

Cape May Court House, NJ
December 3, 2012
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 Lockwood, Committeemember Donohue, Committeemember DeLanzo, Township Business Administrator Mark Mallett, Township Clerk Kimberly Krauss, Municipal Solicitor Marcus Karavan, and Township Engineer Marc DeBlasio.

1. 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.) ***No Public Comment**

2. RESOLUTION 562-12 - PROMOTIONS – POLICE DEPARTMENT – On motion by Mayor Lockwood seconded by Committeemember DeLanzo 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 employees in the Middle Township Police Department are hereby promoted to the titles opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFF. DATE
Mark Higginbottom	Public Safety	Police Sergeant	\$104,912.00	12/1/2012
Fran Fiore	Public Safety	Police Sergeant	\$104,912.00	12/1/2012

3. SWEARING IN OF OFFICERS – HIGGINBOTTOM AND FIORE

Mayor Lockwood: Two great officers, great to see move up within a fantastic police department, wish best in new position in department. Had opportunity to know Sgt. Higg through daughters involvement in DARE program and is a huge asset and will be a great Sergeant. Got to know Sgt Fiore through Toys for Tots, he does a great job with that program, and looks forward to the future.

Committeemember Donohue: Would like to echo Mayor Lockwood, congrats to officers and family. Long, hard road, command is a challenge. Good luck, be careful, and take care of your guys.

Committeemember DeLanzo: Congrats to officers, proud moment for department and residents of township, wish them success in career and as they serve their passion.

4. RESOLUTION 563-12 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$2,733,409.86

5. RESOLUTION 564-12 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember DeLanzo seconded by Committeemember Donohue 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: Work Session Meeting 11/19/12, Board of Health Meeting 11/19/12, Regular Meeting 11/19/12, and Closed Session 11/19/2012.

6. REPORTS: The following departments have submitted their reports for the months indicated: Construction Official for the month of November and Municipal Clerk for the month of November.

7. ORDINANCE NO. 1429-12 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE SUM OF \$77,000 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND (\$37,200.57) AND THE GRANT FUND – NJ DIRECT INSTALL (39,799.43) FOR THE REPAIR AND ACQUISITION OF HVAC UNITS – Following second reading, hearing, and consideration for adoption, Ordinance 1429-12 was adopted on motion by Committeemember Donohue seconded by Committeemember DeLanzo 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, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. There is hereby appropriated the sum of \$37,200.57 from the Capital Improvement Fund and \$39,799.43 from the Grant Fund of the Township of Middle, County of Cape May, New Jersey ("Township") for the repair and acquisition of HVAC units.

Section 2. It is hereby determined and stated that the improvements set forth in Section 1 are each a general capital improvement and not a current expense.

Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board

showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and available for inspection.

Section 4. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect after final adoption and publication as required by law.

Mayor Lockwood : We have discussed this matter several times publicly, working on items to save energy costs.

Marc DeBlasio : This is a 70% grant to replace 4 HVAC units municipal building. Match is \$17,xxx, after paid back match, estimated savings would be about \$20,000 per year by installing new, efficient HVAC units.

Committeemember Donohue : \$17,000 match but \$37,000 coming from Capital Budget, difference is for a unit that is not covered by grant, but needs to be replaced.

8. REINTRODUCTION OF ORDINANCE NO. 1430-12 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – On motion by _____ seconded by _____ and passed on roll call, Ordinance No 1430-12 passed first reading. Second reading, public hearing and consideration for adoption will be held on 12/17/2012 at 6:00 p.m.

Adding amendments to various ranges / adds titles as originally established under 1430-12.

Business Administrator	\$1.00 to \$125,000.00
Deputy Business Administrator	\$1.00 to \$100,000.00
Deputy Registrar of Vital Statistics	\$1.00 to \$40,000.00
Food Service Worker P/T	\$8.00 to \$15.00 p/h
Registrar of Vital Statistics	\$1.00 to \$47,000.00
Sewer Administrator P/T	\$15.00 to \$30.00p/h
Township Clerk	\$53,000.00 to \$75,000.00

9. RESOLUTION 565-12 - APPROVAL FOR PAYMENT TERMINAL LEAVE – CHARLES MCDONNELL – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, Charles McDonnell has resigned with an effective date of November 16, 2012, and
WHEREAS, it is the policy of Middle Township to compensate resigning employees for accumulated vacation, compensation, and personal time, and
WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time,
NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below.

Charles McDonnell			
vacation	22.25	231.35	5,147.54
personal	0		0
comp	0		0
less overpymt			-578.42
total			4,569.12

10. RESOLUTION 566-12 - SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2012 STATEWIDE CRACKDOWN – On motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, impaired drivers on our nation’s roads kill someone every 30 minutes, 50 people per day and almost 18,000 people each year; and
WHEREAS, 25% of motor vehicle fatalities in New Jersey are alcohol-related; and
WHEREAS, an enforcement crackdown is planned to combat impaired driving, and
WHEREAS, the season at the end of the year is traditionally a time of social gatherings which include alcohol, and
WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober or Get Pulled Over Year End Statewide Crackdown, and
WHEREAS, the project will involve increased driving enforcement from December 7, 2012 through January 2, 2013, and
WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.
NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey declares its support for the Drive Sober or Get Pulled Over Year End Statewide Crackdown from December 7, 2012 through January 2, 2013, and pledges to increase awareness of the dangers of drinking and driving.
FURTHER RESOLVED, that Police Captain John Edwards is named as the contact person, and that the appropriate officials are hereby authorized to sign said documents.
11. RESOLUTION 567-12 - AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW JERSEY LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-26 – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Township Committee of the Township of Middle, County of Cape May, New Jersey ("Township") desires to make application to the New Jersey Local Finance Board for approval of a resolution authorizing the issuance of Bonds through the United States Department of Agriculture Rural Development to permanently finance the improvements and construction the Township's water reuse project and its sewer improvement project pursuant to N.J.S.A. 40A:2-26; and
WHEREAS, the Township believes:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Township;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, AS FOLLOWS:

Section 1. The application to the New Jersey Local Finance Board is hereby approved, and the Township's Bond Counsel, Solicitor and Auditor along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Township Clerk is hereby directed to prepare and file a copy of this resolution with the New Jersey Local Finance Board as part of such application.

Section 3. The New Jersey Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey law.

Mark Mallett: This is to close out the SGCC Contract for \$1.09 Million

12. RESOLUTION 568-12 - AUTHORIZING THE EXECUTION OF AGREEMENT – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the agreement between Pasquale "Pat" Conte and the Township of Middle.

13. RESOLUTION 569-12 – RELEASE OF TRUST ACCOUNTS – On motion by Mayor Lockwood seconded by Committeemember Donohue 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.

Mayor Lockwood: One Account?

Kim Krauss: Three Accounts – Nancy Shivers, Michael Capriolla, Bruce Graff

14. RESOLUTION 570-12 - AMENDING RESOLUTION / AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – VAN NOTE-HARVEY ASSOCIATES, P.C. – ANNUAL TAX MAP MAINTENANCE – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, Van Note-Harvey Associates, P.C. are in compliance with the provisions of N.J.S.A. 19:44A-20.26 certifying that no political contributions have been made to Middle Township; and
WHEREAS, Resolution 548-11 was approved on November 7, 2011, Not to Exceed \$9,000; and
WHEREAS, it has been deemed necessary to further amend said contract for an additional \$4,728.00, for a contract total of \$13,728.00; and
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Van Note-Harvey Associates, P.C. and the Township of Middle for Annual Tax Map Maintenance be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement. Van Note-Harvey Associates – Tax Map Annual Maintenance – an additional \$4,728.00, for a contract total of \$13,728.00.

Dan Lockwood: I thought we did a two year agreement?

Mark Mallett: Money was budgeted as reassessment project.

Dan Lockwood: Approved contract too low?

Mark Mallett: Yes.

