

Suzanne Schumann:

- Described the resolution of support on the agenda

Committeeman Gandy:

- Provided background on INSA

Kathy Maggin, CMCH:

- Spoke of unease of having a marijuana plant by her residence

Stan Doniger, Rio Grande:

- Spoke of flooding issues in the area of Patsy's Way

Committeeman Gandy:

- Explained it would fall back to the planning and zoning board; further explained all parts of the development will have to be up to today's codes

Stan Doniger, Rio Grande:

- Asked if the Township will resolve the flooding issues in the area

Committeeman Gandy:

- Explained he would discuss the issue with Vince Orlando

- RESOLUTION 401-21 – 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. \$3,409,202.05

- RESOLUTION 402-21 – APPROVING MINUTES FROM PREVIOUS MEETING – 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: 09/20/2021 Work Session and Regular Meetings.

- REPORTS: NONE

- RESOLUTION 403-21 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignations listed below, are acknowledged.

NAME	POSITION	EFFECTIVE
Garrett Pelletier	Laborer 2	09/21/2021
Joshua Niemann	QPA	10/14/2021

- RESOLUTION 404-21– 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
Susan Quinones	Finance	Chief Financial Officer	01/01/2022

- RESOLUTION 405-21 THROUGH 406-21 – APPOINTMENTS (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, 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
William Lazaro	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	09/27/2021
Joseph Rodano	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	09/20/2021
Joseph LaConte	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	09/28/2021
Harry Patterson	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	09/29/2021
Curt Kuemmerle	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	10/04/2021
Daniel Branco	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	10/04/2021

(B) 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 person is hereby appointed to the position opposite their name:

NAME	POSITION	BOARD	TERM EXP.
Don Nelson	Alternate Member #2*	Zoning Board of Adjustment	12/31/2022*

\*Filling unexpired term of A. Anderson

9. RESOLUTION 407-21 – DEPARTMENT CHANGE – 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 department changes listed below are hereby acknowledged:

NAME	PREV. DEPT.	NEW DEPT.	TITLE	EFF. DATE
Katrina Born	Tax Collection	Construction	Clerk 1	10/01/2021

10. RESOLUTION 408-21 THROUGH 409-21 – APPROVE CHANGE ORDER (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, a Contract was awarded, on May 17, 2021, via Resolution No. 202-21 to Landberg Construction, LLC for Phase 1 of the Linden Lane Road Reconstruction Project.

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 Landberg Construction, LLC for Phase 1 of Linden Lane Road Reconstruction is hereby approved, and that the change order results in an increase of \$8,000.63 for an amended contract amount of \$178,716.41.

(B) WHEREAS, a Contract was awarded, on May 17, 2021, via Resolution No. 202-21 to Landberg Construction, LLC for Phase 2 of the Linden Lane Road Reconstruction Project.

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 Landberg Construction, LLC for Phase 2 of Linden Lane Road Reconstruction is hereby approved, and that the change order results in an increase of \$7,468.59 for an amended contract amount of \$88,880.70.

11. RESOLUTION 410-21 – TABULATION COMMITTEE – 2021 VARIOUS ROAD PAVING PROJECT – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on November 10, 2021 at 10:00 AM in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

2021 VARIOUS ROAD PAVING PROJECT

12. RESOLUTION 411-21 – 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.

13. RESOLUTION 412-21 – 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
Shelly J Mills	665 Dias Creek Road	164.02 // 12	\$879.19

Rowland, Edwin G III & Marion M	586 Shunpike	354.01//20	\$338.84
McNair, Gavin	502 Rte 47 S	1410.01//62	\$512.24
505-509 North Wildwood Blvd LLC	509 North Wildwood Road	990//3	\$1,416.85
Galvin, Brian D & Laura T	208 Goshen Road	94//82	\$512.24
Scott Brooks LLC	7 E Shellbay Ave	340//5	\$507.52
Riodam 2 LLC	1021 Rte 47 S	1427//38	\$413.72
Sarina Apartments LLC	1025 Rte 9 S	350//51	\$469.04
DG Strategic II LLC/Tax Dept	6 Indian Trail	355.02//1.02	\$448.99
Mills, Shelly J	665 Dias Creek Road	164.02//12	\$432.64
Povio, Vincent L Jr & Margaret A	819 Goshen Road	50//39	\$259.22
Craig, Patricia H	5 Colgate Street	392//6	\$479.14
Pawlus Real Estate Dev LLC	21 Mechanic Street	238 // 4	\$522.45
Tobin, John F IV/J Tobin	53 Honeysuckle Lane	168 // 28	\$344.00

14. **\*\*TABLED\*\* RESOLUTION – DENY APPLICATION FOR STREET VACATION – NORTH SIXTH AVENUE** – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, John and Dara Baltuskonis have requested, by application, a street vacation of a portion of North Sixth Avenue; and

WHEREAS, after review by Township officials said vacation has been deemed unfeasible for reasons set forth that if pursued would have an impact the ability for emergency vehicles, snow plows, etc. to turn around.

NOW THEREFORE BE IT RESOLVED, that the request for street vacation for North Sixth Avenue by John and Dara Baltuskonis has hereby been denied.

15. **RESOLUTION 413-21 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – AMAZING AMUSEMENTS & ENTERTAINMENT INC. – HARVEST FESTIVAL ENTERTAINMENT** – 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 Amazing Amusements & Entertainment, Inc. and the Township of Middle for the amusement ride entertainment for the Middle Township Harvest Festival, 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.

Amazing Amusements & Entertainment, Inc.

Harvest Festival

Not to Exceed - \$8,700.00

16. **RESOLUTION 414-21 – CATERING PERMIT – CAPE HOSPITALITY GROUP LP – HARVEST FESTIVAL** – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Cape Hospitality Group LP has applied for approval to sell alcoholic beverages at Middle Township's Harvest Festival to be held at 33 Mechanic Street, Cape May Court House, on October 23, 2021 from 10:00am to 5:00pm, with a rain date of October 24, 2021 from 12:00pm to 5:00pm, 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 Catering Permit.

17. **RESOLUTION 415-21 – SUPPORTING OCTOBER 6<sup>TH</sup> AS KNOCK OUT OPIOID ABUSE DAY** – On motion by Committeeman Gandy seconded by Committeeman Norris 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 63 suspected overdose deaths in Cape May County in 2020 according to the NJ Office of the Attorney General and the majority of the County's treatment admissions were for heroin/other opiates in 2019 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 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, 2021, be recognized as Knock Out Opioid Abuse Day in the Township of Middle, County of Cape May.

18. RESOLUTION 416-21 – CREATING A LIST OF QUALIFIED FIRMS TO CHOOSE FOR NON-LEGAL SERVICES IN THE FUTURE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle advertised a request for qualifications (“RFQ”) under the Fair and Open Process for Special Project Engineer to which it received multiple responses; and

WHEREAS, said qualifications were opened September 28, 2021; and

WHEREAS, the Township wishes to create a list of qualified firms from which it may choose to enter into a contract to provide professional services in the future, as needed; and

WHEREAS, the firms named below have provided responses which satisfy the minimum requirements as set forth in the RFQ;

WHEREAS, at the time the Township is prepared to enter into a contract, qualified firms shall comply with “Local Unit Pay-To-Play Law” (P.L. 2004, c.19 as amended by P.L. 2005, C. 51), and, where appropriate, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq.; and

WHEREAS, the list of qualified firms is for a one (1) year period and the Township is not obligated to accept or pay for services. Prior to incurring services, the certification of available funds shall be made by the Chief Financial Officer as appropriate, attached to the file copy of the purchase order or other such document, pursuant to N.J.A.C. 5:34-4.9; and contract shall be released.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle does hereby create a list of qualified Special Project Engineers who may be called upon to provide engineering services as the need should arise as follows:

