

Cape May Court House, NJ
May 16, 2011
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 DeLanzo, Committeemember Doughty, Committeemember Lockwood, Township Business Administrator Mark Mallett, Township Clerk Kimberly Krauss, Municipal Solicitor James Pickering, and Township Engineer Vincent Orlando

1. PRESENTATION BY MAYOR – MIDDLE TOWNSHIP MOCK TRIAL TEAM
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.)
Steve O'Connor – asked for clarification on item #19

3. RESOLUTION NO. 230-11 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Mayor DeLanzo seconded by Committeemember Doughty 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. \$ 3,092,542.94

4. RESOLUTION NO. 231-11 – APPROVING PAYMENT FOR BILLS – BILL LIST B (A&H/ FMR) – On motion by Committeemember Lockwood seconded by Mayor 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. \$ 960.87

5. RESOLUTION No. 232-11 – APPROVING PAYMENT FOR BILLS – BILL LIST C (ANZELONE) – On motion by Mayor DeLanzo seconded by Committeemember Doughty 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. \$ 304.00

6. RESOLUTION NO. 233-11 – APPROVING PAYMENT FOR BILLS – BILL LIST D (HATCH MOTT MACDONALD) – On motion by Mayor DeLanzo seconded by Committeemember 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 payment for the following bills in the amounts indicated are hereby approved:

Current Acct. \$ 63,826.43

7. RESOLUTION NO. 234-11 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
8. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Court for the month of April; Tax Collector for the month of April; Zoning Official for the month of April;
9. ORDINANCE NO. 1384-11 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1384-11 was adopted on motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

No Public Comment

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

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

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

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

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

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

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

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

SECTION 6. This Ordinance shall become effective, retroactive to January 1, 2011 immediately upon final passage and publication according to law.

TITLE	MINIMUM	MAXIMUM
Administrative Director of Public Works	\$40,000.00	\$58,000.00
Animal Control Officer	\$18,720.00	\$48,000.00
Animal Cruelty Investigator	\$0.00	\$1.00
Assessing Clerk	\$18,720.00	\$33,000.00
Asst. Supervising Labor	\$18,720.00	\$28,000.00
Asst.Zoning Officer	\$18,720.00	\$35,000.00
Building Inspector P/T	\$3,000.00	\$10,000.00
Building Service Worker	\$18,720.00	\$30,000.00
Business Administrator	\$90,000.00	\$100,000.00
Carpenter	\$18,720.00	\$35,000.00
Certified Public Works Manager	\$45,000.00	\$60,000.00
Chief Financial Officer	\$23,000.00	\$75,000.00
Clerk P/T	\$7.00	TO 20.00 P/H
Clerk Typist	\$18,720.00	\$29,000.00
Code Enforcement Officer	\$18,720.00	\$33,000.00
Computer Service Technician	\$10,000.00	\$50,000.00
Computer Service Technician P/T	\$15.00	30.00 p/h
Construction Official	\$22,000.00	\$70,000.00
Coordinator of Computer Services	\$1,000.00	\$6,000.00
Deputy Municipal Court Admin.	\$18,720.00	\$45,000.00
Deputy Municipal Emerg.Man.Coop.	\$0.00	\$1.00
Deputy Registrar of Vital Stats.	\$7.00	to 10.00 p/h
Director Community Dev.Program	\$0.00	\$1.00
Econ Devel/Paralegal/Rent Cont Off	\$35,000.00	\$50,000.00
Electrical Subcode Official	\$10,000.00	\$32,000.00
Emergency Med. Tech. P/T	\$6.00	to 15.50 p/h
Emergency Medical Technician	\$18,720.00	\$50,000.00
EMS Billing Administrator	\$0.00	\$850.00
Fire Subcode Official P/T	\$5,000.00	\$16,000.00
Fund Commissioner	\$0.00	\$1.00
Judge Municipal Court	\$24,000.00	\$50,000.00
Judge Shared Municipal Court	\$0.00	\$7,000.00
Laborer	\$18,720.00	\$26,000.00
Laborer Clean Communities P/T	\$6.00	to 10.00 p/h
Land Use Administrator	\$35,000.00	\$52,000.00
Maintenance Supervisor & Project Manager	\$25,000.00	\$60,000.00
Manager of Parks and Grounds	\$19,000.00	\$45,000.00

Mechanic Trainee	\$18,720.00	\$30,000.00
Memory Lane Coordinator	\$0.00	\$1,500.00
Mun. Emer. Mgt. Coord.	\$5,000.00	\$10,000.00
Municipal Court Admin.	\$23,000.00	\$58,000.00
Municipal Prosecutor	\$10,000.00	\$35,000.00
Municipal Recycling Coordinator	\$0.00	\$1.00
Personnel Officer	\$29,000.00	\$60,000.00
Plumbing Subcode Official P/T	\$4,000.00	\$28,000.00
Police Captain	\$60,000.00	\$120,000.00
Police Chief	\$65,000.00	\$130,000.00
Police Lieutenant	\$50,000.00	\$110,000.00
Police Officer	\$25,000.00	\$95,000.00
Police Officer Detective Stipend	\$0.00	\$750.00
Police Sergeant	\$40,000.00	\$105,000.00
Police Sergeant/Detective Stipend	\$0.00	\$750.00
Principal Clerk-Typist	\$18,720.00	\$40,000.00
PS Telecommunications Oper.Trainee P/T	\$6.50	to 15.00 p/h
PS Telecommunications Operator	\$18,720.00	\$53,000.00
PS Telecommunications Operator, P/T	\$6.50	to 15.00 p/h
PS Telecommunications Operator,Trainee	\$18,720.00	\$40,000.00
Public Defender	\$7,500.00	\$17,000.00
Pumping Station Operator/Sewer Repairer	\$18,720.00	\$45,000.00
Qualified Purchasing Agent	\$0.00	\$1.00
Real Estate Officer	\$0.00	\$1.00
Recreation Attendant p/t	\$6.00	to 18.00 p/h
Recreation Attendant/ Senior Center / PT	\$7.00	to 18.00 p/h
Recreation Director	\$35,000.00	\$60,000.00
Recreation Leader	\$18,720.00	\$32,000.00
Recreation Leader\Sports	\$18,720.00	\$40,000.00
Registrar of Vital Statistics	\$20,000.00	\$45,000.00
Rent Control Board Attorney	\$0.00	\$2,500.00
Seasonal Employee - Laborer (CDL Req)	\$0.00	14.00 p/h
Secretary Board of Health	\$0.00	\$850.00
Secretary Cable TV Advisory Bd.	\$0.00	\$850.00
Secretary Council on the Arts	\$0.00	\$850.00
Secretary Economic Dev. Council	\$0.00	\$850.00
Secretary Environmental Comm.	\$0.00	\$850.00
Secretary Ethics Board	\$0.00	\$850.00
Secretary Planning Board	\$0.00	\$850.00
Secretary Recreation Council	\$0.00	\$850.00
Secretary Rent Leveling Board	\$0.00	\$850.00
Secretary Safety Comm.	\$0.00	\$850.00
Secretary Shade Tree Comm.	\$0.00	\$850.00
Secretary Sr. Citizen Advisory Board	\$0.00	\$850.00
Secretary Traffic Comm.	\$0.00	\$850.00
Secretary Zoning Bd of Adj.	\$0.00	\$850.00
Senior Citizen Activities Coordinator	\$8,000.00	\$35,000.00
Senior Clerk Typist	\$18,720.00	\$45,000.00
Senior Computer Operator	\$18,720.00	\$44,000.00
Senior Mechanic	\$18,720.00	\$40,000.00
Senior Tax Clerk	\$18,720.00	\$35,000.00
Sewer Equipment Operator	\$18,720.00	\$63,000.00
Sewer Repairer	\$18,720.00	\$30,000.00
Shared Court Clerk Typist	\$2,000.00	\$2,000.00
Shared Court Deputy Municipal Court Adm	\$2,000.00	\$2,000.00
Shared Court Municipal Court Adm	\$5,000.00	\$5,000.00
Shared Court Municipal Prosecutor	\$4,000.00	\$4,000.00
Shared Court Public Defender	\$2,000.00	\$2,000.00
Special Officer/Elections	\$100.00	to 100.00 per day
Special Police Officer - Class II	\$10.50	to 14.00 p/h
Substitute Animal Control Officer	\$1,000.00	\$3,500.00
Supervising Dispatcher Stipend	\$0.00	\$1,500.00
Supervising Equipment Operator	\$28,000.00	\$50,000.00
Supervising Laborer	\$20,000.00	\$38,000.00
Supervising Mechanic	\$19,500.00	\$58,000.00
Supervisor / Heavy Equipment Operator	\$19,000.00	\$53,000.00
Supervisor Water/Sewer B/C	\$19,000.00	\$75,000.00
Tax Assessor	\$23,000.00	\$75,000.00

Tax Collector	\$23,000.00	\$65,000.00
Technical Assistant Const. Off.	\$19,500.00	\$52,000.00
Township Attorney	\$15,000.00	\$150,000.00
Township Clerk	\$53,000.00	\$65,000.00
Township Committee	\$17,000.00	\$20,000.00
Violations Clerk	\$0.00	\$1,000.00
Zoning Officer	\$20,000.00	\$65,000.00

10. ORDINANCE NO. 1385-11 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 158-9, THEREOF ENTITLED GARBAGE AND RECYCLING – Following second reading, hearing, and consideration for adoption, Ordinance 1385-11 was adopted on motion by Mayor DeLanzo seconded by Committeemember Doughty 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:

No Public Comment

SECTION 1. Section 158-9, articles “E” & “F”, of the Code of the Township of Middle is hereby amended to read as follows:

§ 158-9. Collection of recyclable materials (placement regulations).

E. Leaves shall be raked to the curbside. Bulk pickup of leaves will be an ongoing process beginning November 1 of each year and ending December 31 of each year. Leaves may be bagged at all other times of the year and placed in a paper bag or open container at curbside with the recyclables, or the paper bag/container must be identified with a Township of Middle sticker designating the contents as recyclable leaves only. The weight of the bag/container is not to exceed 50 pounds.

F. Grass clippings may be placed at curbside with recyclables in a paper or open container the bag/container must be identified with a Township of Middle sticker designating the contents as recyclable grass clippings. The contents of the paper bag/container must be grass clippings only. The weight of the bag shall not exceed 50 pounds.

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.

11. RESOLUTION NO. 235-11– REFUND OF TAXES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

Refund due to overpayment by mortgage company

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
15402	12.01	173	Sieber, Gerald M & Carol A 5 Faith Run	1,158.54	
15265	165.01	102	Grabich, Ryan J & Jones, Gwen D 147 Stagecoach Rd.	1,869.02	
4746	248	7	Altobelli, Louis Jr 105 Stites Ave	858.58	
16050	349	10	Wiseley, Edward & Kathleen 516 Shunpike	1,128.76	
6644	426	16	Robinson, Jefferey & Megan Caprioni 8 Lafayette Ave	618.77	
7182	475.03	27	Federal National Mtg Assoc 105 Indian Trial	724.53	
13969	1415	3	Deutsche Bank Nat’l Trust Co 114 Teal Rd	1,404.02	
14052	1425.01	8.01 C0001	Harmon, Terry A Jr & Amber P 15 Williams St. #1	817.05	

Refund Payable and sent to:

CoreLogic Real Estate Tax Service
Refund Dept.
P O Box 961250
Fort Worth, TX 76161-9887

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.

12. RESOLUTION NO. 236-11 – REVISING CURRENT COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND AMALGAMATED LOCAL 2327 UAW – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, there is currently a collective bargaining agreement (“Agreement”) between the Township of Middle and Amalgamated Local 2327 UAW; and
WHEREAS, on page 11 under “Salaries”, part B should have been removed prior to ratifying the contract, and
WHEREAS, longevity was negotiated out of the 2007-2009 contract and it was inadvertently placed back into the 2010-2011 agreement.
WHEREAS, the parties have agreed to correct this clerical error;
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, that the Mayor is authorized to sign a Revision to the Agreement which corrects this clerical error, which amendment is attached hereto.
13. RESOLUTION NO. 237-11 – AUTHORIZING MIDDLE TOWNSHIP AMBULANCE CORP TO SOLICIT FUNDS IN THE ROADWAYS OF THE TOWNSHIP OF MIDDLE – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, Ordinance 1009-98 permits application to made to the Township of Middle by charitable organizations to solicit funds in the roadway of the Township of Middle, and
WHEREAS, Middle Township Ambulance Corp has submitted an application to the Municipal Clerk as required per said ordinance, and
WHEREAS, the dates and times of the charitable solicitation are listed within the written application submitted by the Middle Township Ambulance Corp and attached to this Resolution, and
WHEREAS, the County of County Cape May, via Resolution 328-11, has endorsed the Middle Township Ambulance Corp’s application to solicit contributions along the Stone Harbor Boulevard, County Road #657, and
WHEREAS, the Chief of Police of the Township of Middle has reviewed the application of the Middle Township Ambulance Corp and has determined that there is no public safety reason for the Township of Middle to deny this application,
NOW, THEREFORE, BE IT RESOLVED by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, hereby grants permission for the Middle Township Ambulance Corp to solicit funds on the roadways of Middle Township.
14. RESOLUTION NO. 238-11 – AWARDING CONTRACTS UNDER NON-FAIR AND OPEN PROCESS – SHORE COUNSELING LLC. – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, the Township has determined that the value of the following contract will not exceed \$17,500.00, and
WHEREAS, the Local Public Contract Law (N.J.S.A. 40A: 11-1 et seq.) provides for the award of contracts for professional services without advertising for bids, and
WHEREAS, these contracts are not therefore subject to the provisions of N.J.S.A. 19:44A-20.4 or 20.5, and
WHEREAS, the Township of Middle requires said services, and funds are available for said purpose,
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 following persons are hereby appointed to the positions designated below for the calendar year 2011.
BE IT FURTHER RESOLVED, that a contract be executed by the Township of Middle with each of said persons to supply professional services for the calendar year 2011.
Employee Counseling/
Mental Health Care Shore Counseling LLC \$4,500.00
FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Herald Times for publication.
FURTHER RESOLVED that these contracts are contingent upon the certification of availability of funds and submission of State Affirmative Action Certification.
15. RESOLUTION NO. 239-11 – SUPPORTING ASSEMBLY BILL NO 3412 – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, under the existing law the Municipality bears the full burden of a tax refund to any individual who files a tax appeal and receives a successful judgment thereon; and
WHEREAS, Assembly Bill #3412 sponsored by Assemblyman Michael Patrick Carroll would require Fire Districts, School Districts and County Governments to share in the burden of aforementioned property assessment appeal refunds; and
WHEREAS, Assembly Bill #3412 as introduced October 18, 2010 would relieve the municipality and its taxpayers from the burden of the full tax refund resulting from an individual’s successful property tax assessment appeal,
NOW THEREFORE BE IT RESOLVED, that the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, does support Assembly Bill#3412 and urges the Members of the New Jersey Assembly to bring said Bill to a vote immediately and affirmatively thereon.

16. RESOLUTION NO. 240-11 – RATIFY SHARED SERVICES AGREEMENT WITH BOROUGH OF WEST WILDWOOD FOR ANIMAL CONTROL – On motion by Committeemember Doughty seconded by Mayor 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 Shared Services Agreement between the Borough of West Wildwood and the Township of Middle for Animal Control Services effective January 1, 2011 through December 31, 2011, be and is hereby ratified.
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
17. RESOLUTION NO. 241-11 – SOCIAL AFFAIRS PERMIT – AVALON LIONS CHARITIES FOUNDATION INC. – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the Avalon Lions Charities Foundation, Inc. has applied for approval to sell alcoholic beverages at an event to be held at 1510 Rte 9 North, CMCH (otherwise known as Avalon Golf Club), on June 12, 2011 from 10:30 a.m. to 8:30 p.m., 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.
18. RESOLUTION NO. 242-11 – RENEWAL OF GRAVEL PIT PERMITS – 2011 – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, the several gravel pit permit renewal applications listed below have been found to be in proper form, and the fee paid in each case, and
WHEREAS, the Township Committee finds and concludes that the excavation and soil removal work originally authorized has been in continuous operation during the period of the permit and has been performed in accordance with the conditions under which the original permit was granted, and
WHEREAS, the Township Engineer undertook an inspection of the subject premises and has stated in his letter, “recertification is currently recommended” for the following licensees, and
NOW THEREFORE BE IT RESOLVED, that each of the following permits be and are hereby renewed for the calendar year 2011 and this permit is subject to the rules and regulations as set forth in the code of the Township of Middle known as Chapter 132:

NO.	NAME OF LICENSE	BLOCK/LOT	ACREAGE	FEE
6	Albrecht & Heun	94/19.02	57.5	\$600.00
11	Albrecht & Heun	95.03/21	42.64	\$600.00
12	Pierson Properties LLC	168/2	42.21	\$600.00
24	TK Sand & Gravel	96/17	8.08	\$400.00

- FURTHER RESOLVED, that the above licenses be issued upon any and all conditions set forth by the Township Engineer in the letters attached to each license and as outlined in the code of the Township of Middle.
19. RESOLUTION NO. 243-11 – AWARDED CONTRACT UNDER NON-FAIR AND OPEN PROCESS – LEGORE & JONES APPRAISAL SERVICES – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, the Township has determined that the value of the following contract will not exceed \$17,500.00, and
WHEREAS, the Local Public Contract Law (N.J.S.A. 40A: 11-1 et seq.) provides for the award of contracts for professional services without advertising for bids, and
WHEREAS, these contracts are not therefore subject to the provisions of N.J.S.A. 19:44A-20.4 or 20.5, and
WHEREAS, the Township of Middle requires said services, and funds are available for said purpose,
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 following persons are hereby appointed to the positions designated below for the calendar year 2011.
BE IT FURTHER RESOLVED, that a contract be executed by the Township of Middle with each of said persons to supply professional services for the calendar year 2011.
LeGore & Jones Appraisal Services Bradway Easement Appraisal Not to exceed \$3,800.00
FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Herald Times for publication.
FURTHER RESOLVED that these contracts are contingent upon the certification of availability of funds and submission of State Affirmative Action Certification.
20. RESOLUTION NO. 244-11 – REJECT BIDS – PROPOSAL AND INSTRUCTIONS FOR CREDIT CARD ACCEPTANCE FOR COLLECTION OF TAXES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, following public advertisement, proposals/instructions for the usage of credit cards for the collection of taxes, were received by the Township of Middle on March 9, 2011 at the

Township Hall, and

WHEREAS, it appears to be in the best interest of the Township to reject the bids due to additional fees that would be associated with instituting the online credit card payment system. NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that the bids received on March 9, 2011 for proposals/instructions for the usage of credit cards for the collection of taxes are hereby rejected.

21. RESOLUTION NO. 245-11 – AUTHORIZATION TO SIGN RENEWAL AGREEMENT FOR THE RESALE OF GASOLINE AND DIESEL FUEL AS PART OF A COMMODITY RESALE SYSTEM WITH COUNTY OF CAPE MAY – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to renew an Agreement with the County of Cape May for the resale of gasoline and diesel fuel as part of a commodity resale system, and WHEREAS, the County of Cape May owns and operates fuel storage and dispensing facilities for its own needs that are maintained by the County Road Department, and

WHEREAS, as a matter of comity and in the interest of sparing taxpayers from a needless duplication of expensive fuel storage and dispensing facilities which are already in being at the County of Cape May level, the County is willing to grant the request subject to certain terms and conditions addressed in the Agreement attached hereto and made part hereof.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township Middle, County of Cape May, and State of New Jersey, the authorization is hereby granted to renew said Agreement with the County of Cape May for the resale of gasoline and diesel fuel as part of a commodity resale system.

22. RESOLUTION NO. 246-11 – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – HATCH MOTT MACDONALD – SSGC SEWER PROJECT – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and

WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and

WHEREAS, the Township Committee had solicited proposals and placed the position on the township website as outlined in Resolution 158-11 dated March 21, 2011, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria;

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 submission shall be awarded as follows:

Hatch Mott MacDonald – Engineering Services – Not to exceed \$178,000.00

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.

23. RESOLUTION NO. 247-11 – REJECTING PROPOSALS AND RE-ESTABLISHING: 1. FAIR AND OPEN PROCESS FOR CONTRACTS 2. CRITERIA TO BE CONSIDERED IN AWARDED CONTRACTS; AND 3 POSITIONS FOR WHICH PROPOSALS SHALL BE SOLICITED – On motion by Mayor DeLanzo seconded by Committeemember Lockwood 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, it has been deemed necessary to reject previously received proposals for the position of sewer consultant and furthermore it has necessary to re-solicit for the position; 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 a contract submitted in accordance with the Fair and Open Process; and

WHEREAS, the project requires sewer consulting on sewer extension matters, and

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 (www.middleborough.com) beginning on May 17, 2011 and continuing on the website through May 24, 2011.
2. The Township shall accept proposals until 1:00 o’clock on May 24, 2011.
3. Proposals shall be in a sealed envelope addressed to:

Kimberly 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
6. On May 24, 2011 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 and the governing body may award a contract by approving a resolution. 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 contact
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 engineering firms responding shall provide qualifications for the following:

1. A multi-disciplinary Engineering Firm licensed to provide engineering services in the State of New Jersey for a minimum of ten (10) years;
2. Licensed N.J. Professional Engineers on staff shall have at least ten (10) years of experience in the design and construction of sanitary sewer collection systems and in the design of publically owned and operated sewage pump stations with discharge rates in excess of 200-gallons per minute and collections systems in excess of 10,000 linear feet constructed under a USDA-RD program. The firm shall demonstrate that licensed staff members shall include electrical engineers, instrumentation engineers and civil engineers. The firm shall also demonstrate staff experience in environmental sciences such as wetland specialists and geologists.
3. The Engineering Firms shall demonstrate their experience in Cape May County with design and construction management of large sanitary sewer system

construction projects of 12-inch or larger over the past five (5) years.

4. The Engineering Firm shall demonstrate experience with the design and or construction management of sanitary sewer projects within the Township of Middle in the past five (5) years.
5. The Engineering Firm shall demonstrate experience with governmental entities and particularly, NJDEP Divisions and Bureaus pertaining to wastewater facilities, land use regulation and water supply.
6. The Engineering Firm shall demonstrate their experience with and knowledge of USDA-RD with regards to their Rules and Regulations for funding, design and construction supervision requirements.
7. The engineer shall submit resumes of the anticipated support staff to be utilized to conduct the proposed activities, with the minimum requirement of construction administration utilizing a NJ licensed engineer with previous experience within the last five (5) years
8. The engineering firm shall have the ability to mobilize the required field staff within one week of contract award and authorization to proceed.

- C. 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?

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

- A. The work being solicited involves sanitary sewer consulting services for a sewer extension to include a pump station, force main, and restoration of roadways for a sewer project within the Grassy Sounds area of Middle Township.

24. RESOLUTION NO. 248-11 – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – VICTORIA A. STEFFEN – PLANNING BOARD SOLICITOR – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and
 WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and
 WHEREAS, the Township Committee had solicited proposals and placed the position on the township website as outlined in Resolution 157-11 dated March 21, 2011, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria;
 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 submission shall be awarded as follows:

Victoria A. Steffen Esq.– Planning Board Solicitor – Not to exceed \$34,000.00
 BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.
 BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2011.

25. PUBLIC COMMENT:

Committeemember Doughty – Thursday captains meeting for drum fish tournament. 21 boats signed up. Announced various sponsors.

Committeemember Lockwood - recapped work session, and progress with new zoning ordinance.

Mayor DeLanzo spoke of meeting in Woodbridge and award received for Center Designation, which is part of the Master Plan. Great honor for Middle Twp.

Saturday was rabies clinic.. over 130 dogs and cats that received shots.

Earth Day, various volunteer boards contributed. Wonderful job!

Rescue Squad had community day yesterday. Really great! Lots of community participation.

Sarah Sharpe – what project is starting at Golf Club Road and Shellbay.

All – sewer project.

There being no further business the meeting was adjourned at 7:00pm

Kimberly Krauss, Twp. Clerk