

Cape May Court House, NJ
 March 18, 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, Township Engineer Vince Orlando, & Municipal Solicitor Matt Rooney

1. PRESENTATION BY MAYOR AND COMMITTEE – EMPLOYEE OF THE MONTH OF MARCH – NEIL YOUNG
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>6,420.00</i> |
| <i>Current Fund CY</i> | <i>4.01</i> | <i>2,847,130.55</i> |
| <i>Alarm Billing</i> | <i>3.03</i> | <i>-</i> |
| <i>Sewer Utility PY</i> | <i>3.07</i> | <i>-</i> |
| <i>Sewer Utility CY</i> | <i>4.07</i> | <i>110,472.70</i> |
| <i>General Capital</i> | <i>C.04</i> | <i>10,864.22</i> |
| <i>Sewer Capital</i> | <i>C.08</i> | <i>-</i> |
| <i>Grants</i> | <i>G.06</i> | <i>4,961.96</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>-</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>11,781.20</i> |
| <i>Zoning Escrow</i> | <i>E.19</i> | <i>6,594.25</i> |
| <i>Unemployment Trust</i> | <i>T.20</i> | <i>-</i> |
| <i>Development Fee</i> | <i>T.27</i> | <i>-</i> |
| <i>Recreation Trust</i> | <i>T.28</i> | <i>1,522.00</i> |
| <i>TOTAL</i> | | <i>2,999,746.88</i> |

4. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETING – 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 following minutes are approved: 02/21/2024 Work Session and Closed Session and 03/04/2024 Regular Meeting and Closed Session.*
5. REPORTS: Zoning for month of February; Tax/Sewer Collector for month of February; Sterbeck Harbor for month of February; Clerk for month of February
6. ORDINANCE 1692-24 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 236 SECTION 30 SCHEDULE II (236-30), THEREOF, ENTITLED ONE-WAY STREETS – Following second reading, hearing, and consideration for adoption, Ordinance 1692-24 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
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. Section 236-30 (and furthermore schedule VII (236-30) of the Code of the Township of Middle is hereby supplemented by the removal of the following street:

| | | |
|---|-------------------------------------|--|
| <i>NAME OF STREET</i> 6 th Street | <i>DIRECTION OF TRAVEL</i> North | <i>LOCATION</i> From Old Rio Grande Boulevard (CR 634) to Hirst Avenue |
|---|-------------------------------------|--|

SECTION 2. All 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, clause or phase 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. ORDINANCE 1693-24 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 236 SECTION 42 SCHEDULE XIV (236-42), THEREOF, ENTITLED NO STOPPING OR STANDING – Following second reading, hearing, and consideration for adoption, Ordinance 1693-24 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

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. Section 236-42 (and furthermore schedule VII (236-42) of the Code of the Township of Middle is hereby supplemented by the addition of the following street:

| | | |
|--|---------------------|---|
| <i>NAME OF STREET</i> Sand Dollar Drive | <i>SIDE</i> Both | <i>LOCATION</i> From Curbline of Route 9 through entirety of cul-de-sac |
|--|---------------------|---|

SECTION 2. All 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, clause or phase 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.

8. RESOLUTION – ACKNOWLEDGEMENT OF RETIREMENT – On motion by _____ seconded by _____ 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> |
|-----------------|------------------------|-----------------|------------------|
| Julio Ruiz | Public Safety – Police | Police Officer | 08/01/2024 |

9. RESOLUTION – ACKNOWLEDGEMENT OF RESIGNATION – On motion by _____ seconded by _____ 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.

| <i>NAME</i> | <i>DEPARTMENT/BOARD</i> | <i>POSITION</i> | <i>EFFECTIVE</i> |
|-------------|-------------------------|-----------------|------------------|
| John McCann | Sewer | Laborer 1 | 03/04/2024 |

10. RESOLUTION – ACKNOWLEDGEMENT OF TERMINATION – On motion by _____ seconded by _____ 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 termination listed below, is acknowledged.

| <i>EMPLOYEE</i> | <i>DEPARTMENT</i> | <i>POSITION</i> | <i>EFFECTIVE</i> |
|------------------|-------------------|-----------------|------------------|
| Richard Garrison | Public Works | Laborer 1 | 03/13/2024 |

11. RESOLUTION – DUPLICATE TAX SALE CERTIFICATE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, Chapter 99 laws of 1997, requires authorization of the governing body for replacement and issuance of a duplicate tax sale certificate held by a third-party lien holder, which has been destroyed or lost.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Middle of the County of Cape May, State of New Jersey, hereby authorizes the Tax Collector, upon receipt of an appropriate affidavit from the owner of the certificate, prepare a replacement certificate for Tax Sale Certificate # 187-1980 and issued to the original lien holder known as:

*Paul G & Willie R Bennett
Kentucky Ave.
Whitesboro, NJ 08252*

BE IT FURTHER RESOLVED, that this replacement certificate, duplicated in original form, shall be marked as “duplicate”, and a \$100.00 fee assessed to the above-mentioned lien holder for the preparation of said duplicate certificate has been paid to The Township of Middle.

