Cape May Court House, NJ
December 1, 2014
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 Donohue, Deputy Mayor Lockwood, Committeemember Clark, Deputy Township Clerk Suzanne Stocker, Business Administrator Constance Mahon, Municipal Solicitor Marcus Karavan. ***Committeemember Clark was absent.***

1. PRESENTATION BY MAYOR: OCTOBER 2014, MIDDLE TOWNSHIP EMPLOYEE OF THE MONTH – MARILYN MILLER

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.)
**NONE**

3. RESOLUTION 606-14 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeemember Lockwood seconded by Mayor 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 payment for the following bills in the amounts indicated are hereby approved: Current Acct. $3,190,205.20

4. RESOLUTION 607-14 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember Lockwood seconded by Mayor 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 11/17/2014; Regular Meeting 11/17/2014.

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

6. RESOLUTION 608-14 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeemember Lockwood seconded by Mayor 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.

| NAME | DEPARTMENT | POSITION | EFFECTIVE |
|---|---|---|---|
| Maria Mattera | Public Works | Laborer 1 | 12/05/2014 |

7. RESOLUTION 609-14 through 611-14 – RATIFY SHARED SERVICES AGREEMENT - COURT ROOM VIDEO CONFERENCING SYSTEM AND MAINTENANCE (ITEMS A THOUGH C) – On motion by Committeemember Lockwood seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.
   A. WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes municipalities to enter into agreements for the purposes of exchanging, sharing and cooperating with regard to services common to said communities through Uniform Shared Services and Consolidation Act, and
   WHEREAS, the Borough of Avalon is in need of services relating Court Room Video Conferencing System and Maintenance: and
   WHEREAS, the Township of Middle has certain equipment and personnel available to meet the needs of the Borough of Avalon in this area; 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 preamble of this Resolution is hereby incorporated by reference;
   BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to execute the attached Shared Services Agreement between the Township of Middle and the Borough of Avalon for Court Room Video Conferencing System and Maintenance, which is hereby incorporated by reference, pursuant to N.J.S.A. 40A:65-1 et seq.
   B. WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes municipalities to enter into agreements for the purposes of exchanging, sharing and cooperating with regard to services common to said communities through Uniform Shared Services and Consolidation Act, and
   WHEREAS, the Borough of Stone Harbor is in need of services relating Court Room Video Conferencing System and Maintenance: and
   WHEREAS, the Township of Middle has certain equipment and personnel available to meet the needs of the Borough of Stone Harbor in this area; 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 preamble of this Resolution is hereby incorporated by reference;
BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to execute the attached Shared Services Agreement between the Township of Middle and the Borough of Stone Harbor for Court Room Video Conferencing System and Maintenance, which is hereby incorporated by reference, pursuant to N.J.S.A. 40A:65-1 et seq.

C. WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes municipalities to enter into agreements for the purposes of exchanging, sharing and cooperating with regard to services common to said communities through Uniform Shared Services and Consolidation Act, and
WHEREAS, the City of Sea Isle City is in need of services relating Court Room Video Conferencing System and Maintenance: and
WHEREAS, the Township of Middle has certain equipment and personnel available to meet the needs of the City of Sea Isle City in this area; 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 preamble of this Resolution is hereby incorporated by reference;
BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to execute the attached Shared Services Agreement between the Township of Middle and the City of Sea Isle City for Court Room Video Conferencing System and Maintenance, which is hereby incorporated by reference, pursuant to N.J.S.A. 40A:65-1 et seq.

8. RESOLUTION 612-14 – TRANSFER OF FUNDS – On motion by Committeemember Lockwood seconded by Mayor 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; and
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 2014:

| | | |
|---|---|---|
| From: | | |
| Grants S&W: | 4-01-20-130-131-100 | $25,500.00 |
| Courts S&W | 4-01-43-490-490-100 | $6,800.00 |
| | | $32,300.00 |
| To: | | |
| Motor Pool OE: | 4-01-26-315-315-688 | $16,000.00 |
| Police OE: | 4-01-25-240-240-299 | $4,500.00 |
| Tax Collector OE: | 4-01-20-145-145-248 | $11,500.00 |
| Courts OE: | 4-01-43-490-490-248 | $300.00 |
| | | $32,300.00 |

9. RESOLUTION 613-14 – AMENDING RESOLUTION 578-14 – AWARDING CONTRACT UNDER NON-FAIR AND OPEN PROCESS –WILLIAM KAUFFMAN– HEARING OFFICER – On motion by Committeemember Lockwood seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle has approved Resolution No. 578-14, which authorized a contract with William Kauffman for the position of Hearing Officer, and
WHEREAS, said contract needs to be amended to include additional services, and
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 of the Township of Middle, the governing body thereof, that the Agreement between William Kauffman and the Township of Middle 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.
William Kauffman – Hearing Officer –Not to Exceed $3,500.00 total
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.

10. RESOLUTION 614-14 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – ENVIRONMENTAL REVIEW CONSULTANT – WHITMAN CO. – On motion by Committeemember Lockwood seconded by Mayor 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 Agreement between Whitman Co. and the Township of Middle 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.
Whitman Co.
Environmental Review Consultant
Not to Exceed $3,000.00

11. RESOLUTION 615-14 – CASH OUT SICK LEAVE 2014 – On motion by Committeemember Lockwood seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, the Township allows the cash out of accumulated sick time by employees who meet the guidelines set forth in the personnel policy manual, 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 employees in the amount referenced below.

| | | | |
|---|---|---|---|
| Burke, Nancy | 40.00 | 13.64 | 587.30 |
| Klecz, Scott | 40.00 | 15.41 | 663.76 |
| Linz, Sr., Michael | 40.00 | 23.86 | 1,027.37 |
| McDevitt, Sean | 40.00 | 24.76 | 1,066.13 |
| Linz, Brittany | 35.00 | 12.48 | 470.35 |
| Camp, Chris | 40.00 | 29.91 | 1,287.99 |
| Mattera, Maria | 40.00 | 10.02 | 431.60 |
| Spalding III, George | 40.00 | 19.20 | 826.69 |
| Matthews, Robert | 40.00 | 23.02 | 991.04 |
| Mills, Steve | 40.00 | 20.21 | 870.39 |
| Russ, LeeAnn | 35.00 | 39.69 | 1,495.45 |
| Beasley, Sandra | 35.00 | 45.33 | 1,707.93 |
| Loefflad, Jacob | 17.50 | 14.26 | 268.55 |
| Farina, Jr., Theodore | 48.00 | 14.60 | 754.45 |
| Adams, William | 60.00 | 56.94 | 3,309.70 |
| Bryan, Joshua | 16.00 | 40.11 | 621.72 |
| Castellano, Gino | 60.00 | 46.07 | 2,677.83 |
| D'Alonzo, James | 60.00 | 46.07 | 2,677.83 |
| Edwards, John | 60.00 | 60.13 | 3,361.84 |
| Fiore, Francis | 60.00 | 49.59 | 2,882.49 |
| Higginbottom, Mark | 60.00 | 49.59 | 2,716.47 |
| Leusner, Christopher | 60.00 | 66.14 | 3,623.50 |
| Lindholm, Martin | 60.00 | 32.29 | 1,877.33 |
| McClure, Allan | 60.00 | 46.07 | 2,677.83 |
| Martino, Matthew | 60.00 | 33.86 | 1,968.18 |
| Nelson, Donald | 60.00 | 56.94 | 3,309.70 |
| Novsak, Steven | 60.00 | 43.23 | 2,513.13 |
| Osmundsen, Doug | 60.00 | 49.59 | 2,882.49 |
| Stocker, Clint | 60.00 | 49.59 | 2,716.47 |
| Super, Tracy | 60.00 | 36.98 | 2,149.81 |
| Sweitzer, Jason | 60.00 | 46.07 | 2,677.83 |
| Stimmel, Dawn | 35.00 | 25.32 | 953.90 |
| Becker, Deborah | 35.00 | 24.28 | 914.82 |

*totals include payroll tax expenses in addition to hourly rates x hours.

12. RESOLUTION 616-14 – APPROVAL FOR PAYMENT TERMINAL LEAVE – JAMES GREG NEILL – On motion by Committeemember Lockwood seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, James Greg Neill has resigned with an effective date of October 31, 2014; and
WHEREAS, it is the policy of Middle Township to compensate resigning employees for accumulated vacation, compensation, and personal time; and
WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time; and
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.
James Greg Neill
6 hours Vacation Total: $212.63

13. RESOLUTION 617-14 – 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 Committeemember Lockwood seconded by Mayor 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 2015 shall be subject to the Fair and Open Process and also where stated below additional criteria for certain position; 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 beginning on December 3, 2014 and continuing on the website through December 17, 2014.
2. The Township shall accept proposals until 1:00 o'clock on December 17, 2014.
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 17, 2014 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 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 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. Municipal Auditor - The auditor performs annual audit of Township Finances, assists with preparation of annual budget, and is always immediately available to discuss compliance with the Township Administrator and CFO.
B. Municipal Prosecutor - Prosecutes in the Township's municipal Court. Court meets every Thursday and any special session as set forth by the Municipal Court Administrator.
C. Rent Leveling Board Solicitor - Attorney represents the Rent Leveling Board. The Rent Leveling Board meets quarterly.
D. Hearing Officer - Attorney sitting as a hearing officer on employee disciplinary matters.
E. Grant, Utility, and Legislative Consultant - completes grant applications and advises Township Committee on utility and legislative issues impacting the Township.
F. Ethics Board Attorney - Legal Advisor to the Middle Township Ethics Board as needed on a case to case basis.

14. RESOLUTION 618-14 – APPOINTMENTS – NEW HIRE – On motion by Committeemember Lockwood seconded by Mayor 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, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following positions at the salaries opposite their name:

| NAME | DEPARTMENT | TITLE | SALARY | EFFECTIVE |
|---|---|---|---|---|
| Yvonne Hernandez – Gonzalez | Public Safety | PS Telecommunications Operator P/T Trainee | $10.46 ph | 12/1/2014 |

15. PUBLIC COMMENT:

*Committeemember Lockwood:*
*-Congratulated Marilyn, jobs well done at Senior Center and with community involvement*
*-Wished Maria Mattera well in future endeavors*

*Mayor Donohue:*
*-Echoed sentiments on Maria Mattera*
*-Bike Path closed as AC Electric replaced poles*
*-Christmas in Court House; parade at 6pm, Santa at the Fire House, Christmas activities*
*-Route 9 Sidewalk Project to be done by January 8th*
*-Recognized Greg Neill for fire inspection services and obtaining surplus equipment and supplies*

*Vilma Pombo:*
*Asked about Environmental Review Consultant*
*Mayor Donohue:*
*-Review environmental approval process of Railroad Avenue site*
*-Firm with no local ties and never worked with Conifer*
*-Objective to look into state approval process for project*

*Sam Kelly:*
*-Wants name calling controlled at meetings*
*-Happy Holidays*

*Bette McGurk:*

*-Thanked Committee for approving Environmental Review Consultant*

*-Disappointed with response to OPRA request with redacted information*

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Suzanne M. Stocker, Deputy Township Clerk

Motion to adjourn meeting – 6:13pm

1st: Committeemember Lockwood 2nd: Mayor Donohue

Pass on Roll Call: Committeemember Lockwood, Mayor Donohue

*Minutes prepared by Suzanne M. Stocker, Deputy Township Clerk*