15. RESOLUTION 571-12 - TITLE CHANGE – DOROTHY MUTTER – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, effective December 2, 2012 Dorothy Mutter has resigned from the Civil Service Title of Deputy Registrar of Vital Statistics P/T, and

WHEREAS, effective December 3, 2013 Dorothy Mutter shall be reclassified as a new hire under the following as listed below, and

WHEREAS, Mrs. Mutter shall maintain her statutory appointment of Deputy Registrar of Vital Statistics as approved via Resolution 309-12, and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following civil service title for said employee is hereby changed to the following position at the salary opposite their name:

NAME	DEPARTMENT	PREVIOUS TITLE	NEW TITLE	SALARY	EFF. DATE
Dorothy Mutter	Administration	Deputy Registrar of Vital Statistics P/T	Keyboarding Clerk 1 P/T	\$14.00 ph	12/03/2012

16. RESOLUTION 572-12 - AUTHORIZING PURCHASE UNDER STATE CONTRACT – POLICE VEHICLE – On motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, May 7, 2012, via Resolution No. 201-12, the Township of Middle authorized the purchase of two (2) Dodge Chargers for use in the Police Department, under State Contract, and WHEREAS, during Hurricane Sandy one of the new vehicles was totaled while receiving electronics installed at Birches Electronics in Egg Harbor Township, and

WHEREAS, there is a need to purchase a replacement vehicle with insurance monies received from said vehicle, and

WHEREAS, through the State Contract Purchasing System, Contract #T-0098, this vehicle is available; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the Police Department is hereby authorized to purchase one (1) of the aforementioned vehicle at a cost of \$25,400.00.

FURTHER RESOLVED, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:

Charles S. Winner Inc.
Carmen Dodge
250 Haddonfield Berlin Road
Cherry Hill, NJ 08034-3409

17. RESOLUTION 573-12 – ESTABLISHING: 1. FAIR AND OPEN PROCESS FOR CONTRACTS 2. CRITERIA TO BE CONSIDERED IN AWARDING CONTRACTS; AND 3. POSITIONS FOR WHICH PROPOSALS SHALL BE SOLICITED – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 19:44A-20.4 et. seq. requires that contracts with a value exceeding \$17,500 be awarded pursuant to a “fair and open” or “non-fair and open” process; and

WHEREAS, the Township Committee feel the best interests of the residents of Middle Township would be best served by the Township requesting proposals and qualifications, and considering and awarding contracts by use of a Fair and Open process; and

WHEREAS, the Township Committee desires to establish the Fair and Open Process; and

WHEREAS, the Township Committee desires to establish the criteria for the consideration of proposals and qualifications, and the award of contracts submitted in accordance with the Fair and Open Process; and

WHEREAS, the Township Committee desires to establish the positions which for the year 2013 shall be subject to the Fair and Open Process and also where stated below additional criteria for certain position; and

WHEREAS, the Township Committee has decided to go beyond what is required by the state statute and to submit all professional services contracts to the Fair and Open process, even those that are below the \$17,500.00 threshold;

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

1. THE FAIR AND OPEN PROCESS

A. The Township Committee of the Township of Middle has determined that the following procedure constitutes a fair and open process and shall be the manner in which requests for proposals and qualifications are sought, accepted, and awarded:

1. A request for proposals and qualifications shall be publicly advertised on the Township of Middle’s internet website beginning on December 4, 2012 and continuing on the website through December 18, 2012.

2. The Township shall accept proposals until 1:00 o’clock on December 18, 2012.

3. Proposals shall be in a sealed envelope addressed to:

Kimberly D. Krauss
Township Clerk - Township of Middle
33 Mechanic Street
Cape May Court House, NJ 08210

The envelope shall also state the name of the person or entity submitting the proposal and the position for which the proposal is submitted.

4. The envelope shall contain one original and two copies of the proposal.

5. The proposal shall include (this is mandatory) at a minimum, a statement of the following:

- A. Qualifications and Experience of person or entity specifically with regard to the position sought
- B. Scope of Services proposed to be provided
- C. Contact Information, including name, address, phone number, email address
- D. Fee Proposal including a “Not To Exceed” Amount
- E. Office Staffing Plan and Resources

F. Location of Office from which services shall be provided

G. References

H. Potential Conflicts

I. The Applicant should provide a proposal which includes a statement of licensing, others in his/her office who will provide services, a fee schedule which lists names, titles and fees for each person and for each of these services, and any other information deemed of importance by the Applicant.

6. On December 18, 2012 at 1:00pm, the Township Clerk or representative shall open each of the proposals and shall announce the proposals received by name, and a short summary of the proposal and qualifications.

7. The proposals shall be submitted to Township Committee for consideration at its reorganization meeting, at which time Township Committee may award a contract by approving a resolution, or, it may choose to award at the next regularly scheduled Township Committee meeting. If a majority votes to seek interviews, interviews may be held between Township Committee and the person or entity that submitted proposals. Township Committee may send proposals to Township Board's or Agency's for consideration and approval as is appropriate.

2. CRITERIA BY WHICH REQUESTS FOR PROPOSALS AND QUALIFICATIONS SHALL BE EVALUATED

A. The Township of Middle hereby discloses in writing that all of the submissions in response to the Request for Proposals and Qualifications submitted through the fair and open process described above, will be evaluated by the Township Committee of the Township of Middle and awarded or rejected on the basis of the following criteria. Proposals will be evaluated by the Township Committee of the Township of Middle on the basis of the most advantageous, price and other factors considered. The evaluation will consider:

1. Experience and reputation in the field
2. Knowledge of the Township of Middle and the subject matter to be addressed under the contract
3. Availability to accommodate any required meetings of the agency
4. Compensation proposal
5. Other factors if demonstrated to be in the best interest of the Township of Middle

B. The following criteria, found under the competitive contracting rules at N.J.A.C. 5:34-4.2, if determined to be of assistance, may also be considered by Township Committee. These criteria are not intended to be limiting or all-inclusive, and they may be adapted or supplemented in order to meet the Township Committee's needs. No criteria will unfairly or illegally discriminate or exclude otherwise capable vendors.

I. Technical criteria:

a. Proposed methodology:

- i. Does the vendor's proposal demonstrate a clear understanding of the scope of work and related objectives?
- ii. Is the vendor's proposal complete and responsive to the specific RFP requirements?
- iii. Has the past performance of the vendor's proposed methodology been documented?
- iv. Does the vendor's proposal use innovative technology and techniques?
- v. Are sound environmental practices such as recycling, energy efficiency, and waste reduction used?

II. Management criteria:

a. Project management:

- i. How well does the proposed scheduling timeline meet the agency's needs?
- ii. Is there a project management plan?
- b. History and experience in performing the work:
 - i. Does the vendor document a record of reliability of timely delivery and on-time and on-budget implementation?
 - ii. Does the vendor demonstrate a track record of service as evidenced by on-time, on-budget, and contract compliance performance?
 - iii. Does the vendor document industry or program experience?
 - iv. Does the vendor have a record of moral integrity?

c. Availability of personnel, facilities, equipment and other resources:

- i. To what extent does the vendor rely on in-house resources vs. contracted resources?
- ii. Are the availability of in-house and contract resources documented?

d. Qualification and experience of personnel:

- i. Documentation of experience in performing similar work by employees and when appropriate, sub-contractors?
- ii. Does the vendor make use of business capabilities or initiatives that involve women, the disadvantaged, small and/or minority owned business establishments?
- iii. Does the vendor demonstrate cultural sensitivity in hiring and training staff?

III. Cost criteria:

a. Cost of goods to be provided or services to be performed:

- i. Relative cost: How does the cost compare to other similar proposals?
- ii. Full explanation: Is the price and its component charges, fees, etc., adequately explained or documented?

b. Assurances of performance:

- i. If required, are suitable bonds, warranties, or guarantees provided?
- ii. Does the proposal include quality control and assurance programs?

c. Vendor's financial stability and strength:

- i. Does the vendor have sufficient financial resources to meet its obligations?

3. REQUEST FOR PROPOSALS AND QUALIFICATIONS ARE SOUGHT FOR THE FOLLOWING POSITIONS

- A. Ethics Board Attorney - Legal Advisor to the Middle Township Ethics Board as needed on a case to case basis.
- B. Planning Board Engineer – Engineer to the Planning Board. Required to have planner certification as well as P.E.. May be required to spend at least one day a week in Township Hall meeting with residents regarding planning issues. Planning Board meets twice a month, during the evening hours. The Engineer is expected to be immediately available to the Board Attorneys, Zoning Board Officer, Board Members and Zoning and Planning Office. Minimum qualifications are at least five years’ experience in some governmental capacity. Required to have sufficient staff to meet Township’s demands.
- C. Zoning Board Engineer - Engineer to the Zoning Board. Required to have planner certification as well as P.E.. May be required to spend at least one day a week in Township Hall meeting with residents regarding zoning issues. Zoning Board meets once a month, during the evening hours. The Engineer is expected to be immediately available to the Board Attorneys, Zoning Board Officer, Board Members and Zoning and Planning Office. Minimum qualifications are at least five years’ experience in some governmental capacity. Required to have sufficient staff to meet Township’s demands.

Tim Donohue: Do these have a different due date?

Dan Lockwood: December 18th

Kim Krauss: at 1pm. Entire Resolution is placed on our website.

18. RESOLUTION 574-12 – APPROVE REFINANCE OF ECONOMIC DEVELOPMENT LOAN – ANISHA HOSPITALITY LLC T/A ECONOMY MOTEL – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, an economic development loan was approved September 17, 2012, via Resolution 410-07, for Anisha Hospitality LLC T/A Economy Motel, and

WHEREAS, said applicant desires to refinance their balloon payment for an additional 2 years at an interest rate of 2%, and

WHEREAS, the Economic Development Council has reviewed this request and approves such.

NOW THEREFORE BE IT RESOLVED, that the loan refinance for Anisha Hospitality LLC T/A Economy Motel is hereby approved as outlined on the loan write-up provided by TRIAD Associates attached hereto.

BE IT FURTHER RESOLVED, that the Township of Middle does also hereby charge a servicing fee in the amount of \$475.00, to cover all administrative expenses insured in reviewing said loan request.

Tim: We are giving them an additional two years and they are paying the administrative costs.

19. RESOLUTION 575-12 - AUTHORIZING MAYOR TO EXECUTE AGREEMENT – H&L SYSTEMS, INC. – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to enter into an agreement with H & L Systems, Inc. for software, hosting, and backup services in connection with sewer billing, and

WHEREAS, the term of said contract shall be for two years, beginning January 2013.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement with H & L Systems, Inc. for sewer billing software, hosting and backup services is hereby approved.

H & L Systems, Inc. Year One \$9,500.00

(includes data conversion & software set up)

Sewer Billing Software Year Two \$4,500.00

BE IT FURTHER RESOLVED, that the second year of said contract is contingent upon the certification of funds by the CFO.

Dan Lockwood: This is for sewer billing?

Tim Donohue: Transition from Edmunds to the system that will integrate with the tax office.

Dan Lockwood: This will also integrate with the online tax payment.

20. RESOLUTION 576-12 – ORDER REMOVAL OF VEHICLES FROM MUNICIPAL PARKING LOT – CHRISTMAS IN COURT HOUSE – On motion by Committeemember Donohue seconded by Mayor Lockwood 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 an Order to Remove Vehicles from the Municipal Parking Lot on Thursday, December 6, 2012 at 4:00pm until 10:00pm on Friday, December 7, 2012, for the “Christmas in Court House” celebration, is hereby approved.

21. RESOLUTION 577-12 – AUTHORIZATION TO CLOSE BOYD STREET – CHRISTMAS IN COURT HOUSE – On motion by Committeemember Donohue seconded Mayor Lockwood 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 authorization to close the section of Boyd Street from Mechanic Street to Hand Avenue on Friday December 7, 2012 from 5:00 PM until 10:00 PM for “Christmas in Court House” is hereby approved.

22. RESOLUTION 578-12 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY OFFICE OF CLEAN ENERGY DIRECT INSTALL PROGRAM – MARTIN LUTHER KING CENTER – On motion by Committeemember

Donohue seconded by Committeemember DeLanzo 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 Governing Body of the Township of Middle formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit a grant application through the New Jersey Office of Clean Energy, on behalf of the Township of Middle.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant application on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

23. RESOLUTION 579-12 - AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK & WALBERG ENGINEERS – GRANT APPLICATION - NEW JERSEY OFFICE OF CLEAN ENERGY DIRECT INSTALL PROGRAM – MARTIN LUTHER KING CENTER – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, on January 4, 2012 Township Committee passed a resolution under the Fair and Open process for various professionals, otherwise known as Resolution 2-12, and WHEREAS, the Township of Middle appointed Remington, Vernick & Walberg Engineers to serve as Municipal Engineer at its January 2012 reorganization meeting, and WHEREAS, Remington, Vernick & Walberg Engineers will be providing additional engineering services towards the submission of a grant application to the New Jersey Office of Clean Energy Direct Install Program for the Martin Luther King Center.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Remington, Vernick & Walberg Engineers shall provide the additional engineering services mentioned above and said contract shall be amended as follows:

Remington, Vernick & Walberg Engineers – Grant Application – Not to Exceed \$1,000.00

24. RESOLUTION 580-12 – CLOSED SESSION – CONTRACT NEGOTIATIONS (GRASSY SOUNDS CIVIC ASSOCIATION AGREEMENT; SHARED SERVICES WITH DCF) AND POTENTIAL LITIGATION – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

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

WHEREAS, said Closed Session shall be held directly after this open session.

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 – CONTRACT NEGOTIATIONS (GRASSY SOUNDS CIVIC ASSOCIATION AGREEMENT; SHARED SERVICES WITH DCF) AND POTENTIAL LITIGATION

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

CLOSED SESSION – CONTRACT NEGOTIATIONS (GRASSY SOUNDS CIVIC ASSOCIATION AGREEMENT; SHARED SERVICES WITH DCF) AND POTENTIAL LITIGATION

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.

*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.

25. RESOLUTION 581-12 – ESTABLISHING AN ENERGY AGGREGATION PROGRAM PURSUANT TO THE GOVERNMENT ENERGY AGGREGATION ACT OF 2003, N.J.S.A 48:-93.1 to 98 - On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power to residential and non-residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and

WHEREAS, under the aggregation process the residential and non-residential ratepayers may likely receive a direct reduction in their electric bills; and

WHEREAS, the citizens of the Township have a substantial economic and social interest at stake; and

WHEREAS, the Township hereby finds that it is in the best interests of residential and non-residential electric ratepayers to enter into an aggregation agreement in order to seek substantial savings on electric rates;

Now, Therefore BE IT RESOLVED by the Township Committee of the Township of Middle:

- 1- Publicly declares its intent to become an aggregator of electric power on behalf of its residential and non-residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
- 2- Will utilize Commercial Utility Consultants' Reverse Energy Auction Platform pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate THIRD PARTY SUPPLIERS. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire, while non-residential ratepayers would also have the right to participate.
- 3- The Mayor is authorized to execute and the Township Clerk to attest to any documents necessary to carry out the purpose of the Resolution.
- 4- All resolutions and parts of resolutions inconsistent herewith are hereby repealed.

John Fish: The purpose of the government aggregation in this sense is to create aggregation for residential and non-residential residents of Middle and commercial accounts within the boundaries of the Township. This allows the Township to pull the electric and gas energy together to put them out for auction to get the best possible rates. This is the first step of many to implement the program. The savings we are looking for would be substantial, just over \$900,000 for the residential customers. The commercial customers would have a savings too, but at this time we do not know which people would opt in so we do not have a projected savings. This is just to get the ball rolling, there is no commitment at this time, but can take the next steps to start the community outreach to explain the program. The outreach may take several months based on the next steps and we will be working with the Township to create the outreach.

We would also like to invite other towns into the aggregation. The objective is the more towns involved, the lower the costs. This matter is on agenda tomorrow night for Stone Harbor, they are interested and would like to reach out to Avalon, possibly Dennis Township, but is all premature.

Committeemember Donohue: so the more towns involved, the bigger the savings we can get?

John Fish: that is correct.

25. PUBLIC COMMENT:

Committeemember Donohue: we talked briefly about the energy aggregation, which could save residents of our town close to a million dollars, which would go back into the economy. We understand how residents may be concerned about having the government involved in making this decision, but we will be taking this step by step and residents will have the option to opt out. We will offer workshops and newsletters about the program.

Encourage everyone to join us for Christmas in Court House. Kudos to Tammy Devitt who is working short-handed in the rec department for putting everything together

Mayor Lockwood: We got our tree up today, would like to thank Steve Martinelli and Cedar Creek Tree Farm for donating the tree and Anzelone Electric who has offered to do some of the decorating with their bucket truck due to the height of the tree, and also will receive donations for Christmas lights if needed. Also would like to recognize CMC chamber of Commerce for their time put in with Christmas in Court House.

Vilma: Regarding #22, what is it about?

Marc DeBlasio: It is a State Grant Program that can provide up to 70% to install new HVAC units.

Committeemember Donohue: We have been approved for the grant in town hall for 70%, we are now starting the process for the MLK Center to see if they are eligible.

Marc DeBlasio: MLK Center needs to be reviewed to determine whether it is eligible for this grant

Carl Carmelowicz: #22, read something about energy aggregation in Vineland or Millville, possibly in the Press. It saved residents x amount of dollars, taking a guess at what energy aggregation is. Is this a program where all the residents using energy in a particular area, can join in the program and then having the Township negotiate putting all of this energy out for auction then average out and agree to a price, then the people who sign into the program are charged that rate?

Committeemember Donohue: that's pretty close.

Carl: I've got a question: This is the Energy Aggregation Act of 2003, this is 2012, what took so long?

Committeemember Donohue: That is a good question and with talking to these gentlemen, since this act has passed, 13% have taken a part of this opportunity.

John Fish: there have been several steps taken along the way to clean up the Act. A lot of the townships have done this for municipal business, but pieces were missing for the residential portion. We are from CUC and we are assisting with this program.

Carl: Who has held this process up?

John Fish: I'm not sure that anyone specifically has held this up. It just was not clear in the first explanation.

Carl: I'm not a genius, but the first time I heard it, I understood it.

Mayor Lockwood: It is my understanding that they did this in 2003 and it may have taken a little bit of time to get the Act put through the Legislative system. When it was passed, it wasn't taken advantage of because it was unclear or there were some barriers. Those things were cleared up and it has now become more attractive.

Carl: I think this should be written up in the newspapers. It sounds like a win-win situation except for the stockholders in AC Electric.

John Fish: Actually that is not the case either. This is not a negative to AC Electric. You can call them and ask, they will tell you that it does not hurt them.

Mayor Lockwood: no one is locked into this program, you can opt out.

Carl: #8 – it appears that the salaries are increasing. Twp Clerk going from \$53,000 to \$75,000.

Dan Lockwood: it may seem that way, but that is not the case. It is a range. We lowered most of the bottom ranges. We have started to consolidate admin offices and are sharing responsibilities, so we have cross-training and restructuring that has caused savings, but we want to be flexible with how we take advantage of it.

Committeemember Donohue: It's the most we can pay and the least we can pay for a position.

Vilma: Aren't there a lot of people out there calling residents to change electric companies?

John Fish: The actual lines to the house are through AC Electric, so even with a third party provider, it will be through AC Electric just with a lower rate. The energy comes from whoever comes in with the cheapest bid.

Vilma: What about during a hurricane, who is responsible for maintaining?

John Fish: Atlantic City Electric is still responsible for making sure the lines are connected to the house.

Motion to go into Executive Session – 6:44pm

1st – Committeemember DeLanzo 2nd – Committeemember Donohue

Roll Call Vote: Committeemember DeLanzo, Committeemember Donohue, Mayor Lockwood

Motion to end Executive Session and Return to Open Session – 8:01pm

1st - 2nd –

Roll Call Vote: Committeemember DeLanzo, Committeemember Donohue, Mayor Lockwood

Dan Lockwood: We have been given some guidance from our insurance company regarding certain issues, we have been given some information on some of our contract negotiations on two different matters, which we are taking no action on, and this second one which we will be taking action on.

26. RESOLUTION 582-12 – AUTHORIZE EXECUTION OF AMENDED SHARED SERVICES AGREEMENT BETWEEN MIDDLE TOWNSHIP AND THE STATE OF NEW JERSEY DEPARTMENT OF CHILDREN AND FAMILIES – REGIONAL SCHOOL CAPE MAY CAMPUS – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

Committee opened meeting back up to public.

Carl: I saw in press that a woman was suing Middle Township because she wasn't hired. Do you know what I am talking about? Can you make any comment?

Marc Karavan: We cannot make any comment as it is potential litigation. She has not filed a suit, but a Tort Claim Notice which is a notice of intention to file a suit, but after meeting with our counsel it is not something that we can comment on at this time.

Carl: Congratulated Mayor Lockwood on reelection. Officers looked very sharp.

Dan: Employees have done a wonderful job decorating out building.

Motion to adjourn meeting: 8:05pm

1st Committeemember Donohue 2nd Committeemember DeLanzo

Roll Call Vote: Committeemember DeLanzo, Committeemember Donohue, Mayor Lockwood

Kimberly D. Krauss, Twp. Clerk