BE IT FURTHER RESOLVED, that a copy of said duplicate certificate shall be attached herewith, and a certified copy be forwarded to the lien holder.

12. RESOLUTION – REFUND OF SEWER – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

*WHEREAS, a tax payment was made by the former owner for the below referenced property; and
WHEREAS, said property has since been sold resulting in a need to refund the former owner.*

| ACCT | BLOCK | LOT | OWNER/LOCATION | 2023 | 2024 |
|------|-------|-----|--|--------|--------|
| 6358 | 402 | 3 | COLLINS, SANDRA Y 10 N 15 TH ST. | 160.00 | 160.00 |

Please make check payable and mail to:

SAMUEL CONSOLE

200 W SUMMIT AVE

WEST GROVE, PA 19390

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 a check in the above noted amount payable to the above-mentioned party, as a refund of 2023/2024 sewer

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 – TEMPORARY BUDGET AMENDMENT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Temporary Budget, as established by Resolution 17-24, is hereby amended as outlined below.

| Operating Fund | Temporary Budget as approved on Resolution 17-24 | As amended (Temporary Emergency) |
|----------------|--|-------------------------------------|
| Current Fund | \$6,268,964.70 | \$11,000,000.00 |
| Sewer Utility | \$1,034,496.09 | 2,000,000.00 |

14. 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.

15. RESOLUTION – SOCIAL AFFAIRS PERMIT – CAPE MAY COUNTY CHAMBER OF COMMERCE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, Cape May County Chamber of Commerce has applied for approval to sell alcoholic beverages at an event to be held at Kindle Auto Plaza Grounds, 525 Stone Harbor Boulevard, Cape May Court House, New Jersey 08210 on April 20, 2024 from 1:00pm until 6:00pm; and

WHEREAS, they have provided proper documentation to the Township of Middle.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

16. RESOLUTION – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – 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, County of Cape May and State of New Jersey that the mortgage loan for Victoria & Brian Obermeier for the property located at 7 N. 11th Street, Del Haven, New Jersey in the amount of \$2,184.00 is hereby authorized to be discharged.

FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

17. RESOLUTION – DENYING LOCAL SUPPORT FOR THE CLASS 5 CANNABIS RETAILER LICENSE APPLICATION OF ENV GROWERS, LLC TO THE NEW JERSEY CANNABIS REGULATORY COMMISSION – 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, an applicant that seeks to own and operate a proposed cannabis business is required to demonstrate local support from a municipality as to the suitability and appropriateness of its business location pursuant to N.J.A.C. 17:30-5.1(g) and/or N.J.S.A. 24:6I-36; 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, which, amongst other things established a process for obtaining local support for cannabis

businesses from the Township and requires the Township Committee to adopt a resolution to either approve or deny the request for local support; and
 WHEREAS, on July 6, 2022, by way of Resolution No. 309-22, the Township appointed members to a Redevelopment Committee of the Township (the "Redevelopment Committee") for the purpose of reviewing applications for cannabis businesses made to the Township and issuing recommendations to the Township Committee regarding said applications; and
 WHEREAS, in accordance with the Act and N.J.A.C. 17:30-5.1, a municipality may enact ordinances or regulations governing the number of cannabis establishments and set a maximum number of each class of license permitted to operate within the municipality; and
 WHEREAS, on June 22, 2022, by way of Ordinance No. 1653-22, the Township restricted the number of Class 5 Cannabis Retailer Licenses to only allow for one (1) license of this class; 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 Insa Middle Township pursuant to Ordinance No. 1653-22; and
 WHEREAS, on September 6, 2023, by way of Ordinance No. 1676-23, the Township amended the number of Class 5 Cannabis Retailer Licenses available to allow for two (2) licenses of this class; and
 WHEREAS, ENV Growers, LLC, (the "Applicant"), applied for proof of local support from the Township as required by the Act for its application for a Class 5 adult use Cannabis Retailer License with the Cannabis Regulatory Commission ("the CRC"); and
 WHEREAS, the Township has received multiple applications for proof of local support for a Class 5 Cannabis Retailer License; and
 WHEREAS, the Legislature specifically authorizes a municipality, pursuant to N.J.S.A. 24:6i-36(b)(1)(c)(i) and N.J.S.A. 24:6i-36(b)(1)(d)(i), to give its preferences for whom a license should be issued when the municipality has set a limit on the number of licenses that are to be issued; and
 WHEREAS, the Redevelopment Committee reviewed the application of the Applicant and made recommendations to the Township Committee regarding said application; and
 WHEREAS, the Township Committee has reviewed the recommendation of the Redevelopment Committee and the Applicant's submitted materials; and
 WHEREAS, because Ordinance No. 1676-23 only permits two (2) Class 5 Cannabis Retailer Licenses to operate within the Township, and because the Township has already authorized the issuance of local support for another license, the Township desires to reserve issuance of the final available licenses under Township Ordinance: and
 WHEREAS, the Township Committee has determined that pursuant to the limitations set forth in Ordinance No. 1676-23, and the authority granted to it pursuant to N.J.S.A. 24:6i-36(b)(1)(c)(i) and N.J.S.A. 24:6i-36(b)(1)(d)(i), the Township will not provide local support for a Class 5 Cannabis Retailer License to ENV Growers, LLC.
 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 denies local support for the application of ENV Growers, LLC, to the CRC for an annual Class 5 Cannabis Retailer License to operate within the Township of Middle.
3. This Resolution shall take effect immediately.