Consulting & Municipal Engineers  
821 N. Main Street, Pleasantville, NJ 08232

Remington Vernick Engineers  
4907 New Jersey Ave, Wildwood, NJ 08260

19. RESOLUTION 417-21 – AUTHORIZING EXECUTION FAIR AND OPEN CONTRACT – ENGINEERING SERVICES – REMINGTON & VERNICK ENGINEERS – SECLUDED LANE ROADWAY IMPROVEMENTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle advertised a request for qualifications under the Fair and Open Process for Special Project Engineer and received proposals on September 28, 2021, and

WHEREAS, the Township created a list of qualified firms, from which it could choose to enter into a contract for professional services in the future, and

WHEREAS, the Township of Middle requested quotes and qualifications for engineering services for road improvements for Secluded Lane.

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:

Remington & Vernick Engineers  
Engineering Services – Roadway Improvements  
Secluded Lane  
Not to Exceed \$55,000.00

20. RESOLUTION 418-21 – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – ENGINEERING DESIGN ASSOCIATES – NORBURY LANDING ADA COMPLIANT IMPROVEMENTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, on January 7, 2021 Township Committee awarded Vincent Orlando of Engineering Design Associates a three-year term as Township Engineer, and said contract was certified for 2021 as Resolution No. 03-21, and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Engineering Design Associates shall provide additional engineering services relative to the Norbury Landing ADA compliant improvements.

Engineering Design Associates  
Norbury Landing ADA Compliant Improvements  
Total Not to Exceed \$67,500.00

21. RESOLUTION 419-20 – AUTHORIZING EXECUTION OF DEVELOPERS AGREEMENT – PATSY’S WAY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
- WHEREAS, on or about January 27, 2005, the Middle Township Planning Board adopted Resolution #041203F, which memorialized the granting of Final Subdivision Approval to Edmund Dougherty and Thomas Thaler III (hereinafter “Developers”) for the development of fourteen (14) single family homes on Patsy’s Way in the Township; and
- WHEREAS, as a condition of the same, Developers were required to obtain a Performance Guarantee in an amount necessary to secure the improvements at the Patsy’s Way Subdivision (“Patsy’s Way” or “Subdivision”) pursuant to Middle Township Code § 218-56 and N.J.S.A. 40:55D-53; and
- WHEREAS, on or about April 27, 2006, Harvest Community Bank (“Harvest Bank”) issued Irrevocable Standby Letter of Credit # 99-00000131 in the amount of Six Hundred and Nine Thousand (\$609,000) Dollars, which identified the Township of Middle as beneficiary; and
- WHEREAS, in or around January of 2017, Harvest Bank became insolvent, was closed by the New Jersey Department of Banking and Insurance, the Federal Deposit Insurance Corporation (“FDIC”) was named the receiver and First Citizens Bank & Trust acquired all deposit accounts previously held by Harvest;
- WHEREAS, in or around February of 2018, HCB Property Holdings, LLC sold the property known as 1-19 Patsy’s Way, identified as Block 166, Lots 112-120 to the FDIC;
- WHEREAS, First Citizens Bank & Trust claims to have no record of Irrevocable Standby Letter of Credit # 99-00000131, despite numerous attempts by the Township to locate and call the same;
- WHEREAS, on or about February 4, 2019, the Township adopted Resolution # 92-19, which acknowledged the “missing” Letter of Credit; and
- WHEREAS, on or about February 15, 2019, HCB Property Holdings, LLC, by way of the FDIC, sold the Property to CKJR, LLC
- WHEREAS, throughout 2019 and 2020, the Township and the Developer made diligent efforts to determine the location of said Letter of Credit, however, First Citizens Bank & Trust has no record of the same;
- WHEREAS, the Township and CKJR, LLC desire to have the improvements at the subdivision completed for the health, safety and welfare of Township residents and those property owners in the Subdivision.
- WHEREAS, based on the circumstances surrounding the failed bank and the successor bank the Township is of the opinion and belief that the continued legal pursuit of said “missing” Letter of Credit would be protracted, costly and with a low likelihood of success;
- WHEREAS, the Township Engineer has reviewed the improvements to be completed at the Subdivision that were secured under said Letter of Credit, provided and discussed the same with Developer and determined that Developer is in a position to complete said improvements without obtaining a replacement Letter of Credit;
- WHEREAS, upon consultation with the Township Solicitor and the Township Engineer, the Township has reached an agreement with CKJR, LLC to enable the completion of the Patsy’s Way Subdivision without the need for a subsequent Letter of Credit;
- NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE, the governing body of the Township of Middle, as follows:
1. The averments set forth above are incorporated herein as if set forth at length;
  2. The Township Committee is hereby authorized to enter into the Developers Agreement with CKJR, LLC, annexed hereto, in order to enable the completion of the Patsy’s Way Subdivision.
22. RESOLUTION 420-21 – AUTHORIZING MAYOR TO SIGN NJDEP WATERFRONT DEVELOPMENT INDIVIDUAL PERMIT APPLICATION – PENNSYLVANIA HARBOR DREDGING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
- WHEREAS, the Borough of Avalon requested and received Emergency Authorizations to perform dredging operation in its Princeton and Pennsylvania Harbor Lagoons; and
- WHEREAS, the Borough of Avalon is now applying for a Waterfront Development Individual Permit as conditionally required in said Emergency Authorization; and
- WHEREAS, a portion of the dredged area of the Pennsylvania Harbor lagoon and Ingram’s Thorofare encroaches past the Borough of Avalon’s municipal boundaries, within the waters of Middle Township; and
- WHEREAS, as a result the Township of Middle is required to sign off on said application.
- BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Mayor is hereby authorized to sign the NJDEP Waterfront Development Individual Permit Application as it relates to emergency dredging activities performed by the Borough of Avalon in the Pennsylvania Harbor lagoon.
- FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents.
23. RESOLUTION 421-21 – SUPPORT OF THE LOCATION AND OPERATION OF A CANNABIS CULTIVATION AND/OR MANUFACTURING FACILITY BY INSA II, LLC WITHIN THE TOWNSHIP OF MIDDLE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
- WHEREAS, both the medical and adult use of cannabis is authorized in the State of New Jersey (“State”), for medical sales under the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et seq. (“Jake Honig Law”), as well as for adult use sales pursuant to the recent passage of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“CREAMMA”) (the Jake Honig Law and CREAMMA collectively referred to as the “New Jersey Cannabis Laws”).
- WHEREAS, the State of New Jersey recognizes both the beneficial uses of medical cannabis as well as the intent of the people of New Jersey to adopt a new approach to cannabis policies by controlling and legalizing cannabis in a similar fashion to the regulation of alcohol for adults.
- WHEREAS, there are currently twelve (12) licensed Alternative Treatment Centers (“ATC”), operating in the State licensed by the New Jersey Department of Health, Medical Marijuana Program (“DOH”), with an additional twenty-four (24) medical cannabis licenses of varying types preparing for final approval.

WHEREAS, the Township of Middle (the “Township”) recognizes that while the ultimate decision to approve any new cannabis licensees is guided by the standards identified within the New Jersey Cannabis Laws and vested to the discretion of the Cannabis Regulatory Commission (“CRC”).

WHEREAS, the New Jersey Cannabis Laws nevertheless recognize the necessity of ensuring that any potential licensees/permittees have the support of the local community, as evidenced by a resolution adopted by said municipality’s governing body indicating that the intended location is appropriately located or otherwise suitable for the activities related to the cultivation and/or manufacturing of cannabis, cannabis products, and related supplies as will be conducted at the proposed facility.

WHEREAS, the New Jersey Cannabis Laws also require, in addition to the resolution identifying support of the local community: (1) an indication that the proposed property is suitable or advantageous for the community in terms with the location specifically as well as the surrounding area; and (2) a letter or affidavit from appropriate officials of the municipality that the location will conform to local zoning requirements allowing for activities related to the operation of the proposed lawful cannabis use.

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

1. The Township Committee believes that the Township will benefit from the properly sited and vetted location of a cultivation and/or manufacturing facility within the Township’s boundaries.
2. The Township has previously supported Insa’s application to operate as a medical cannabis cultivator and manufacturer as part of the 2019 Request for Application issued by the Department of Health, and has confidence that Insa will be successful if it is awarded a license by the CRC (whether as a medical or adult use cannabis cultivators and/or manufacturer), given the background and experience of its principals, who currently operate cultivation and manufacturing facilities in both Massachusetts and Pennsylvania.
3. The Township recognizes that Insa’s proposed facility located at 35 Indian Trail (the “Property”) will bring with it the redevelopment of an otherwise blighted property, thereby creating a positive economic development for the immediately surrounding area and Township as a whole, subject to receipt of all necessary approvals, permits, licenses and/or variances from the Township.
4. Based on the preceding, the Township is satisfied that Insa will be a valuable addition to the group of cannabis license holders awarded by the CRC and that its business operations will have a positive impact on the Township and community at large.
5. In light of that, and in the event that the CRC issues Insa a license/permit to operate as a cultivator and/or manufacturer (under either the Jake Honig Law or CREAMMA), this Resolution should be viewed by the State as support by the Township of Insa’s application, and an indication that the intended location is appropriately located or otherwise suitable for the activities related to the cultivation and/or manufacturing of cannabis and cannabis products as will be conducted at the proposed facility, .
6. The Township also authorizes its solicitor and/or zoning officer to issue any required letter or affidavit identifying whether the Property conforms to local zoning requirements for activities related to the operation of a cultivator and/or manufacturer.
7. This resolution shall take effect immediately.

#### 24. PUBLIC COMMENT:

*MaryAnn Alulis, CMCH:*

- *Asked why a resolution was passed to create a list for other engineers*

*Committeeman Gandy:*

- *Explained it helps diversify the work done within the Township*

*John Lauricella, Cape May Court House:*

- *Discussed entrance into the recreation center and trees within the burm; suggested taking out the trees and the burms*

*Committeeman Norris:*

- *Asked which recreation center he was referring to*

*John Lauricella, Cape May Court House:*

- *Clarified the Goshen recreation complex*
- *Provided Suggestions on how to fix the area*

*Ed Dillio, CMCH:*

- *Asked what happened to the study to re-evaluate the form of government*

*Committeeman Gandy:*

- *Explained the Committee came back with a decision to expand the government but without any specifics*

*Ed Dillio, CMCH:*

- *Discussed size of the Township and population*
- *Asked why we don’t have a five-member Committee*

*Committeeman Gandy:*

- *Explained the current Committee is in support of the idea, but unfortunately a resident must move forward with the proposal*

*Ed Dillio, CMCH:*

- *Stated he could sit down with Mayor Donohue to go over requirements of what has to happen next to move forward*
- *Continued to discuss need for bigger government*

COMMITTEE COMMENTS:

*Committeeman Norris:*

- *Discussed recovering from COVID*
- *Suggested that everyone listen to their doctor, get vaccinated and stay safe*

*Committeeman Gandy:*

- *Mentioned that the Harvest Fest is still on schedule*
- *Spoke of keeping everyone with COVID in his thoughts*

Motion to adjourn meeting – 6:23 PM

1<sup>st</sup>: Committeeman Norris      2<sup>nd</sup>: Committeeman Gandy

Pass on Roll Call: Committeeman Gandy, Committeeman Norris

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Andrea N. Singley, Deputy Township Clerk

Minutes prepared by E. Bowman