

Cape May Court House, NJ
December 6, 2010
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

Moment of silence for Art Cornell.

1. QUESTION/ANSWER PERIOD ON AGENDA (*This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.*)
No public comment.
2. RESOLUTION #477-10– APPROVING PAYMENT FOR BILLS – BILL LIST A – 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. \$ 3,174,601.51
3. RESOLUTION #478-10 – APPROVING PAYMENT FOR BILLS – BILL LIST B – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. Committeemember Doughty abstained.
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. \$ 51,761.43
4. RESOLUTION #479-10– APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
5. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Clerk for the month of November; Municipal Court for the month of October; Construction official for the month of November; Land Use Administrator for the month of November; Zoning Official for the month of November; Tax Collector for the month of November
6. ORDINANCE NO. 1369-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO PURCHASE EASEMENTS FOR DRAINAGE PROJECT – Following second reading, hearing, and consideration for adoption, Ordinance 1369-10 was adopted on motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk's Office.
WHEREAS, The Township of Middle finds it necessary to make drainage improvements on a Township road identified as Galloping Way; and
WHEREAS, to make the improvements, certain easements are necessary; and
WHEREAS, the property owners have agreed to sell said easements for \$1.00 each; NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey, as follows:
SECTION 1
 1. *It is in the public interest and will support the general health and welfare to install certain drainage improvements on Galloping Way in the Township of Middle.*
 2. *Temporary Easements are necessary for construction of said improvements, and Permanent Easements are necessary for the improvements over the following properties as identified on the current Township tax map, but have not yet been obtained:*

<i>Block</i>	<i>Lot</i>	<i>Property Owner</i>
<i>166</i>	<i>15</i>	<i>Chaz Ray Builders, Inc.</i>
<i>166</i>	<i>17</i>	<i>Robert and Christine Paradee</i>
<i>166</i>	<i>18</i>	<i>Bonnie Ciaramella</i>
<i>166</i>	<i>7</i>	<i>Nancy M. Lang</i>
 3. *The easement on the properties shall be as described in the attached metes and bounds descriptions.*
 4. *The Township Solicitor is authorized to have deeds of easement prepared, executed, and recorded.*
 5. *The price for each easement shall be for \$1.00.*
 6. *This ordinance is also intended to confirm any easements already obtained by the Township on the above referenced lots.*

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 phrase 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. NO PUBLIC COMMENT.

7. ORDINANCE NO. 1370-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO PURCHASE EASEMENTS FOR SANITARY SEWER PROJECT – Following second reading, hearing, and consideration for adoption, Ordinance 1370-10 was adopted on motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

WHEREAS, The Township of Middle is in the process of constructing what is commonly referred to as the SSGC sewer project; and

WHEREAS, to make the improvements, certain easements are necessary; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey, as follows:

SECTION 1

1. It is in the public interest and will support the general health and welfare to install sanitary sewer in the Township of Middle.

2. Temporary Easements are necessary for construction of said improvements, and Permanent Easements are necessary for the improvements over the following properties as identified on the current Township tax map, but have not yet been obtained:

Block	Lot	Property Owner
163.01	183.01	Madalyn Trobetta
10.02	1	Atlantic City Electric

3. The easement on the properties shall be as described in the attached metes and bounds descriptions.

4. The Township Solicitor is authorized to have deeds of easement prepared, executed, and recorded.

5. The price for each easement shall be for \$1.00.

6. This ordinance is also intended to confirm any easements already obtained by the Township on the above referenced lots.

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 phrase 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. NO PUBLIC COMMENT.

8. RESOLUTION #480-10– AUTHORIZING PURCHASE/LEASE UNDER STATE CONTRACT FOR COPY MACHINE – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, there is a need to lease a copy machine for the Township of Middle, in the County of Cape May, State of New Jersey; and

WHEREAS, machine will be leased for the following department:

1. Tax Collector

WHEREAS, this can be purchased through State Contract # T201, and

WHEREAS, public bids are not required when the purchase is under State Contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:

CIT Group
10201 Centurion Pky North, Ste 100
Jacksonville, FL 32256

For the lease/purchase of copier machines for 36 payments in the amount of \$180.00 per month.

9. RESOLUTION #481-10 – SHARED SERVICES AGREEMENT BETWEEN MIDDLE TOWNSHIP AND THE CITY OF SEA ISLE CITY – COURT ROOM VIDEO CONFERENCING SYSTEM AND MAINTENANCE - On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

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 Township of Middle and the City of Sea Isle City wish to enter into an agreement for shared services in court room video conferencing system and maintenance.

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.

BE IT FURTHER RESOLVED, that the term of said Shared Service agreement shall be from January 1, 2011 until December 31, 2011.

10. RESOLUTION #482-10– SHARED SERVICES AGREEMENT BETWEEN MIDDLE TOWNSHIP AND THE STATE OF NEW JERSEY DEPARTMENT OF CHILDREN AND FAMILIES – REGIONAL SCHOOL CAPE MAY CAMPUS – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

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 Township of Middle and the State of New Jersey Department of Children and Families wish to enter into an agreement for shared services to utilize the Carl Baker Building at the Georgiana & Clarence Davies Sports Complex located at 626 Goshen Road, CMCH, NJ, during the dates as indicated in that attached agreement.

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 State of New Jersey Department of Children and Families.

BE IT FURTHER RESOLVED, that the term of said Shared Service agreement shall be from December 1, 2010 through March 30, 2011.

11. RESOLUTION #483-10– RESCINDING RESOLUTION NO. 463-10 AND FURTHERMORE REFUNDING TAXES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, Resolution No. 463-10 that was approved on November 15, 2010 inadvertently included a refund that should have been removed, and

WHEREAS, it has been deemed necessary to reapprove the correct resolution.

Refund due to overpayment by mortgage company

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
894	36	8	Fitzpatrick, Robert & Nancy L Etals 61 Reeds Beach Rd	2,131.67	
16777	48	48	Lankelis, Joseph C & Ruth E 19 Lacivita Drive	1,053.90	
1583	55.01	7.01	Fiore, Sean P & Jacqueline F 988 Hand Ave	1,021.73	
17389	163.01	166	Johnson, Gerald F & Diane M 38 Wynndemere Court	999.94	
4986	264	17	Mulligan, Terrance E & Barbara A 206 Hewitt Rd	1,089.97	
18962	264	60.01 C0054	Hood, Richard G & Nan S 23 Whimbrel Way	1,399.34	
17926	391	8	Marino, Richard & Josette 9 N 6 th St	1,612.33	
14856	1519	10 C0005	Parikh, Mukesh & Sushila M 101 S 4 th St #A5	630.38	

Refund Payable and sent to:

First American 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 2010 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 #484-10 – CLOSED SESSION – PENDING LITIGATION (MIDDLE V. ALBRECHT & HEUN / FUTURE MINING) AND UNION NEGOTIATION (PUBLIC WORKS) – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. Committeemember Doughty abstained.

13. RESOLUTION #485-10 – AUTHORIZING REQUEST FOR PROPOSALS – DISPOSAL OF RECYCLE MATERIALS TAKEN TO CLASS B RECYCLING FACILITIES – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. Committeemember Doughty abstained.
WHEREAS, the Township of Middle wishes to request written proposals for disposal of recyclable materials taken to a Class B Recycling Facilities until 1:00 p.m. on Thursday December 30, 2010,

at which time various Township Officials will be responsible for tabulating and opening the proposals.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, that request for proposals for the disposal of recyclable materials taken to a Class B Recycling Facilities, on behalf of the Township of Middle is hereby authorized as designated below:

*Disposal of recyclable materials taken to a Class B Recycling Facilities
Up to and until 1:00 p.m. on Thursday December 30, 2010
33Mechanic Street, 2nd Floor Conference Room,
Cape May Court House, NJ 08210*

14. RESOLUTION 486-10– AUTHORIZING REQUEST FOR PROPOSALS – MATERIALS PICKED UP OR DELIVERED FROM CLASS B RECYCLING FACILITIES – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to request written proposals for materials picked up or delivered from Class B Recycling Facilities until 1:00 p.m. on Thursday December 30, 2010, at which time various Township Officials will be responsible for tabulating and opening the proposals.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, that request for proposals for the material picked up or delivered from Class B Recycling Facilities, on behalf of the Township of Middle is hereby authorized as designated below:

*Materials picked up or delivered from Class B Recycling Facilities
Up to and until 1:00 p.m. on Thursday December 30, 2010
33 Mechanic Street, 2nd Floor Conference Room,
Cape May Court House, NJ 08210*

15. RESOLUTION #487-10 – AUTHORIZE PARTICIPATION IN STATEWIDE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM (SCSEP) AUTHORIZED UNDER TITLE V OF THE OLDER AMERICANS ACT, KNOWN AS WORKFORCE 55+ (WF55+) – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to participate in the Workforce 55+ program as a host agency, and

WHEREAS, this program enables low-income individuals, age 55 and older, to participate and gain valuable new skills and experience, that helps secure meaningful employment and provides valuable services to host agencies and communities.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to participate in the NJ Department of Labor, Workforce 55+ program.

FURTHER BE IT RESOLVED, that the Township Business Administrator, Mark Mallett, is named as the Contact Person and that the appropriate officials are hereby authorized to sign said documents.

16. RESOLUTION #488-10 – AUTHORIZING THE RELEASE OF MIDDLE TOWNSHIP'S SHARE OF THE AGGREGATE EXCESS LOSS CONTINGENCY FUND – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, the Atlantic County Municipal Joint Insurance Fund (hereafter referred to as the FUND) has been organized pursuant to N.J.S.A. 40A:10-36 et. seq.; and

WHEREAS, the FUND is duly constituted as a Municipal Self Insurance Fund to provide insurance coverage to its member municipalities; and

WHEREAS, the FUND has established an Aggregate Excess Loss Contingency Fund pursuant to NJAC 11:15-2.23; and

WHEREAS, in accordance with NJAC 11:15-2.21, the FUND is authorized to release surplus from its Closed Years Fund upon approval from the Department of Banking & Insurance & Department of Community Affairs; and

WHEREAS, should the FUND authorize the Release of Surplus from its Closed Years Fund, each member receiving a share of the surplus has the option of using the surplus as an offset against their next assessment billing, receiving the surplus as a direct payment, or placing a portion of their surplus in the FUND's Aggregate Excess Loss Contingency Fund; and

WHEREAS, several members, including Middle Township, have place a portion of their Surplus from amounts released in prior years, into the Aggregate Excess Loss Contingency Fund; and

WHEREAS, as of September 30, 2010, the Fund Treasurer has indicated that Middle Township had an accumulated balance of \$57,637.03 in the Aggregate Excess Loss Contingency Fund; and

WHEREAS, the CFO and Fund Commissioner from Middle Township has sent a written request to the Fund Administrator's office asking that the Township's available balance be released from the Aggregate Excess Loss Contingency Fund;

NOW THEREFORE BE IT RESOLVED, by the governing body of the Township of Middle, County of Cape May and State of New Jersey, that the Fund Treasurer is hereby authorized to release Middle Township's balance in the Aggregate Excess Loss Contingency Fund in the form of a direct payment to Middle Township.

17. **TABLED**** RESOLUTION – AWARDING CONTRACT UNDER NON-FAIR AND OPEN PROCESS – TAG (TECHNICAL ANALYSTS FOR GOVERNMENT, INC.) – CENTRAL SERVICES COST ALLOCATION PLAN (CSCAP) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Township has determined that the value of the following contracts 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, this contract is 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 TAG and the Township of Middle for a Central Services Cost Allocation Plan, 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.

Technical Analysts for Government, Inc. (TAG) – Central Services Cost Allocation Plan - \$4,000.00

FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Herald Times for publication.

FURTHER RESOLVED that this contract is contingent upon the certification of availability of funds.

18. RESOLUTION #489-10 – REVISING CURRENT COLLECTIVE BARGAINING AGREEMENT BETWEEN TOWNSHIP OF MIDDLE AND PBA LOCAL #59 – 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 P.B.A. Local #59; and

WHEREAS, the Agreement includes at Article XIV certain provisions with regard to health insurance to be provided to certain qualified retired members; and

WHEREAS, the Agreement states that retired members are to receive health benefits and dental benefits, but was intended to state that retired members are to receive health benefits and a prescription drug plan; and

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.

**REVISION TO
ARTICLE XIV, ENTITLED HEALTH BENEFITS, OF
COLLECTIVE BARGAINING AGREEMENT BETWEEN
THE TOWNSHIP OF MIDDLE
AND
PBA LOCAL #59**

It is hereby agreed that Article XIV, Health Insurance, Paragraph F, is hereby deleted in its entirety and replaced with the following:

F. The Township agrees that, upon retirement after twenty-five (25) years of eligible pension credit, or at age fifty-five (55) with twenty (20) years of pension credit, or if disabled in the performance of duties, the employee/retiree shall be provided with the health care benefits in accordance with past practice as enumerated in Paragraphs A and C of this Article, except that retired employees shall be exempt from the provisions under Paragraph A(1).

- 1. In the event that it should become legal to do so, the Township will provide the health care benefits specified in Paragraphs A and B of this Article after retirement following twenty (20) years of pension credit.**

19. RESOLUTION #490-10 – APPROVE CHANGE ORDER NO. 1 – GALLOPING WAY DRAINAGE AND ROADWAY IMPROVEMENTS – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, WECO Construction Inc. was selected for the Galloping Way Drainage and Roadways Improvements project, within the confines of the Township of Middle.

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 #1 for the project awarded to WECO Construction Inc. be and is hereby approved in a **credit** amount of (\$667.15).

20. RESOLUTION #491-10– RELEASE OF TRUST ACCOUNTS – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid, and

WHEREAS, the applicants are entitled to a refund of this money,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts as listed on the attached sheets shall be released.

21. RESOLUTION #492-10 – RELEASE OF PERFORMANCE BOND – JK DEVELOPMENT PARTNERSHIP – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, \$24,322.80 plus interest is being held as a performance guarantee of JK Development Partnership for Block 355.02; Lot 3; Route 9 South, and
 WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and
 WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond be released, and
 WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et seq) requires such a release upon recommendation by the Township Engineer,
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Cash Bond in the amount of \$24,322.80 (plus interest for a total amount released of \$24,419.75) is hereby released.

22. RESOLUTION #493-10– APPROVE APPLICATION FOR RAFFLE LICENSE – THE FREE MEAL CENTER CORPORATION – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, The Free Meal Center Corporation has applied to Legalized Games of Chance Control Commission for a 50/50 Raffle License, and
 WHEREAS, the location will be at 1206 Rte 9 South, Cape May Court House, NJ 08210, has been approved by the Middle Township Committee as an Amusement Game Zone, and
 WHEREAS, the Department of Law and Public Safety, Division of Consumer Affairs, Legalized Games of Chance Control Commission, determines fees and rules of conduct,
 WHEREAS, the proper application and fee have been received.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Raffle Night March 6, 2011 at the location of 1206 Route 9 South, Cape May Court House is hereby approved.

23. RESOLUTION #494-10 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance, and
 WHEREAS, N.J.S.A.40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds debris, etc., and
 WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle “Property Maintenance”, and
 WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied.
 WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations, and
 WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby impose a lien on the properties listed below as indicated.
 FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.

OWNER	PROP. LOCATION	BLOCK / LOT	AMOUNT
Mark J & Sharon M Shaw	257 Indian Trail	472 / 98	\$228.92
William & Janet Irvine	104 Hawthorne Drive	1431.03 / 3	\$228.92

24. RESOLUTION #495-10 – ESTABLISHING: 1. FAIR AND OPEN PROCESS FOR CONTRACTS 2. CRITERIA TO BE CONSIDERED IN AWARDING CONTRACTS; AND 3. POSITIONS FOR WHICH PROPOSALS SHALL BE SOLICITED – On motion by Mayor 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, 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 2011 shall be subject to the Fair and Open Process and also where stated below additional criteria for certain position; and
 WHEREAS, the Township Committee has decided to go beyond what is required by the state statute and to submit all professional services contracts to the Fair and Open process, even those that are below the \$17,500.00 threshold;
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle,

County of Cape May, State of New Jersey, that:

1. **THE FAIR AND OPEN PROCESS**

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

1. A request for proposals and qualifications shall be publicly advertised on the Township of Middle's internet website beginning on December 7, 2010 and continuing on the website through December 22, 2010;

2. The Township shall accept proposals until 1:00 o'clock on December 22, 2010

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 December 22, 2010 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?

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

A. *Municipal Public Defender - Represents defendants who qualify for public defender in municipal court. Court meets every Thursday and any special session as set forth by the Municipal Court Administrator.*

B. *Zoning Board of Adjustment Solicitor - Attorney representing the Zoning Board of Adjustment. The Zoning Board meets one evening a month.*

C. *Hearing Officer - Attorney sitting as a hearing officer on employee disciplinary matters.*

D. *Grant, Utility, and Legislative Consultant - completes grant applications and advises Township Committee on utility and legislative issues impacting the Township.*

25. RESOLUTION #496-10 – RATIFY AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND THE PBA LOCAL 59 SUPERIOR OFFICERS OF THE MIDDLE TOWNSHIP POLICE DEPARTMENT – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
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 dated January 1, 2010 through December 31, 2012 between the Superior Officers of the Middle Township Police Department and the Township of Middle, as attached, is hereby ratified. BE IT FURTHER SOLVED, that the appropriate officials are hereby authorized to sign said agreement in connection therewith.
(AGREEMENT AVAILABLE IN MUNICIPAL CLERK'S OFFICE FOR REVIEW)
26. RESOLUTION #497-10 – RATIFY AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND CHRISTOPHER LEUSNER, CHIEF OF POLICE – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the agreement between Christopher Leusner, Chief of the Middle Township Police Department and the Township of Middle, as attached, effective January 1, 2010, is hereby ratified. BE IT FURTHER SOLVED, that the appropriate officials are hereby authorized to sign said agreement in connection therewith.
(AGREEMENT AVAILABLE IN MUNICIPAL CLERK'S OFFICE FOR REVIEW)
27. RESOLUTION #498-10 – RATIFY AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND MARK MALLET – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
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 from January 1, 2011 until February 1, 2012 is hereby ratified. BE IT FURTHER SOLVED, that the appropriate officials are hereby authorized to sign said agreement in connection therewith.
(AGREEMENT AVAILABLE IN MUNICIPAL CLERK'S OFFICE FOR REVIEW)
28. RESOLUTION #499-10 – APPROVAL FOR PAYMENT CASH OUT SICK LEAVE – VARIOUS EMPLOYEES – On motion by Mayor DeLanzo seconded by Committeemember Doughty 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, final payment is requested to be made on December 10, 2010, 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.

Mark Mallett	5 Days	1,916.20
Dawn Stimmel	5 Days	861.70
Don Arndt	5 Days	1,260.30
Elizabeth Keen	3 Days	459.48
Carol Fiore	5 Days	461.50
Raymond Klecz	5 Days	871.55
Sean McDevitt	5 Days	1,374.40
Lee Ann Russ	5 Days	1,016.70
David May	4.5 Days	809.33
Robert Matthews	5 Days	722.85
Charles McDonnell	5 Days	1,111.85
Marilyn Miller	4.5 Days	527.90
Chris Camp	5 Days	956.10
Andrew Smith	5 Days	1,000.00
Kathy Meers	5 Days	1,367.15
Deborah Dunbracco	5 Days	695.65
Virginia Sweitzer	4 Days	381.56

Committeemember Doughty: Friday Night well attended....great night...everyone pulled together..referred to Vince.

Vince Orlando: Township parking lot due 12/14. Galloping Way complete. Shannon Oaks and Ella Avenue has started. Shannon Oaks will be a very difficult job with all the utilities. Construction of various drainage should start right after the first of the year. The bike path has first coat of asphalt. Final coat will go on in spring. Vince gave some possible upcoming project.

Committeemember Doughty: Gas line on Church St. goes to Rt 9.

Committeemember Lockwood: Christmas in Middle....enjoyed doing float with employees...great time.

Mayor DeLanzo: Jessie's Creek Vineyard just opened tasting room. Wish them success.

29. PUBLIC COMMENT:

Dan Mihal: 332 names on petition....started online petition....receive 78 signatures on line. Chief provided them with report on number of tickets issued during construction. ***Passed 2 pictures onto Committee showing drainage problem.

Mr. Deerlove: Asked why Township didn't pay for neighbor to raise road and how were they allowed to do so. Mark Mallet gave him permission. Should be Township Committee decision.

Mark Mallett: He had brought in stone and it was something he has done before.

Mr. Deerlove: Not true....asphalt was included. Albrecht & Heun brought in fill and now higher than everyone else. It forces water down to everyone else. Gripe is not with neighbors, it is with Township. How were they allowed to do this.

Vince Orlando: Will look into this.

Vilma Pombo: CMC Animal Shelter having open house on Sunday from 12 to 3 PM. Pictures with pets free of charge. TNR Program-provided Pickering with copy of Avalon's TNR Program.

6:50 pm adjourned....went into Closed Session

Kimberly Krauss, Twp. Clerk