

Cape May Court House, NJ
 February 5, 2024
 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 Leusner, Deputy Mayor Gandy, Committeemember Norris, Township Clerk/Business Administrator Kimberly Osmundsen, Deputy Township Clerk Emily Bartleson, Deputy Business Administrator Suzanne Schumann, Township Engineer Vince Orlando, & Municipal Solicitor Matt Rooney

1. SWEARING IN OF POLICE OFFICER – COLE PETTIT
2. QUESTION/ANSWER PERIOD ON AGENDA *(This question-and-answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)*

Stan Doniger, Rio Grande, asked about item 14.

Kimberly Osmundsen discussed temporary budget. Advised the costs that have been received that are not covered under the temporary budget.

3. RESOLUTION 74-24 – 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:

Fund Description	Fund	Total
Current Fund PY	3.01	99,535.19
Current Fund CY	4.01	3,185,084.34
Alarm Billing	3.03	-
Sewer Utility PY	3.07	3,604.51
Sewer Utility CY	4.07	12,612.29
General Capital	C.04	20,330.20
Sewer Capital	C.08	16,163.75
Grants	G.06	19,211.40
M.A.C.	M.24	-
Emergency Housing	R.23	-
Dog Trust	T.12	134.40
Forfeited Monies	T.13	-
Sewer Escrow	T.16	-
Trust Other	T.17	-
Zoning Escrow	T.19	74,659.22
Zoning Escrow	E.19	10,732.25
Unemployment Trust	T.20	-
Development Fee	T.27	300.00
Recreation Trust	T.28	5,463.97
TOTAL		3,447,831.52

4. RESOLUTION 75-24 – APPROVING PAYMENT FOR BILLS – BILL LIST B (GENERAL BILLS) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. **Mayor Leusner abstained**
 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:

Fund Description	Fund	Total
Current Fund PY	3.01	1,413.75
Current Fund CY	4.01	
Alarm Billing	3.03	-
Sewer Utility PY	3.07	
Sewer Utility CY	4.07	
General Capital	C.04	
Sewer Capital	C.08	
Grants	G.06	

M.A.C.	M.24	-
Emergency Housing	R.23	-
Dog Trust	T.12	
Forfeited Monies	T.13	-
Sewer Escrow	T.16	-
Trust Other	T.17	-
Zoning Escrow	T.19	
Zoning Escrow	E.19	
Unemployment Trust	T.20	-
Development Fee	T.27	
Recreation Trust	T.28	
TOTAL		1,413.75

5. RESOLUTION 76-24 – 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: 01/17/2024 Regular Meeting, Work Session and Closed Session

6. REPORTS: None

7. ORDINANCE 1689-24 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1689-23 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.

BE IT ORDAINED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey as follows:

SECTION 1. The positions listed in the attached schedule are hereby created.

SECTION 2. The salary ranges specified in the attached schedule are hereby adopted for each and every position listed therein. In those cases where only one rate or figure appears in said schedule, said rate or figure shall be the maximum rate of figure applicable to said position. In those cases where a maximum and minimum salary are hereby established for a position, the exact salary to be paid to the holder of said position shall be as determined from time to time by resolution of the Township Committee.

SECTION 3. The duties to be performed by each person holding any position listed in said schedule shall be those duties as outlined in Job Description of New Jersey Civil Service Department.

SECTION 4. In addition to the salaries set forth in said schedule, those employees who have held full time positions for a minimum of five years, as hereinafter defined, shall be entitled to additional compensation as set forth in this section, based upon current salary. The additional compensation to which the employee is entitled on January 1 of any year shall be the additional compensation for the entire year. In determining years of service on January 1 of any year, for the purpose of this Ordinance only, no credit shall be given for less than six full months of service in any year, and credit for a full year shall be given for any year in which the employee served for six full months or more.

Years of Service (Percent of Annual Salary)	Additional Compensation
5 years or more	2%
10 years or more	4%
15 years or more	6%
20 years or more	8%
25 years or more	10%

Section 4 shall only apply to Township Employees hired before December 31, 1994.

SECTION 5. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 6. This Ordinance shall become effective, retroactive to January 1, 2024 immediately upon final passage and publication according to law.

Account Clerk F/T	Minimum Wage	\$	48,000.00
Animal Control Officer	Minimum Wage	\$	70,000.00
Carpenter Helper	Minimum Wage	\$	40,000.00
Chief Financial Officer	Minimum Wage	\$	150,000.00
Code Enforcement Officer	Minimum Wage	\$	50,000.00
Deputy Chief Financial Officer	Minimum Wage	\$	95,000.00
Deputy Tax Assessor	Minimum Wage	\$	60,000.00
Deputy Tax Collector	Minimum Wage	\$	65,000.00
Judge of Municipal Court	Minimum Wage	\$	70,000.00
Police Captain	\$	60,000.00	\$ 160,000.00
Police Chief	\$	65,000.00	\$ 190,000.00
Police Lieutenant	\$	50,000.00	\$ 145,000.00

Police Officer	\$	35,000.00	\$	120,000.00
Police Officer / Detective	\$	35,000.00	\$	120,000.00
Police Sergeant	\$	40,000.00	\$	135,000.00
Recreation Aide	Minimum Wage		\$	38,000.00
Recreation Aide P/T	Minimum Wage			\$17.00 p/h
Recreation Leader	Minimum Wage		\$	53,000.00
Senior Mechanic	Minimum Wage		\$	65,000.00
Special Police Officer - Class II	Minimum Wage			\$23.00 p/h
Special Police Officer - Class II F/T	Minimum Wage			\$2300 p/h
Supervising Equipment Operator	\$	28,000.00	\$	65,000.00
Supervisor / Heavy Equipment Operator	Minimum Wage		\$	65,000.00
Systems Analyst	Minimum Wage		\$	80,000.00
Tax Assessor	Minimum Wage		\$	110,000.00
Tax Collector	Minimum Wage		\$	110,000.00

8. ORDINANCE 1691-24 – AN ORDINANCE AMENDING CHAPTER 103 OF THE CODE OF THE TOWNSHIP OF MIDDLE REGARDING BUSINESS REGISTRATION FEES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1691-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 3/4/2024 at 6:00 p.m.

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: Chapter 103 of the Code of the Township of Middle is hereby amended to include the following section referenced by underline:

SECTION 6: ANNUAL FEE

The annual registration fee of seventy-five (\$75.00) dollars shall be paid to the Office of the Township Clerk, or other designated department, on a form as outlined and provided by the township, with all other insurance requirements as outlined in the law.

Application for such registration must be filed by December 1st, by the owner or permissive user.

EFFECTIVE DATE: All businesses shall be required to register within sixty (60) days of the adoption of this chapter.

LATE FEE: After the effective date as indicated above, thereafter for each year, all annual fees for business registrations are to be paid on or before December 1st.

Any business owner or operator who conducts any business governed by this chapter of the Middle Township Ordinances, who has not paid the required annual fee set forth herein by the January 1st registration effective date, will be subject to a late fee of \$75 in addition to that fee which is normally required.

ANNUAL FEE EXEMPTION: Any business entity or business activity which is conducted or operated exclusively for religious, charitable, educational, or other beneficial non-profit purposes, or any business entity or business activity which exists for the purpose of providing veteran services or is a veteran-owned organization are exempt from the annual registration fee. Exempt businesses are nevertheless still required to register with the Township Clerk's Office as provided by this Chapter and provide the required Certificate of Insurance and proof of non-profit or veteran status.

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

SECTION 5. Should any section, paragraph, sentence, 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 6. This ordinance shall become effective immediately upon final passage and publication, according to law.

9. RESOLUTION 77-24 – PROMOTIONAL TITLE CHANGE – 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 following employee is hereby promoted to the civil service title opposite their name:

NAME	DEPARTMENT	TITLE	EFFECTIVE
Joanne Ciccotelli	Administration/Executive	Clerk 2*	01/01/2024

*CS Title

10. RESOLUTION 78-24 – ACKNOWLEDGMENT 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
Jennifer Pooler	Public Safety – Police	Chief of Police	07/01/2024

11. RESOLUTION 79-24 THROUGH 90-24 – CANCELLATION OF TAXES (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 cancellation of taxes is due to the below property owners, who qualify for 100% Disabled Veteran Status as of 11/28/2023.

Account	Block	Lot	Owner/location	2023	2024
13091	1127	1	O'Brien, Joseph & Tara N Property location: 206 Edgewood Ave	\$288.85	\$1,624.95

(B) WHEREAS, a cancellation of taxes is due to the below property owners, who qualify for 100% Disabled Veteran Status for 2024.

ACCT	BLOCK	LOT	OWNER/LOCATION	2024
17420	977	4	Conover, Christopher & McNeill, J 210 Pershing Ave.	\$2,176.70
18155	1436.02	21	Harkins, Robert P Sr. & Janet H 212 Aberdeen Way	\$2,474.06
3130	163.07	3	Pastore, Michael A Jr. & Leslie A 8 Domi Drive	\$3,175.91

12. RESOLUTION 81-24 – REFUND OF TAXES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, A refund is due to the below property owners due to payment made on exempt properties.

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
13091	1127	1	O'Brien, Joseph & Tara N 206 Edgewood Ave Rio Grande, NJ 08242 Property location: 206 Edgewood Ave Mr. O'Brien qualifies for 100% Disabled Veteran Status as of 11/28/2023	\$288.85

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 check in the above noted amounts payable to the above-mentioned party, as a refund of 2023 taxes.

BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

13. RESOLUTION 82-24 – 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.

14. RESOLUTION 83-24 – PROVIDING FOR TRANSFER OF CERTAIN 2023 BUDGET

APPROPRIATION RESERVES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, various 2023 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2023 Budget Appropriation Transfers in the last two months of 2023; and

WHEREAS, N.J.S.A.40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IS RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and the State of New Jersey, that the following transfers of budget appropriation reserves be made in the budget of Middle Township for the year 2023:

<u>Account Number</u>	<u>Name</u>	<u>From</u>	<u>To</u>
Current Fund			
3-01-23-215-215-411	Workers Compensation	10,400.00	
3-01-20-120-120-220	Municipal Clerk - Other Expenses		9,500.00
3-01-31-445-445-475	Utilities Expenses- Water		200.00
3-01-36-471-471-455	Police and Fire Retirement System		700.00
		10,400.00	10,400.00

15. RESOLUTION 84-24 THROUGH 85-24 – AWARD OF BID (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, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-20, and

WHEREAS, bids were received on January 18, 2024 and

WHEREAS, it appears that the following bid submitted below represents a figure equal to the lowest 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 Del Haven Water Lateral Connection Assistance Program be and hereby is awarded as described:

Contract No.	Awarded to:	Total Bid Amount
2023-20	Majewski Plumbing	\$3,198.76

FURTHER BE IT RESOLVED, that these awards are conditioned upon certification of availability of funds.

(B)WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-21, and

WHEREAS, bids were received on January 19, 2024 and

WHEREAS, it appears that the following bid submitted below represents a figure equal to the lowest 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 Del Haven Water Lateral Connection Assistance Program be and hereby is awarded as described:

Contract No.	Awarded to:	Total Bid Amount
2023-21	Celtic Air	\$2,426.00

FURTHER BE IT RESOLVED, that these awards are conditioned upon certification of availability of funds.

16. RESOLUTION 86-24 THROUGH 87-24 – AMENDING RESOLUTION (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, on January 17, 2024, Township Committee authorized the release of performance bond to Grande Village LLC via Resolution 64-24; and

WHEREAS, said Resolution inadvertently indicated the incorrect address to be released, therefore constituting an amendment.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Resolution No. 64-24 shall hereby be amended to reflect the address of 3174 Route 9 South.

(B)WHEREAS, Resolution No. 73-23 authorized an agreement with Maley Givens, Counselors at Law for redevelopment counsel services, as a non-fair and open contract pursuant to the Pay to Play regulations in an amount not to exceed \$50,000.00; and

WHEREAS, said contract needs to be amended due to pending litigation.

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.

Maley Givens. Counsellors at Law
Not to Exceed an additional - \$7,685.34
(Total Contract Amount \$57,685.34)

17. RESOLUTION 88-24 THROUGH 89-24 – SOCIAL AFFAIRS PERMIT (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, the Mid-Atlantic Center for the Arts and Humanities has applied for approval to sell alcoholic beverages at events to be held at 1 Route 47 N, Cape May Court House, New Jersey, on February 17th, April 27th, May 11th, September 6th, September 20th, October 11th and December 28th; 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 above referenced Social Affairs Permits.

(B) WHEREAS, the Mid-Atlantic Center for the Arts and Humanities has applied for approval to sell alcoholic beverages at events to be held at 221 Route 47 N, Cape May Court House, New Jersey, on February 17th, April 27th, May 11th, September 6th, September 20th, October 11th and December 28th; 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 above referenced Social Affairs Permits.

18. RESOLUTION 90-24 THROUGH 91-24 – AUTHORIZING TO SOLICIT FUNDS IN THE ROADWAYS OF THE TOWNSHIP OF MIDDLE (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, Ordinance 1009-98 permits application to made to the Township of Middle by charitable organizations to solicit funds in the roadway of the Township of Middle; and

WHEREAS, Rio Grande Volunteer Fire Company has submitted an application to the Municipal Clerk as required per said ordinance; and

WHEREAS, the dates and times of the charitable solicitation are listed within the written application submitted by the Rio Grande Volunteer Fire Company and attached to this Resolution; and

WHEREAS, the Chief of Police of the Township of Middle has reviewed the application of the Rio Grande Volunteer Fire Company and has determined that there is no public safety reason for the Township of Middle to deny this application; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, hereby grants permission for the Rio Grande Volunteer Fire

Company to solicit funds on the roadways of Middle Township on the dates as set forth on the attached application form.

FURTHER BE IT RESOLVED, this authorization by the Township Committee of the Township of Middle is contingent upon approval of the use of Route 47 and Route 9 by the New Jersey Department of Transportation.

(B) WHEREAS, Ordinance 1009-98 permits application to be made to the Township of Middle by charitable organizations to solicit funds in the roadway of the Township of Middle; and

WHEREAS, Green Creek Volunteer Fire Company has submitted an application to the Municipal Clerk as required per said ordinance; and

WHEREAS, the dates and times of the charitable solicitation are listed within the written application submitted by the Green Creek Volunteer Fire Company and attached to this Resolution; and

WHEREAS, the Chief of Police of the Township of Middle has reviewed the application of the Green Creek Volunteer Fire Company and has determined that there is no public safety reason for the Township of Middle to deny this application; and

WHEREAS, the County of County Cape May, via Resolution 62-24, has endorsed Greek Creek Fire Company's application to solicit contributions along the roadway of Bayshore Road, CR603; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, hereby grants permission for the Green Creek Volunteer Fire Company to solicit funds on the roadways of Middle Township on the dates as set forth on the attached application form.

19. RESOLUTION 92-24 – APPROVAL TO SUBMIT A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY JUVENILE JUSTICE COMMISSION – 2024 SUMMER EXPANSION PROGRAM – 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 formally approve the grant application for the above stated program.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary on connection therewith.

20. RESOLUTION 93-24 – AUTHORIZING EXECUTION AGREEMENT – 1 N. MAIN STREET – B&B REALTY GROUP LLC – 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 Mayor is hereby authorized to sign the agreement for the sewer lateral at 1 N. Main Street between the Township of Middle and B&B Realty Group, LLC.

21. RESOLUTION 94-24 – AUTHORIZING EXECUTION OF ADDENDUM TO FIRST AMENDMENT TO DEVELOPERS AGREEMENT – STONE HARBOR ESTATES – 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 Mayor is hereby authorized to sign the addendum to the first amendment to the developer's agreement for the Stone Harbor Estates subdivision.

22. RESOLUTION 95-24 – APPROVE CHANGE ORDER NO. 1 – SOUTH DENNIS ROAD PUMP STATION IMPROVEMENTS – B&H CONTRACTING, INC. – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, a Contract was awarded, on September 7, 2023 via Resolution No. 387-23 to B&H Contracting, Inc. for the South Dennis Road Pump Station 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 B&H Contracting, Inc. for the South Dennis Road Pump Station Improvements is hereby approved, and that the change order results in a increase of \$108,954.00 for an amended contract amount of \$956,019.00.

23. RESOLUTION 96-24 – AUTHORIZING LOCAL LICENSURE FOR INSA MIDDLE TOWNSHIP, LLC FOR ITS CLASS 5 ADULT USE RETAIL LICENSE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, on November 3, 2020, more than two-thirds of the registered voters in New Jersey voted to approve Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults 21 years of age and older; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”, N.J.S.A. 24:6I-31, et seq. (the “Act”), which legalized the recreational use of marijuana by adults 21 years of age or older; and

WHEREAS, the Act establishes a comprehensive regulatory and licensing scheme for commercial, recreational (adult use) cannabis operations, use, and possession; and

WHEREAS, on October 18, 2021, pursuant to the provisions of N.J.S.A. 24:6I-45, the Mayor and Township Committee (“Township Committee”) of the Township of Middle (“Township”) adopted Ordinance No. 1635-21 authorizing certain marketplace classes of licensed cannabis businesses within the Township of Middle, subject to the applicant's receipt of all applicable planning, zoning, and other local and state regulatory permits and approvals; and

WHEREAS, INSA Middle Township, LLC (the “Applicant”) has proposed to build a cannabis retail facility at 1580 Route 9 South, Middle Township, Cape May Courthouse, New Jersey, also known as Block

114, Lot 27, and this location is within the Township's designated Village Commercial zone which permits the operation of a Class 5 Cannabis Retailer; and
WHEREAS, on October 5, 2022, the Township Committee adopted Resolution 440-22, which determined that it was in the best interest of the Township to issue local support for a Class 5 Cannabis Retailer License to the Applicant; and
WHEREAS, on September 6, 2023, by way of Ordinance No. 1676-23, the Township amended Chapter 106, "Cannabis", of the Township Code to provide for local licensure of permitted cannabis facilities; and
WHEREAS, on October 24, 2023, the Applicant filed a local license application (the "Application") with the Township; and
WHEREAS, on January 22, 2024, the Applicant received a Final Agency Decision of its conditional license from the Cannabis Regulatory Commission (the "CRC") to operate a Class 5 Cannabis Retail establishment in accordance with the Act; and
WHEREAS, on January 24, 2024, the CRC recognized the Applicant's acceptance of the conditional license, and the Applicant subsequently submitted the conditional license fee with the CRC; and
WHEREAS, the Applicant's Application has now been deemed complete and reviewed by the Township; and
WHEREAS, the Township reports favorably upon the Applicant's application for local licensure for a Class 5 Cannabis Retail establishment.

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

1. That the aforementioned recitals are incorporated herein as though fully set forth at length.
2. That the Mayor and Township Committee for the Township of Middle hereby approves INSA Middle Township, LLC for a local license to operate a Class 5 Cannabis Retail establishment within the Township of Middle conditioned on: (1) the receipt of the memorializing resolution from the Middle Township Planning Board evidencing approval of a site plan waiver; and (2) the issuance of an annual Class 5 Retail License by the State of New Jersey Cannabis Regulatory Commission.
3. That the Township Clerk shall provide the Applicant with a sealed copy of this Resolution to be included as part of its application to the State of New Jersey Cannabis Regulatory Commission.
4. This Resolution shall take effect immediately.

INSA PRESENTATION

Joseph Kelly, INSA Representative, presented committee with packets outlining the proposed INSA building. He gave background on Jim Sherrard who will oversee the security set up at the new location. He further gave background on INSA's founding and current operations. He described the facilities they currently have throughout Pennsylvania and New Jersey as well as their partnership with Restore which is a medical marijuana dispensary.

Joe Kelly, INSA Representative, explained that the company has invested over \$2million into this project. He presented an overview of the business and location to the public and Township Committee. He outlined different aspects of the new location such as updated parking perimeters and the different security techniques they will be utilizing. He further explained that security will include complete transparency with Middle Township Police Department.

Jim Sherrard, INSA Representation, reviewed the company's security tactics. He discussed training required for on-site security and general staff. He explained new operation allowances from the state that allow online ordering and the impacted this is having on cannabis business for faster turnaround.

Mayor Leusner asked about the change from cash to credit.

Jim Sherrard, INSA Representative, discussed transaction operations with new allowances of accepting card payments.

Joe Kelly, INSA Representative, explained that INSA Middle Township has a bank account for their transactions which allows them to pay employees as a normal employee is paid through direct deposit. He further explained that this has lessened the theft at cannabis businesses. This all allows them to offer jobs that will include benefits and they are estimating starting with about 25 employees.

Mayor Leusner asked about the opening timeframe is they received the license.

Joe Kelly, INSA Representative, explained the timeline would begin with obtaining their permits to begin construction on the facility. In addition, he discussed the timeline to transition their license with the State to an annual license. He explained how the issuance of the Township license will assist in facilitating this process. They are estimating a May, June opening.

Committeeman Gandy asked about hours of operation.

Jim Sherrard, INSA Representative, state 9am to 9pm.

Committeeman Norris asked if they have an estimate of projected sales and the impact that would provide back to the Township.

Vishal Patel, INSA Representative, explained that they will be submitting that to the Township within the coming weeks.

Joe Kelly, INSA Representative, discussed concerns that they have heard from the residents. Advised that, in regards to the concern regarding property value impact, that studies actually show that cannabis typically have a positive impact on property value. Further discussed the grey and illicit markets in New Jersey using legal hemp extraction. Explained the lack of oversight and regulation with this activity. Further explained the benefits of having regulated and approved cannabis facilities for the public to get safe product from and hopefully lessen the drawl of these gray and black market products.

Mayor Leusner agreed that the black market is an issue in New Jersey.

Ed Dillio, CMCH, asked if there are strict laws in New Jersey for driving under the influence of cannabis.

Mayor Leusner explained currently there is not a test like the alco test for cannabis. Further explained the elements that officers utilize to determine if a person is under the influence of cannabis or drugs.

Matt Rooney explained there are drug recognition officers that are directly trained to recognize if a driver is impaired due to a drug. Advised how these tests are used to prosecute a person. He stated that it is illegal to drive under the influence and there is a mechanism to determine if a driver is high.

Stan Doniger, Rio Grande, commented on the traffic patterns around the INSA location. Expressed concern for turning left out of the facility onto Route 9.

Joe Kelly, INSA Representative, explained this is currently not an issue that has been brought up. He further explained that the previous business, a WAWA, had the same allowances and advised that their business will have less traffic coming in and out than the WAWA.

Mayor Leusner explained that if there are issues that come up, they can always take the necessary steps in the future to adjust the traffic pattern.

Vince Orlando explained that the Planning Board did not require a traffic study since neither road the facility sits on is a Township road but instead County and State roads.

Deborah Martinelli, Swainton, expressed concern with the foot traffic in the area. She discussed the nearby residential houses and campgrounds and asked how they anticipate to handle the foot traffic.

Joe Kelly, INSA Representative, stated he was aware of the campground in the area.

Deborah Martinelli, continued to discuss the foot traffic during the summer due to the local campgrounds.

Joe Kelly, INSA Representative, stated they will make sure to take that into consideration along with bicycle traffic. He explained in his experience there is very little foot traffic that goes to the cannabis facilities unless they are in an urban area. Advised that he does not anticipate increasing the foot traffic but hope to add to the safety of the current foot traffic by adding things such as additional lighting to the area.

Deborah Martinelli, asked if there will be an increase presence of police in the area due to the facility.

Mayor Leusner explained that in the beginning they will have some increased patrol in the area and then from there they dictate patrol based on the data collected from the different areas. Further explained that onsite consumption has not been founded with these cannabis facilities. He then discussed the affects he feels the benefits of onsite security will have on the premise.

Deborah Martinelli continued to discuss concerns with use of cannabis and driving around the facility.

Mayor Leusner stated that in speaking with other chiefs, that they have not had an increase of accidents in areas surrounding cannabis businesses. He spoke of research that has been completed and his discussions with various officials in regards to this topic and concerns. Then further reiterated that all research and discussions show that there have not been increased accidents or illicit activities surrounding these businesses. He continued to discuss the benefits that these cannabis businesses will have on the Township, especially in the case of the tax revenue the Township will receive. He explained that based on his research he is confident that will be a partner with the Township to keep residents safe.

Koe Kelly, INSA Representative, explained the various safe guards they will have on premise to deter individuals from smoking on premise.

Mayor Leusner advised he believes that if there is an incident or problem INSA will notify Middle Township Police Department.

Joe Kelly, INSA Representative, stated that no person under the influence will be permitted into the facility.

Matt Rooney explained he has not seen any other Township that have taken driving under the influence as seriously as Middle Township.

Stan Doniger, Rio Grande, asked if this facility is strictly recreational.

Jim Sherrard, INSA Representative, advised that the facility is for adult use and not medical.

Mayor Leusner explained that since it is now legalized many will not go to receive medical cards and begin to use these recreational facilities.

Joe Kelly, INSA Representative, advised that Mayor Leusner was correct, many are no longer going for medical cards and many with medical cards are now going to recreational dispensaries instead.

Jim Sherrard, INSA Representative, briefly overviewed the medical dispensary and medical card processes.

Mayor Leusner explained the difference between a vape shop that has no oversight versus a cannabis business that has strict oversight and regulation from the CRC. Discussed research that showed residents that were traveling for medical marijuana and with this business will allow them not to travel as far. He further discussed his appreciation of INSA's lowkey signage that does not have big pictures of marijuana leaves on it.

Craig Cunningham explained there are signs on the west side restricting parking whereas there are no "no parking signs" on the east side. He then asked who will be auditing how much the business is making and how much the Township will receive.

Jim Sherrard, INSA Representative, explained that the CRC has access to all their sales. He further reviewed the tracking of products from packing to sale and the transparency requirements for each sale.

Mayor Leusner explained his understanding these requirements are also required for quality control as well.

Jim Sherrard, INSA Representative, continued to discuss the destruction of products if required.

Joe Kelly, INSA Representative, explained requirements and repercussions if they were to have a product missing.

Mayor Leusner suggested possible agreement with the Acme located behind the INSA facility should they need overflow parking.

Chris Cunningham asked about possible super WAWA going in, in Swanton.

Vince Orlando explained that they have not yet come before the planning board to date.

Chris Cunningham asked if there was a cannabis advisory committee created by Middle Township.

Committeeman Gandy advised there was one created 4 years ago.

Chris Cunningham asked if they were still intact.

Committeeman Gandy explained they had met at the time for what they were established for.

Mayor Leusner discussed the ample notice sent out regarding INSA.

24. ENGINEERS REPORT:



Township of Middle
Project Status Report
February 5, 2024
Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.

3rd Ave & Walsh- Reconstruction & Construction of New Roadway

- Waiting on Change Order for concrete curb on 3rd Avenue.

Church Street

- Grant received for fiscal year 2023 in the amount of \$221,075.00
- Schedule:
 - Waiting on final approval from NJDOT.

Clarence Davies Sports Complex – ADA Playground

- Plans and specifications completed.
- Advertise for bid – January 24, 2024.
- Accepting Bids – February 14, 2024.

Del Haven Road Paving

- Plans and Specifications Completed.
- Contract to be awarded to South State, Inc.
- Construction to begin Spring 2024.

Middle Township Public Works Parking Lot

- Survey completed.
- Working on Plans and Specifications.

Ockie Wisting Park

- Received revised light plans from manufacturer.
- Contractor to submit revised quotes on options.

Avalon Fishing Pier

- Signage delivered to Public Works for installation.
- Public Works waiting on trim package prior to installation.

Cambridge Professional Offices
5 Cambridge Drive, Ocean View, New Jersey 08230
PHONE: (609) 390-0332 • FAX: (609) 390-9204

Project Status Report
February 5, 2024

Page 2 of 2

Magnolia Avenue

- NJDOT Grant received 04/25/2022 for \$300,000.00.
- Project consists of repaving from Magnolia Avenue to entrance drive into Acme Shopping Center.
- Construction drawing and specifications completed.
- NJDOT Approved.
- County Engineering division will bid and inspect site. EDA will provide administrative services for the Grant.

Linden Lane (Phase III)

- Survey work underway.
- Design and construction specifications to be completed April 2024.
- Anticipated construction - July 2024.

25. PUBLIC COMMENT:

Stan Doniger, Rio Grande discussed article he forwarded to Committee regarding bill for affordable housing.

Mayor Leusner explained at this time the bill has not been passed.

Dawn Robinson, Burleigh, discussed concerns of property on corner of Route 9 and Matthews and the flooding in the area. She presented photos of the property to Committee.

Kimberly Osmundsen advised that next time it rained herself and Vince Orlando would go out to review her concern.

Kathy Pennington, discussed concerns of entrance of new construction of mavis tire in front of Grande Woods North.

Vince Orlando explained the entrance will be on Priest Boulevard through the park entrance. Further explained the NJDOT would not allow the frontage for the entrance on Route 9 but the exit from Mavis will be on Route 9.

Stan Doniger, Rio Grande, asked about street salting and if the Township allocates money in the budget for salting.

Kimberly Osmundsen stated they do.

Committeeman Gandy discussed the street salting process and explained that the Township plows the roads as well to make them passable.

Stan Doniger, Rio Grande, discussed the upcoming fire budget elections and his concerns of Rio Grande Fire's request for \$1.7 million for a new truck. Asked if the budget is not approved by the tax payers if the department can then come to the Township for approval.

Matt Rooney advised that if their budget is struck down eventually it could come to the Township if the department pursues it.

Kimberly Osmundsen advised they would have to review the statute for confirmation on what the allowances are.

FINAL/MIDDLE/GENERAL/PROJSTATUS/2024/2-5-24

COMMITTEE COMMENTS:

Committeeman Norris recognized February as Black History Month. He thanked all staff and volunteers that worked the rabies clinic. He then advised that they are seeking sponsors and donations for the drumfish tournament. Then congratulated Stephen Smith on his first points scored for Varsity Basketball.

Committeeman Gandy recognized staff that worked the rabies clinic and thanked all that volunteered.

Mayor Leusner recognized the retirement of Chief Pooler. He then discussed the ordinance that was introduced to change the business registration process which will allow non-profits to be waived the \$75.00 fees. Then he spoke of the crash involving local kids and wished them a fast recovery. Finally, he spoke about the meeting earlier in the day regarding the merger of Cooper Medical and Cape Regional and the review process of the merger that would take place over the next 30 days.

Motion to adjourn meeting – 7:52 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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