

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.)*
3. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted. *NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:*

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

4. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST B (GENERAL BILLS) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted. *NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:*

<i>Fund Description</i>	<i>Fund</i>	<i>Total</i>
<i>Current Fund PY</i>	<i>3.01</i>	<i>1,413.75</i>
<i>Current Fund CY</i>	<i>4.01</i>	
<i>Alarm Billing</i>	<i>3.03</i>	<i>-</i>
<i>Sewer Utility PY</i>	<i>3.07</i>	
<i>Sewer Utility CY</i>	<i>4.07</i>	
<i>General Capital</i>	<i>C.04</i>	
<i>Sewer Capital</i>	<i>C.08</i>	
<i>Grants</i>	<i>G.06</i>	
<i>M.A.C.</i>	<i>M.24</i>	<i>-</i>
<i>Emergency Housing</i>	<i>R.23</i>	<i>-</i>
<i>Dog Trust</i>	<i>T.12</i>	
<i>Forfeited Monies</i>	<i>T.13</i>	<i>-</i>
<i>Sewer Escrow</i>	<i>T.16</i>	<i>-</i>
<i>Trust Other</i>	<i>T.17</i>	<i>-</i>

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 – APPROVING MINUTES FROM PREVIOUS MEETING – On motion by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: 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 \_\_\_\_\_ 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	Additional Compensation
<i>(Percent of Annual Salary)</i>	
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

<i>Special Police Officer - Class II</i>	<i>Minimum Wage</i>	<i>\$23.00 p/h</i>
<i>Special Police Officer - Class II F/T</i>	<i>Minimum Wage</i>	<i>\$2300 p/h</i>
<i>Supervising Equipment Operator</i>	<i>\$ 28,000.00</i>	<i>\$ 65,000.00</i>
<i>Supervisor / Heavy Equipment Operator</i>	<i>Minimum Wage</i>	<i>\$ 65,000.00</i>
<i>Systems Analyst</i>	<i>Minimum Wage</i>	<i>\$ 80,000.00</i>
<i>Tax Assessor</i>	<i>Minimum Wage</i>	<i>\$ 110,000.00</i>
<i>Tax Collector</i>	<i>Minimum Wage</i>	<i>\$ 110,000.00</i>

8. ORDINANCE 1691-24 – AN ORDINANCE AMENDING CHAPTER 103 OF THE CODE OF THE TOWNSHIP OF MIDDLE REGARDING BUSINESS REGISTRATION FEES – On motion by [redacted] 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 1<sup>st</sup>, 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 1<sup>st</sup>.*  
*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 1<sup>st</sup> 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 – PROMOTIONAL TITLE CHANGE – On motion by [redacted] seconded by [redacted] 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:*

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

*\*CS Title*

10. RESOLUTION – ACKNOWLEDGMENT OF RETIREMENT – On motion by [redacted] seconded by [redacted] 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.*

<i>EMPLOYEE</i>	<i>DEPARTMENT</i>	<i>POSITION</i>	<i>EFFECTIVE</i>
<i>Jennifer Pooler</i>	<i>Public Safety – Police</i>	<i>Chief of Police</i>	<i>07/01/2024</i>

11. RESOLUTION – CANCELLATION OF TAXES (ITEMS A THROUGH B) – On motion by [redacted] seconded by [redacted] 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.

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

(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 – REFUND OF TAXES – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

WHEREAS, A refund is due to the 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 – RELEASE OF TRUST ACCOUNTS – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ 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 – PROVIDING FOR TRANSFER OF CERTAIN 2023 BUDGET APPROPRIATION RESERVES – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ 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>
<u>Current Fund</u>			
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 – AWARD OF BID (ITEMS A THROUGH B)– On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ 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:*

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

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

16. RESOLUTION – AMENDING RESOLUTION (ITEMS A THROUGH B) – On motion by [redacted] seconded by [redacted] 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 – SOCIAL AFFAIRS PERMIT (ITEMS A THROUGH B) – On motion by [redacted] seconded by [redacted] 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 17<sup>th</sup>, April 27<sup>th</sup>, May 11<sup>th</sup>, September 6<sup>th</sup>, September 20<sup>th</sup>, October 11<sup>th</sup> and December 28<sup>th</sup>; 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 17<sup>th</sup>, April 27<sup>th</sup>, May 11<sup>th</sup>, September 6<sup>th</sup>, September 20<sup>th</sup>, October 11<sup>th</sup> and December 28<sup>th</sup>; 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 – AUTHORIZING TO SOLICIT FUNDS IN THE ROADWAYS OF THE TOWNSHIP OF MIDDLE (ITEMS A THROUGH B) – On motion by [redacted] seconded by [redacted] 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 – 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 \_\_\_\_\_ seconded by \_\_\_\_\_ 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 – AUTHORIZING EXECUTION AGREEMENT – 1 N. MAIN STREET – B&B REALTY GROUP LLC – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the 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 – AUTHORIZING EXECUTION OF ADDENDUM TO FIRST AMENDMENT TO DEVELOPERS AGREEMENT – STONE HARBOR ESTATES – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the 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 – APPROVE CHANGE ORDER NO. 1 – SOUTH DENNIS ROAD PUMP STATION IMPROVEMENTS – B&H CONTRACTING, INC. – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ 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 – AUTHORIZING LOCAL LICENSURE FOR INSA MIDDLE TOWNSHIP, LLC FOR ITS CLASS 5 ADULT USE RETAIL LICENSE – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ 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.*

24. ENGINEERS REPORT:

25. PUBLIC COMMENT:

Motion to adjourn meeting –

1<sup>st</sup>:           2<sup>nd</sup>:

Pass on Roll Call: