

Cape May Court House, NJ
October 18, 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 Mayor Donohue, Deputy Mayor Gandy, Committeemember Norris, Business Administrator/Township Clerk Kimberly Osmundsen, Deputy Business Administrator Suzanne Schumann, Deputy Township Clerk Andrea Singley, Matthew Hender for Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan

1. PROCLAMATION – COURTHOUSE CAT DAY – OCTOBER 18TH

Mayor Donohue:

- *Reflected on memories of Courthouse*
- *Spoke of past town hall employees expressing sympathy on the loss of Courthouse*

Steph Courthouse:

- *Thanked all employees in town hall for taking care of him; town hall was his second home*

Mayor Donohue:

- *Presented family with proclamation; read into the record*

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.)

John Lauricella, Cape May Court House:

- *Commented on electric bills; suggested solar panels*
- *Asked about item 18*

Mayor Donohue:

- *Provided background on Code Blue*
- *Explained explanation of the Township's approach to help get people shelter when code blue is in effect as well as COVID impacts on the system during 2020*
- *Discussed coordination with Lower Township and Cape Community Church and their willingness to help*

John Lauricella, Cape May Court House:

- *Asked about liabilities with the church*

Marc Karavan, Township Solicitor:

- *Explained that liability potential is very remote*

John Lauricella, Cape May Court House:

- *Asked about shared service agreement with regards to dispatch services*
- *Specifically questioned who assumes primary responsibility*

Mayor Donohue:

- *Explained that once the agreement is complete, Township will no longer have dispatch and will go through the County*

3. RESOLUTION 422-21 – 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. \$237,388.04

4. RESOLUTION 423-21 – 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: 10/04/2021 Regular Meeting.

5. REPORTS: Sewer/Tax Collector for month of September; Finance for month of September; Sterbeck Harbor for month of September; Clerk for the month of September

6. ORDINANCE NO. 1635-21 - AN ORDINANCE AMENDING ORDINANCE NO. 1631-21 GOVERNING THE OPERATION OF RECREATIONAL USE CANNABIS LICENSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE TOWNSHIP OF MIDDLE - Following second reading, hearing, and consideration for adoption, Ordinance 1635-21 was adopted on motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

NO PUBLIC COMMENT.

Mayor Donohue:

- *Explained background with INSA and cultivation for medicinal marijuana*

- Discussed current status of INA's application as well as INSA's options going forward
- Reviewed positive impacts on the Township should the project move forward; without Ordinance the process cannot progress
- Provided further clarification on what the Ordinance allows

WHEREAS, the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act" (the "Act") was enacted on February 22, 2021 and established a comprehensive regulatory and licensing scheme for commercial recreational cannabis operations; and

WHEREAS, the Act established six (6) marketplace classes of recreational use licensed businesses, including:

- Class 1 – Recreation Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 – Recreation Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packing of cannabis items;
- Class 3 – Recreation Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 – Recreation Cannabis Distributor license, for business involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis sites in bulk from any type of licensed cannabis business to another;
- Class 5 – Recreation Cannabis Retailer license for locations at which cannabis items and related supplies are sold to customers; and
- Class 6 – Recreation Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfilment by a retailer and then delivered to a consumer.

WHEREAS, section 31B of the Act authorizes municipalities to prohibit, by ordinance, the operation of any one or more of the above-referenced classes of recreational use licensed business; and

WHEREAS, the Township was required to adopt any municipal regulation or prohibition or recreational use licenses within 180 days of the effective date of the act, or by August 22, 2021; and

WHEREAS, on or about August 2, 2021, the Township Adopted Ordinance 1631-21, which prohibited all recreational use marijuana related land use and development within the geographic boundaries of Middle Township and specifically prohibited the utilization of above-referenced classes of recreational use licensed business in all zoning districts within the Township; and

WHEREAS, the Act does not preclude a municipality from relaxing those regulations adopted by the August 22, 2021 deadline regarding the permissibility of said classes of licenses within the municipality; and

WHEREAS, the Township, as part of its continuing obligation to determine the best interests of the Township, has determined that the Township would benefit from permitting Class 1 and Class 2 Licensees to operate within the jurisdictional boundaries of the Township;

BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that the ORDINANCE of the TOWNSHIP OF MIDDLE be and is hereby amended as follows:

SECTION 1: Paragraph 1 is hereby amended to permit Class 1 and Class 2 categories subject to applicant's receipt of all applicable planning, zoning and other local and state regulatory permits and approvals.

SECTION 2: Any 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 or clause or phrase 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.

7. RESOLUTION 424-21 THROUGH 425-21 – APPOINTMENTS (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
Kellie Wood	Recreation	Recreation Aid P/T	\$15.00 per hour	10/20/2021
Ian Hynds	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	10/18/2021
Edward Camp, Jr.	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	10/18/2021

(B) WHEREAS, there are various terms of office that have expired; and

WHEREAS, the governing body of the Township of Middle would like to reappoint said positions; and

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 named persons be and hereby are appointed or reappointed to fill the following offices/terms:

NAME	POSITION / DEPARTMENT	TERM	TERM EFFECTIVE	SALARY
Francis Smyth	Crossing Guard / Public Safety	1 year	10/06/2021	\$1.00

8. RESOLUTION 426-21 – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – 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 that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	SALARY	EFFECTIVE DATE
Thomas Ferrence	Public Safety	Emergency Medical Technician F/T	Emergency Medical Technician P/T	\$15.00 per hour	10/18/2021

9. RESOLUTION 427-21 – 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
James Amenhauser	Public Safety	Code Enforcement Officer	02/01/2022

10. RESOLUTION 428-21 – 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
Thomas Fairman	Maintenance Repairer	10/22/2021

11. RESOLUTION 429-21 – APPROVE LEAVE OF ABSENCE – 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 Leave of Absence without pay for William Dieffenderfer, from October 8, 2021 through November 8, 2021 is hereby approved.

12. RESOLUTION 430-21 – 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
Marcus R. Crawley	116 Sumner Street	944 // 9	\$486.94
Patricia H. Craig	5 Colgate Street	392 // 6	\$522.34
Shirley M. Singer	1 Lafayette Avenue	428 // 1	\$603.60
Maya Loving & Kevin Wise	701 Reeves Street	645 // 4	\$468.02
Scott Brooks LLC	7 E Shellbay Avenue	340 // 5	\$771.77

13. RESOLUTION 431-21 – AUTHORIZING SIGNATURE – NJ DOT UTILITY OPENING PERMIT – 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 appropriate township officials are hereby authorized to sign the NJ DOT Utility Permit, in connection with the Grapevine Plaza Sewer Connection. BE IT FURTHER RESOLVED, that the Finance Office shall also process payment in the amount of \$200.00, made payable to NJ Department of Transportation, in connection therewith.

14. RESOLUTION 432-21 THROUGH 433-21 – 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 Animal House and the Township of Middle for

their Performances for the 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.

Animal House – Harvest Festival
October 23, 2021

Not to exceed \$1,500.00

BE IT FURTHER RESOLVED, that in the event of a cancellation due to rain, inclement weather or conditions out of the control of the Township, both parties agree on an alternate rain date of October 24, 2021 for the performance.

(B) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Independence Day and the Township of Middle for their Performances for the 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.

Independence Day – Harvest Festival
October 23, 2021

Not to exceed \$1,500.00

BE IT FURTHER RESOLVED, that in the event of a cancellation due to rain, inclement weather or conditions out of the control of the Township, both parties agree on an alternate rain date of October 24, 2021 for the performance.

15. RESOLUTION 434-21 – 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.
16. RESOLUTION 435-21 – TRICK OR TREAT 2021 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Trick or Treat will be held in the Township on Sunday, October 31, 2021 from 5:00pm until 8:00pm.
17. RESOLUTION 436-21 – APPROVE NJ DCA REQUIRED CY 2021 / SFY 2022 BEST PRACTICE INVENTORY PROGRAM AND CERTIFY OCCURRENCE OF PUBLIC MEETING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, the State’s Fiscal Year 2022 Appropriations Act (P.L. 2011, c.85) requires the Division of Local Government Services (“Division”) to determine how much of each municipality’s final 5% allocation of CMPTRA and ETR aid will be disbursed based on the results of a Best Practices Inventory (“Inventory”) to be completed by each municipality, and
WHEREAS, the Inventory encourages municipalities to embrace practices that promote financial accountability and transparency, and
WHEREAS, one requirement of said Act is that the governing body consider the Inventory at a public meeting, a copy of which has been attached to and is made part of this resolution, and
WHEREAS, all members of the governing body have received and have familiarized themselves with said Inventory.
NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, hereby states that:
 1. The appropriate parties are hereby authorized to sign the “Best Practices” Worksheet and Certification Form, certifying as to the accuracy of the information provided in the CY 2021 / SFY 2022 Best Practices Inventory.
 2. That the Township Clerk certifies that the Best Practices Checklist for the Township of Middle was approved by the governing body at the Township Meeting held on October 18, 2021.
18. RESOLUTION 437-21 – AUTHORIZING EXECUTION OF MEMORANDUM OF UNDERSTANDING – CAPE COMMUNITY CHURCH/ BIBLE FELLOWSHIP CHURCH – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby authorize the execution of the Memorandum of Understanding with Cape Community Church/ Bible Fellowship Church.
BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign the final contract, inclusive of all final changes incorporated in the herein Memorandum of Understanding.
BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.
19. RESOLUTION 438-21 – APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION – SAFE ROUTES TO SCHOOL PROGRAM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, THE Township of Middle is applying for funding to conduct the connection of sidewalks along Bayberry Drive and new sidewalks along East Pacific Avenue for the Middle Township School District within Middle Township; and

WHEREAS, the project will help to continue and improve the promotion and encouragement of pedestrian and bicycle access and safety for school children; and

WHEREAS, maintenance of the facility, once constructed, will be assumed by Township of Middle with the exception of (1) local ordinances that places maintenance responsibility with each individual property owner, and (2) those crosswalks on State or County Highways;

NOW, THEREFORE BE IT RESOLVED, by the Middle Township Committee that it hereby supports the submission of a grant application for the Safe Routes to School Program within the State of New Jersey Department of Transportation and authorizes the Mayor and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

20. RESOLUTION 439-21 – AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND THE COUNTY OF CAPE MAY – DISPATCH SERVICES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Shared Services Agreement for Dispatch Services with the County of Cape May and the Township of Middle, be and is hereby ratified.

BE IT FURTHER RESOLVED, that said agreement shall be valid for a period of five (5) years commencing on the date the agreement becomes fully executed by both parties.

BE IT FURTHER RESOLVED, that said agreement shall automatically renew for an additional and successive term of five (5) years with the same terms and conditions unless amended by the parties at the end of the term.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

Mayor Donohue:

- *Thanked all involved in the process of the conversion to Central Dispatch*
- *Provided various reasons as to why the switch made sense for the Township*

Chief Leusner:

- *Discussed costs that the Township would have incurred to keep dispatch in-house*

21. PUBLIC COMMENT: *NO PUBLIC COMMENT*

COMMITTEE COMMENTS:

Committeeman Norris:

- *Discussed various special events including Harvest Festival, Halloween Parade, etc.*
- *Spoke of registration still being open for the parade*
- *Provided details of house decorating contest and trick or treating*
- *Also gave updates on various recreational sports*

Committeeman Gandy:

- *Spoke of new hires for public works*
- *Mentioned attendance at CARA event at South 9; provided proclamation at event*

Mayor Donohue:

- *Encouraged everyone to come out to the Harvest Festival*
- *Discussed merchandise sold at past events that were not family friendly and letters that would be sent out to vendors with regards to the same*
- *Provided update on Affordable Housing situation; immunity still remains in place and process is still moving along*
- *Mentioned that the leaf pick-up schedule has been released*
- *Spoke of notification from Atlantic City Electric regarding resiliency project which would close a portion of the bike path beginning on Wednesday the 20th, for about 4 weeks*
- *Further discussed other phases of the project and provided an expected completion date of January 8th, weather permitting*
- *Discussed \$22,800,000.00 added in tax rateables*
- *Further discussed increase over the years and benefits of the same*
- *Reviewed various new developments being built within the Township*

Motion to adjourn meeting – 6:37pm

1st: Committeeman Gandy

2nd: Committeeman Norris

Pass on Roll Call: Committeeman Gandy, Committeeman Norris, Mayor Donohue

Andrea N. Singley, Deputy Township Clerk