18. RESOLUTION – ENDORSING APPROVAL CERTIFICATE FOR NEW/USED MOTOR VEHICLE DEALER – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, Kristine Larouche t/a Wildwood Golf Carts Rentals & Sales LLC. wishes to apply for a new and used motor vehicle dealer license, and

WHEREAS, said applicant owns the property located at 1091 US Route 47 South, Rio Grande, New Jersey; and

WHEREAS, neither the Zoning Official nor the Police Department have any objections to said endorsement.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, the governing body thereof, that the Municipal Clerk is hereby authorized to sign the Approval Certificate.

19. RESOLUTION – RATIFY LEASE AGREEMENT – QUALITY CARE RESOURCE CENTER – 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, County of Cape May, State of New Jersey that the agreement between Quality Care Resource Center and the Township of Middle, for usage of Block 1024, Lot(s) 9, 11, 14, 18 & 19, otherwise known as the Whitesboro School, for a term effective January 1, 2024 through June 30, 2024, be and is hereby ratified.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.

BE IT FURTHER RESOLVED, that said agreement is contingent upon the review and approval of any and all insurance documents by the Township of Middle's insurance carrier.

20. RESOLUTION – ACKNOWLEDGING ROAD CLOSURE – CAPE MAY TIME TRIAL – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, Somerset Wheelman is orchestrating individual bicycle time trials on April 14, 2024, and

WHEREAS, the applicant has completed the required Special Events Application, Hold Harmless Agreement and Insurance certifications for this event.

WHEREAS, said applicant has requested, which has been approved by the County of Cape May via Resolution 133-24, to utilize a portion of Court House South Dennis Road (CR657) to conduct said time trials.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby support the Cape May Time Trial sponsored by Somerset Wheelman and that the governing body does hereby understand and acknowledge the road closure as indicated above.

BE IT FURTHER RESOLVED, that Somerset Wheelman has arranged traffic control for said event FURTHER RESOLVED, that the Middle Township Police Department has been notified of said event and has endorsed the closure.

21. RESOLUTION – APPROVAL TO SUBMIT A GRANT APPLICATION TO SOUTH JERSEY GAS – GAME ON GRANT 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:

22. RESOLUTION – APPROVAL OF MOBILE FOOD VENDOR LICENSE – 2024 – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the following company has applied to the Township of Middle for a license to operate as a Mobile Food Vendor within the confines of the Township, under the Code of the Township of Middle, and WHEREAS, after review by the Township Solicitor and other appropriate Township Officials, the following application has been found to be in proper order and the fee paid in connection with the licensing process, and

NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be, and are hereby authorized, for the calendar year of 2024:

| License# | Vehicle/Trailer # | Owner | Tradeame | Fee |
|-----------|-------------------|--------------------------|--------------------|---------|
| MFV 01-24 | 01-24 | Joseph H. Griesbach, Jr. | RSK Donuts LLC | \$75.00 |
| MFV 02-24 | 01-24 | Dominga C. Garcia | Tacos Al Carbon | \$75.00 |
| MFV 03-24 | 01-24 | Matthew M. Gentile | Matty G. Dogz, LLC | \$75.00 |
| MFV 04-24 | 01-24 | Michael Maguire | Mac's Café | \$75.00 |

FURTHER RESOLVED, that any license issued pursuant to the terms in accordance with the Code of the Township of Middle shall expire midnight of the 31st day of December of the year in which is issued unless sooner surrendered, suspended or revoked.

23. RESOLUTION – CLOSED SESSION – POTENTIAL LITIGATION (BREACH OF AGREEMENT) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session.

This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist.

The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.

WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and

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

1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter:

CLOSED SESSION – POTENTIAL LITIGATION (BREACH OF CONTRACT)

2.) The general nature of the subject matter to be discussed is as follows:

CLOSED SESSION – POTENTIAL LITIGATION (BREACH OF CONTRACT)

3.) It is anticipated at this time the above subject matter will be made public as follows:

WHEN THE MATTER IS RESOLVED

4.) This Resolution shall take effect immediately.

24. ENGINEERS REPORT:

25. PUBLIC COMMENT:

Motion to enter closed session –

1st: _____ 2nd: _____

Pass on Roll Call:

Motion to re-enter open session –

1st: _____ 2nd: _____

Pass on Roll Call:

Motion to adjourn meeting –
1st: 2nd:
Pass on Roll Call: