

Cape May Court House, NJ  
February 6, 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/ Dotsie Garrabrant, and Township Engineer Marc DeBlasio

1. SWEARING IN OF NEW OFFICERS
  - Swearing in of newly appointed Officers Raymond Bradley and Brian Vergantino, as approved on January 27, 2012.
2. NATIONAL GUARD 253 PRESENTATION

Mayor Lockwood commented on the homecoming of the 253 that took place a couple weeks ago. The governing body will be reaching out the Middle Township residents of the 253 to extend their gratitude and certificates of appreciation.
3. 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.)

*Barb Cresse indicated she was surprised to see the award to EDA for final inspection of the gravel pits on the agenda.*
4. RESOLUTION NO. 72-12 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Mayor Lockwood 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.	\$2,902,321.25
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5. RESOLUTION NO. 73-12 – APPROVING MINUTES FROM PREVIOUS MEETINGS – 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 the following minutes are approved: Special Meeting 1/17/2012, Closed Session 1/17/2012, WS 1/18/2012, Regular Meeting 1/18/2012, Closed Session 1/18/2012, Special Meeting 1/27/2012, Closed Session 1/27/2012.
6. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Clerk for the month of January; Construction Official for the month of January; Tax Collector for the month of January; Zoning Official for the month of January;
7. ORDINANCE NO. 1404-12 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 211, THEREOF, ENTITLED SKATEBOARD PARK – On motion by Committeemember DeLanzo seconded by Mayor Lockwood and passed on roll call, Ordinance No 1404-12 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/05/2012 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  
Local Ordinance Section 211-3 shall be amended to read as follows:  
211-3 RULES, SUBSECTION I  
I. This facility is for skateboard and in-line skating only. The use of bicycles, of any type, is expressly prohibited.

SECTION 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 4. 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 5. This Ordinance shall become effective immediately upon final passage and publication, according to law.
8. RESOLUTION NO. 74-12 – ADOPTING POLICY GOVERNING THE USE OF ELECTRONIC COMMUNICATIONS BETWEEN MUNICIPAL OFFICIALS DISCUSSING TOWNSHIP BUSINESS – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Open Meetings Act (OPMA) defines a meeting as “any gathering whether corporeal or by means of communications equipment, which is attended by, or open to, all the members of the public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body”, under N.J.S.A. 10:4-8(B), and

WHEREAS, “communication equipment” may include electronic equipment through email, text message, social media or any other similar device, and

WHEREAS, communication using electronic equipment, among an effective majority of the members of a “public body” as defined by OPMA, held with the intent to discuss or act on public business, that is not open to the public, may violate OPMA, and

WHEREAS, it is appropriate for the Township of Middle to adopt guidelines regarding the use of electronic communications, such as e-mail text messages, and other forms of electronic communication, when discussing or deliberating upon municipal business, and

WHEREAS, this need to establish a policy was prompted by recent events that have occurred in Gloucester County, Burlington County, and Bergen County, involving the exchange of email communications by and between elected members of governing bodies, and municipal clerks, managers, administrators, staff and professionals, and

WHEREAS, such communications, depending upon circumstances, can be deemed to be “meetings” under the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. (“The Sunshine Law”), and

WHEREAS, it is important for municipal officials to identify the differences between typical communications in which “the business of the municipality is not discussed” and other forms of communications which might fall under The Sunshine Law, and

WHEREAS, the Township Committee of the Township of Middle has determined it appropriate to adopt a policy governing the use of electronic communications by Township Officials where the business of the municipality is included within the content of said communications.

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 following policy is hereby adopted and shall constitute the guidelines to be followed within the Township of Middle governing the use of electronic communications by municipal officials, when the business of the Governing Body is intended to be discussed:

1. Email communications should, as far as practicable, not include an effective majority of the governing body and should never include an effective majority of the governing body where a discussion of information related to the business of the Township is involved.
2. Where email communications do include an effective majority of the governing body, such communications should not include any request for a response. Any email communication should indicate that there should be no email reply or response for communication.
3. In the rare instance when a response to an email is appropriate, such response must not involve any decision making or deliberative function of the governing body or otherwise address public business as contemplated by the OPMA. Further, the response shall not be made to the entire list of email addresses to avoid even the appearance of circumvention of the act. The use of the “reply-all” function should be avoided and any response should be limited to a response to the sender only, such as the Administrator, Clerk or Attorney.
4. Rolling email conversations must be avoided. A “rolling” email occurs when one member of the governing body, or a third-party, contacts others via email individually to successively discuss or gain opinions on an item of Township business. This would apply to other forms of electronic communications as well. However, communications between less than effective majority of the governing body do not violate the OPMA provided the dialogue does not become a “rolling” discussion that ends up including an effective majority of the governing body.
5. To the extent possible, email communications regarding the public business of the Governing Body, when sent by Governing Body members, should be sent to the Administrator and Township Clerk for dissemination to the other members of the governing body, professionals, or staff.
6. A member of a public body, or a third party, may communicate electronically with an effective majority of the public body if the communication is of a purely informational nature. For example, an administrator may email the committee to inform them on current issues in the town or items to be placed on a future agenda.
7. This policy is adopted as a Township Policy and shall apply to all Agencies and Boards of the Township that are subject to the Open Public Meetings Act, including but not limited to, the Planning Board, the Zoning Board of Adjustment and the Environmental Commission. Copies of this resolution shall be provided to all elected and appointed officials and to those newly elected or appointed to any Township agency or body that is subject to the OPMA.

9. **RESOLUTION NO. 75-12 – OUTLINING EXECUTIVE SESSION MINUTE APPROVAL / RELEASE PROCEDURE** – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary to outline a procedure for the approval and further release of minutes prepared in connection with executive session meetings as held by the governing body of the Township of Middle.

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 following procedure shall be instituted immediately for the approval and release of executive session minutes within the Township of Middle:

1. After the conclusion of every meeting the Municipal Solicitor and Municipal Clerk shall review the Executive Session minutes which were approved during that meeting and determined which minutes may be made available immediately for public review, and which minutes must remain confidential pending the occurrence of additional events.

2. At the conclusion of each quarter, the Municipal Solicitor and Municipal Clerk shall review all minutes which remain confidential to determine if any of those minutes maybe reclassified as available for public review.

3. The above procedure shall remain in force on a continual base to assure that Executive Session minutes are timely made available to the public.

BE IT FURTHER RESOLVED, that all Executive Session minutes shall be typed and presented for review of the governing body members prior to the next regularly scheduled committee meeting.

10. RESOLUTION NO's 76-12 through 77-12 – APPROVAL FOR PAYMENT TERMINAL LEAVE (ITEMS A THROUGH B) – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. (A) 76-12 WHEREAS, Judy Lowe has retired with an effective date of July 1st, 2011, and WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick, 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.

Judy Lowe

vacation	43	145.08	6,238.44
Sick (capped)	213	145.08	12,000.00
personal	2	145.08	290.16
comp	0	145.08	0
total			18,528.60

(B) 77-12 WHEREAS, Robert McHale has retired with an effective date of December 1<sup>st</sup>, 2011, and

WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick, 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.

Robert McHale  
(hours reported)

vacation	18.50	43.43	803.46
Sick (capped)	57.50	43.43	2,497.23
personal	22.00	43.43	955.46
comp	1.75	43.43	76.00
(owes)			-4,211.85
total			120.30

11. RESOLUTION NO. 78-12 – AUTHORIZING MAYOR TO SIGN 2012 SAFETY INCENTIVE PROGRAM CONTRACT – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the governing body of the Township of Middle does hereby recognize the important role that an effective safety program plays in lowering employee injury rates, reducing lost time accidents, and cutting insurance costs, all of which contributes to greater employee safety and lower tax rates, and

WHEREAS, as part of the 2012 Safety Incentive Program, the JIF hereby request that the municipality execute a “2012 Safety Contract” essentially agreeing to support and participate in all aspects of the JIF Safety Program.

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 Mayor and Township Clerk are hereby authorized to sign any and all documents in connection with said 2012 Safety Contract.

12. RESOLUTION no. 79-12 – APPOINTMENT – NEW HIRE – 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, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Joseph Russo	EMS	EMT	\$10.60 ph	02/06/2012
Robert Bartleson	Public Works	Senior Mechanic	\$35,000.00	02/20/2012

13. RESOLUTION NO. 80-12 – APPROVE CHANGE ORDER NO. 2 – RECONSTRUCTION OF BEACH AVENUE – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the 2010 Capital Improvement Phase I, Reconstruction of Beach Avenue project was awarded September 7, 2011 via Resolution No. 427-11 to South State, Inc.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #2 for the project awarded to South State Inc. be and is hereby approved in the amount of \$25,995.40.

14. RESOLUTION NO. 81-12 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – ENGINEERING DESIGN ASSOCIATES- GRAVEL PIT LICENSING 2012 – 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 the Agreement between Engineering Design Associates and the Township of Middle for inspections and assistance towards the 2012 Gravel Pit renewal process, 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.

Engineering Design Associates – 2012 Gravel Pit Licensing - not to exceed \$6,500.00

15. RESOLUTION NO. 82-12 – REFUND OF TAXES – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

Refund due to 100% Disabled American Veteran

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT
2510	125	1	Vollrath, John W 840 Rte 9 N Cape May Court House, NJ 08210	305.38

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 checks in the above noted amounts payable to the above mentioned parties, as a refund of 2011 taxes.

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

16. RESOLUTION NO. 83-12 – CANCELLATION OF TAXES – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

Cancellation of Taxes due to 100% Disabled American Veteran as of November 30, 2011

ACCT #	BLOCK	LOT	NAME/LOCATION	balance 2011	2012 1st ½
2510	25	1	Vollrath, John W 840 Rte 9 N	305.38	1801.59

17. RESOLUTION NO. 84-12 – CANCELLATION OF TAXES & LIEN – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

CANCELLATION OF TAXES AND TAX TITLE LIEN #2010-6073 AS THE PROPERTY HAS BEEN DEEDED TO THE TOWNSHIP OF MIDDLE

ACCT #	BLOCK	LOT	NAME/LOCATION	lien and 2012 tax
7392	501	2	Township of Middle Township 33 Mechanic St Cape May Court House, NJ 08210	472.28 35.45 Total 507.73

18. RESOLUTION NO. 85-12 – APPOINTMENT – PLANNING BOARD – On motion by Mayor Lockwood seconded by Committeemember Donohue 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 person be and are hereby appointed to the Middle Township Planning Board for the term of office opposite their name:

NAME	TERM EXPIRES	POSITION
Layne Buckingham	12/31/2012*	Planning Board Member Alt. #2

\*filling unexpired term

19. RESOLUTION NO. 86-12 – TRANSFER OF FUNDS – RESERVES – On motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, it is legal and lawful to make budget transfers on and after the first day of November in any budget 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 appropriations be made in the budget of Middle Township for the year 2011:

Administration S&W 1-01-20-100-100-111	\$1,500	EMS OE 1-01-25-262-262-299
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Information Tech OE 1-01-20-132-132-211	\$4,000	Motor Pool OE 1-01-26-315-315-677
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20. RESOLUTION NO. 87-12– EMERGENCY TEMPORARY BUDGET AMENDMENT – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, an emergent condition has arisen and no adequate provision has been made in the 2012 temporary appropriations for the aforesaid purpose; and NJSA 40A:4-20 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted pursuant to the provisions of Chapter 96 PL 1951 (NJSA 40A:4-20) including this resolution total \$97,000.00

NOW THEREFORE BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with NJSA 40A:4-20

1. An emergency temporary appropriation be and the same is hereby made in the amount of \$97,000. That said emergency temporary appropriation shall be provided for in the 2012 budget under the title of:

See Attached List

2. That one certified copy of this resolution be filed with the Director of Local Government Services.

<b>GENERAL GOV.</b>		
01-20-100-100-	General Administration	S&W
		OE
01-20-100-101-	Public Affairs	S&W
		OE
01-20-105-105-	Human Resources	S&W
		OE
01-20-110-110-	Mayor & Committee	S&W
		OE
01-20-120-120-	Municipal Clerk	S&W
		OE
		12,000.00
01-20-120-121-	Codification	OE
01-20-120-122-	Records Management	OE
01-20-130-130-	Financial Admin	S&W
		OE
01-20-130-131-	Grants Admin	S&W
		OE
01-20-130-132-	Bond Registrar	OE
01-20-135-135-	Audit Services	OE
01-20-145-145-	Tax Collector	S&W
		OE
01-20-150-150-	Tax Assessor	S&W
		OE
01-20-155-155-	Liquidation of TTL's	OE
01-20-155-156-	Legal Services	S&W
		OE
01-20-165-165-	Engineering Services	S&W
		OE
01-21-180-180-	Smart Growth	OE
	Planning Board	OE
01-21-185-185-	Zoning Board	S&W
		OE
01-22-195-195-	Code Enforcement	S&W
		OE
01-22-195-196-	Construction	S&W
		OE
01-22-195-198-	Demolition of Substandard Bldgs	OE
01-22-195-200-	Electrical Inspector	S&W
01-23-210-210-	Surety Bond Premiums	OE
01-23-220-220-	Other Insurance Premiums	OE
01-23-215-215-	Worker's Compensation Insurance	OE
01-23-220-220-	Group Insurance Premiums	OE
01-23-220-221-	Dental Insurance	OE
01-23-220-222-	Prescription Insurance	OE
01-23-225-225-	Unemployment Compensation	OE
01-23-310-310-	Public Bldgs & Grounds	S&W
		OE
01-25-240-240-	Police	S&W
		OE
01-25-250-250-	Communications	S&W
		OE
01-25-252-252-	Emergency Management	OE
01-25-262-262-	Rescue Squad	S&W
		OE

01-25-262-263-	Contributions to 1st Aid Squads	OE	
01-25-264-264-	Volunteers In Medicine Donation	OE	
01-25-265-265-	Fire Protection	S&W	
01-25-275-275-	Prosecutor	S&W	
01-26-290-290-	Gypsy Moth Control	OE	
01-26-290-291-	Public Works Department	S&W	
		OE	
01-26-300-301-	Shade Tree	OE	
01-26-305-306-	Garbage & Trash Removal	OE	
01-26-305-307-	Sanitation	OE	
01-26-305-308-	Recycling Contractual	OE	
01-26-315-315-	Motor Pool	OE	
01-27-330-330-	Board of Health	S&W	
		OE	
01-27-340-340-	Animal Control	S&W	
		OE	
01-27-340-340-	Animal Shelter	OE	
01-27-360-360-	PATF Contribution	OE	
01-28-370-370-	Recreation	S&W	
		OE	
01-28-370-371-	Senior Center	S&W	
		OE	
01-28-380-380-	Beach Restoration	OE	
01-30-415-415-	Terminal Leave	OE	40,000.00
01-31-430-430-	Electric	OE	
01-31-435-435-	Street Lighting	OE	
01-31-436-436-	Postage	OE	
01-31-440-440-	Telephone	OE	
01-31-446-446-	Natural Gas	OE	
01-31-447-447-	Fuel Oil	OE	
01-31-460-460-	Gasoline	OE	
01-31-462-462-	Manit & Service Policies	OE	40,000.00
01-32-465-465-	Sanitary Landfill	OE	
01-35-470-470-	Contingent	OE	
01-36-471-471-	PERS (In Caps)	OE	
01-36-471-471-	Social Security	OE	
01-36-471-471-	PFRS (In Caps)	OE	
01-36-471-471-	DCRP	OE	5,000.00
01-36-475-475-	PERS Employer Liability	OE	
01-36-475-475-	PFRS Employer Liability	OE	
01-41-704-704-	Safe & Secure Grant	OE	
01-42-101-101-	Interlocal CMC Tech School	OE	
01-43-490-490-	Municipal Court	S&W	
		OE	
01-43-495-495-	Public Defender	S&W	
01-44-901-901-	Capital Improvement Fund	OE	
01-44-904-904-	Construction of Bus Shelters	OE	
01-44-905-905-	Telephones & Public Works	OE	
01-41-730-730-	Police Body Armor	OE	
01-41-707-707-	Cops In Shops	OE	
01-41-708-708-	Aggressive Driving	OE	
01-41-899-899-	Matching Grant Fund for MAC	OE	
01-41-709-709-	Reconstruction of Boyd Street	OE	
	Total		97,000.00

**TEMP.UTILITY**

07-55-501-501-	Operating Budget	S&W	
		OE	
07-55-502-504-	User Charges	OE	
07-55-512-512-	Capital Outlay	OE	
07-55-502-503-	Group Insurance Premiums	OE	
07-55-502-503-	Other Insurance Premiums	OE	
07-55-502-503-	Dental Insurance	OE	
07-55-502-503-	Prescription Insurance	OE	
07-55-541-541-	Social Security	OE	
	Total		0.00

21. RESOLUTION NO. 88-12 – AMENDING RESOLUTION NO. 2-12 – AWARD UNDER FAIR AND OPEN PROCESS – JOANNE KAY – HEARING OFFICER – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.  
 WHEREAS, on January 4, 2012 via Resolution No. 2-12, a contract was granted under the Fair and Open Process to Joanne Kay for Hearing Officer, and  
 WHEREAS, said contract shall be amended to read Kay & Kay Attorneys.  
 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 Fair and Open Contract between the Township of Middle and Kay & Kay Attorneys in the amount not to exceed \$5,000.00, for Hearing Officer, is hereby ratified and amended as necessary.
22. RESOLUTION NO. 89-12 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – CONSTANCE A. MAHON – CONSULTING SERVICES – On motion by Committeemember Donohue seconded by Mayor Lockwood 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 Agreement between Constance A. Mahon and the Township of Middle for consulting services, in the absence of Municipal Clerk Kimberly Krauss, 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.  
 Constance A. Mahon – Consulting Services – not to exceed \$12,000.00 (\$50.00 per hour)
23. RESOLUTION NO. 90-12 – CLOSED SESSION – UNION NEGOTIATIONS – UAW – On motion by Committeemember Donohue seconded by Committeemember DeLanzo 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: UNION NEGOTIATIONS - UAW  
 2.) The general nature of the subject matter to be discussed is as follows: UNION NEGOTIATIONS – UAW  
 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.  
**\*Clerk’s Statement: Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the following topic in closed session: Union Negotiations – UAW.**  
**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.**
24. RESOLUTION NO. 91-12 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeemember DeLanzo seconded by Committeemember Donohue 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 resignation listed below is acknowledged.
- | EMPLOYEE           | DEPARTMENT          | POSITION | EFFECTIVE  |
|--------------------|---------------------|----------|------------|
| Paul W. Hewitt Jr. | Public Safety / EMS | EMT      | 01/17/2012 |
25. RESOLUTION NO. 92-12 – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – TJ MAIN STREET, LLC. – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.  
 WHEREAS, the Township of Middle has approved two separate Economic Development Loans for TJ Main Street, LLC., and  
 WHEREAS, the loans have been consolidated and re-recorded with the Cape May County Clerk’s office as one loan, thereby requiring the discharge of the original loan for \$50,000.00.  
 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 original loan for TJ Main Street, LLC. in the amount of \$50,000.00 is hereby authorized to be discharged.  
 BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.
26. \* TO BE HEARD AT 2/22/2012 MEETING - RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – FORD SCOTT ASSOCIATES – AUDIT SERVICES – GRASSY SOUNDS SEWER CONNECTION – 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 Agreement between Ford Scott Associates and the Township of Middle for audit services, in connection with the USDA application for the Grassy Sounds Sewer Connection , 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.

Ford Scott Associates – Audit Services – Grassy Sounds Sewer Connection – Not to exceed \$8,000.00

**NEXT TWO ITEMS ADDED AT MEETING.**

27. RESOLUTION NO. 93-12 – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – PRE-EXISTING ENGINEERING PROJECTS – EDA – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, on January 5, 2011 Township Committee passed a resolution under the Fair and Open process for various professionals, otherwise known as Resolution 25-11, and

WHEREAS, a contract was executed for Engineering Design Associates in the amount not to exceed \$60,000.00, excluding services rendered for capital improvement projects, which are not included within the cap, and

WHEREAS, the Township of Middle appointed Remington, Vernick & Walberg to serve as Municipal Engineer at its January 2012 reorganization meeting, and

WHEREAS, there are numerous pre-existing engineering projects, which are in various states of completion, that have been serviced, from inception, by the previous Municipal Engineer, Engineering Design Associates (EDA), and

WHEREAS, the Committee believes it is in the best interest of the Township to allocate the responsibilities for the completion of said projects and related activities for the purposes of continuity and familiarity.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Engineering Design Associates (EDA) shall complete the remaining work required on said projects and activities as follows:

**I- CAPITAL PROJECTS**

**A. DESIGN STAGE**

Project #	Job Name	Not to exceed contract amount
M-2290	NJDOT Grant Bike Path Phase III	\$25,000.00
M-2292	Various Road Reconstruction	\$ 1,500.00
M-2289	Whitesboro Water Phase III	\$24,000.00
M-2307	Habitat for Humanity/ NJ DEP Application	\$1,750.00

**B. CONSTRUCTION MANAGEMENT STAGE**

Project #	Job Name	Not to exceed contract amount
M-2251	Capital Road Improv. Phase I Stone Harbor Manor	\$2,000.00
M-2228	Misc. Drainage – Acorn, Dyers Mill Reagans Run, Tally Ho	\$1,000.00
M-2209	Reconstruction Beach Ave Reeds Beach	\$3,000.00
M-2230	NJDOT Safe Streets & Neighborhoods Main Street	\$17,500.00

**II - MUNICIPAL PROJECTS**

A. PLAN ENDORSEMENT APPLICATION: EDA shall complete work on this matter. The cost of remaining work shall not exceed the sum of Five Thousand ( \$5,000.00) dollars.

B. MINING LICENSE RENEWALS: EDA shall complete work on this matter. The cost of remaining work shall not exceed the sum of Six Thousand five hundred ( \$ 6,500.00) dollars.

BE IT FURTHER RESOLVED, that the contract for FY2011 for Engineering Design Associates, as approved January 5, 2011 otherwise known as Resolution 25-11, shall be amended as referenced above.

*Mark DeBlasio verified that Remington Vernick would continue on all projects thereafter and the projects in the design stage would then be turned over to their company at the end of this design stage.*

*Barb Cresse asked about the engineering work for Phase III of the Bike Path. Phase II was indicated as finished when indeed it was not. The work is not being done and it was paid in full.*

*Committeemember Donohue agreed that Phase II needs to be looked at. Phase III is 65% done through the design phase. This contract with EDA for this project is the for the Design Phase only.*

*Mayor Lockwood indicated that he did not believe that Phase II was complete or paid in full.*

*Barb Cresse – huge amounts of the project have been paid for without any retainer.*

28. RESOLUTION NO. 94-12 – RATIFY AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND MARK MALLETT – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted. WHEREAS, the governing body of the Township of Middle approved the reappointment of Mark Mallett as Business Administrator, effective February 1, 2012 through January 31, 2013, via Resolution No. 69-12. NOW THEREFORE 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 agreement between Mark Mallett and the Township of Middle, as attached, for a term effective February 1, 2012 through January 31, 2013 is hereby ratified. BE IT FURTHER SOLVED, that the appropriate officials are hereby authorized to sign said agreement in connection therewith.  
*John O'Donnell of Del Haven asked the amount of this contract.*  
*Mayor Lockwood indicated that it was for \$99,860.00*

29. PUBLIC COMMENT:

Committeemember DeLanzo commented on the new police officers and wished them success.

She commented on the Police Awards Dinner tomorrow night at the Senior Center. "This is done every several years".

January 28<sup>th</sup> was the 1<sup>st</sup> rabies clinic of the year. The township is now doing these 3 times a year. Over 100 rabies shots were given out. "This is a big benefit to our residents".

Committeemember Donohue apologized for not having the last 2 items on the presented agenda in time. Also he congratulated to the new officers.

Mayor Lockwood reiterated congratulations to the new officers. 2 more officers are "fresh out of the academy".

"The skate park ordinance topic was a bit of a battle. It's been tough trying to enforce the rules without penalizing the kids that do follow the rules. Committee is working on new initiatives in the recreation department to open up communications. Hopefully we will have some new programs".

Carl Carmelowitz asked about the terminal leave resolution and the cap amounts. He also inquired about the clothing allowance for detectives and indicated he believes some benefits need to be taken back.

Sam Kelly gave Committeemember Donohue a copy of email correspondence with Lee Ann Russ. The staff of the assessor's office has always been professional and helpful. He indicated he believes the compliance plan will leave out a large number of residents in Middle Township. Believes there is a better solution.

Committeemember Donohue informed Mr. Kelly that he was informed by Ray Brown of the county that there would be a 3 yr. wait for a revaluation company to come in and work with the municipality. The cost last time was around 1 million dollars. The compliance plan will address 1/3 of the line items in neighborhoods with the greatest disparities in sales. It is a 2 year process that would cost a lot less. He believes this will reach the same fair and equitable result. This will also provide the quickest relief. The next phase is reassessment.

John O'Donnell indicated that the biggest expense is labor involved in a reassessment. This process does not cost a million dollars. Anyone who says that is a liar.

Committeemember Donohue corrected Mr. O'Donnell on the terminology between a reassessment and a revaluation.

Barb Cresse – commented on the right to file an appeal. We all have to take some responsibility; this is not all committee's fault. She provided the public the phone number for the county to inquire further.

Carl Carmelowitz reiterated the appeal process.

Betty McGurk indicated she felt the process is intimidating. She asked if a clarification was received on the Conifer ruling.

Mayor Lockwood indicated that the attorney for the planning board asked for the clarification. This has not been received yet.

Mark Sioni informed committee he also received a letter of reassessment.

Doug Fulford asked committee if they read the 30 inspection reports for the bike path. If you did, bet you wouldn't rehire EDA again.

Motion to go into closed session:

1<sup>st</sup> Mayor Lockwood                      2<sup>nd</sup> Committeemember Donohue

Roll Call Vote: Passed on roll call.

Committee entered Closed Session at 7:45pm.

Committee reentered regular session at 9:10pm.

Motion to adjourn meeting:

1<sup>st</sup> Committeemember Donohue   2<sup>nd</sup> Committeemember DeLanzo

Roll Call Vote: Passed on roll call.

There being no further business, the meeting was adjourned at 9:10pm.

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Kimberly D. Krauss, Twp. Clerk