

Cape May Court House, NJ
November 16, 2009
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 Doughty, Committeemember DeLanzo, Committeemember Barry, Township Business Administrator Mark Mallett, Township Clerk Kimberly Tomkinson, Attorney James Pickering, and Engineer Vincent Orlando.

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.*)

Joe Ravitz: Items 4 and 5 I just have a simple question about the Title Report, is the Township to pay for that or is the owner going to pay for that. It could be a situation where the title work cost more than what the property is worth, if there are wetlands.

Jim Pickering: The Township pays. We could always take without the Title Work but I am not advising that, we should get the title work. People who are giving something are not going to agree to pay us to take their property.

Joe Ravitz: I agree. Item #10, Ft Apache Irrigational Well, why can't what was there be used instead of this?

Vince Orlando: Because the well needs to draw a lot of water for irrigation purposes and the old wells were capped.

Joe Ravitz: We should locate the old wells.

Mayor Doughty: Has been trying to get someone to locate them for the last 3 years.

Joe Ravitz: Maybe Mr. Kapp knows.

Phil Broder: Item #14, I want to start by saying thank you. I have been coming to these meetings since 2005 and you have finally decided to take some action and I appreciate that. Would like to thank Mark Mallett and Chief Leusner for all their work.

2. RESOLUTION NO. 472-09 – APPROVING PAYMENT FOR BILLS – BILL LIST A – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

<i>Dedicated Trust</i>	<i>\$ 7,824.55</i>
<i>Current Acct.</i>	<i>\$ 556,920.17</i>

3. REPORTS: The following departments have submitted their reports for the months indicated: Zoning Official for the month of October; Tax Collector for the month of October; Tax Collector for the month of October;
4. ORDINANCE NO. 1334-09 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, ACCEPTING A GIFT OF REAL PROPERTY – BLOCK 734 LOT 3 – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, Ordinance No 1334-09 passed first reading. Second reading, public hearing and consideration for adoption will be held on 12/21 /2009 at 6:00 p.m.
WHEREAS, pursuant to N.J.S.A. 40A:12-5 a municipality by ordinance may accept a gift of real property with or without conditions; and
WHEREAS, Alfred W. Dean owns certain real property identified as Block 734, Lot 3, and as owner wish to make a gift of the said real property to the Township of Middle;
NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, as follows:
SECTION 1. Conditioned upon a clear title report, the Township Committee accepts the gift of real property identified below from Alfred W. Dean, and agrees to receive and record deed conveying said real property to the Township:
Block 734, Lot 3

SECTION 2. The Solicitor is instructed to order title work on the property.

SECTION 3. The Township agrees to pay for the preparation of the Deed in an amount not to exceed two hundred dollars (\$200.00).

SECTION 4. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 5. 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 6. This ordinance shall become effective immediately upon final passage and publication, according to law.

5. ORDINANCE NO. 1335-09 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, ACCEPTING A GIFT OF REAL PROPERTY – BLOCK 1220 LOT 2 – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, Ordinance No 1335-09 passed first reading. Second reading, public hearing and consideration for adoption will be held on 12/21/2009 at 6:00 p.m.

WHEREAS, pursuant to N.J.S.A. 40A:12-5 a municipality by ordinance may accept a gift of real property with or without conditions; and

WHEREAS, Edward John Haggerty, Suzanne Haggerty and the Estate of Joseph N. Haggerty by Edward John Haggerty and Suzanne Haggerty, Co-Executors of the Estate of Joseph N. Haggerty, own certain real property identified as Block 1220, Lot 2, and as co-owners wish to make a gift of the said real property to the Township of Middle;

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

SECTION 1. Conditioned upon a clear title report, the Township Committee accepts the gift of real property identified below from Edward John Haggerty, Suzanne Haggerty and the Estate of Joseph N. Haggerty by Edward John Haggerty and Suzanne Haggerty, Co-Executors of the Estate of Joseph N. Haggerty, and agrees to receive and record a deed conveying said real property to the Township:

Block 1220, Lot 2

SECTION 2. The Solicitor is instructed to order title work on the property.

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

SECTION 4. Should any section, paragraph, sentence, clause or 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 5. This ordinance shall become effective immediately upon final passage and publication, according to law.

6. RESOLUTION NO. 473-09 – SOCIAL AFFAIRS PERMIT – WILDWOOD GOLF CLUB – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

Wildwood Golf Club has applied for approval to sell alcoholic beverages at an event to be held at 1170 Golf Club Road, Cape May Court House, NJ , on December 5, 2009 from 5:00 p.m. to 1:00 a.m.

7. RESOLUTION NO. 474-09 THR 475-09 – APPROVE DONATION OF TIME FOR FELLOW EMPLOYEE (ITEMS A THROUGH B) – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

(A) NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, that the request from the following Middle Township employees, to relinquish the following amount of time to Leroy Jones, be and hereby is approved:

EMPLOYEE NAME	TYPE OF DAY	TIME DONATED
Sandy Beasley	Sick	1 day
Dawn Perdomo	Sick	1 day
Kathy Meers	Vacation	2 days
Judy Lowe	Sick	5 days
Steve Mills	Sick	3 days
Luis Acevedo	Sick	3 days

NOW THEREFORE BE IT FURTHER RESOLVED, that the total amount of contributed time be credited to Leroy Jones as Sick Days.

(B) THEREFORE, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the request from the following Middle Township employees, to relinquish the following amount of time to Robert Eagan, be and hereby is approved:

EMPLOYEE NAME	TYPE OF DAY	TIME DONATED
Lt. John Edwards	Vacation	56 Hours
Lt. John Edwards	Sick	24 Hours
Capt. Paul Fritsch	Sick	12 Hours
Chief Chris Leusner	Sick	24 Hours
Sgt. Rich McHale	Sick	60 Hours
Steve Novsak	Sick	12 Hours
Muriel Anderson	Sick	17.5 Hours
Virginia Sweitzer	Sick	24 Hours

<i>Diane Shinn</i>	<i>Vacation</i>	<i>12 Hours</i>
<i>Diane Shinn</i>	<i>Sick</i>	<i>12 Hours</i>
<i>William Candell</i>	<i>Sick</i>	<i>10 Days</i>
<i>Scott Klecz</i>	<i>Sick</i>	<i>2 Days</i>

NOW THEREFORE BE IT FURTHER RESOLVED, that the total amount of contributed time be credited to Robert Eagan as Sick Days.

8. RESOLUTION NO. 476-09 – AUTHORIZING ACTING PLUMBING OFFICIAL – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, the current plumbing inspector will be in vacation the week of November 16 2009, and

WHEREAS, it is therefore necessary to name someone acting plumbing inspector in his absence. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Mike Morano is hereby named acting plumbing inspector for the week of November 16, 2009.

9. RESOLUTION NO. 477-09 – RELEASE OF TRUST ACCOUNT – On motion by Committeemember DeLanzo seconded by Mayor Doughty 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.

10. RESOLUTION NO. 478-09 – AWARD OF BID – FORT APACHE ROBERT “OCKIE” WISTING RECREATIONAL FACILITY IRRIGATION WELL – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for an irrigation well at the Fort Apache Robert “Ockie” Wisting Recreational Facility, and

WHEREAS, sealed bids were received on October 14, 2009 at 10:00am, and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, which complies with specifications.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the Fort Apache Robert “Ockie” Wisting Recreational Facility Irrigation Well be and hereby is awarded to:

Uni-Tech Drilling Co., Inc. - \$43,090.00

FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$43,090.00 has been bid for the following service or items irrigation well – Fort Apache . It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract:C-04-00-902-000-199
PO#20903743

Tracey L. Taverner, CFO

11. RESOLUTION NO. 479-09 THR 480-09 – APPROVE APPLICATION FOR RAFFLE LICENSE – BISHOP MCHUGH REGIONAL CATHOLIC SCHOOL P.T.A. (ITEMS A THROUGH B) – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

479-09 WHEREAS, Bishop McHugh Regional Catholic School P.T.A. has applied to Legalized Games of Chance Control Commission for a (On-Premise Merchandise) Raffle License, and WHEREAS, the location will be at 1510 Route 9 North, Cape May Court House, NJ 08210, otherwise known as Avalon Golf Club, 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 April 30, 2010 at the location of 1510 Route 9 North, Cape May Court House,(otherwise known as Avalon Golf Club), is hereby approved.

480-09 WHEREAS, Bishop McHugh Regional Catholic School P.T.A. has applied to Legalized Games of Chance Control Commission for a 50/50 Raffle License, and

WHEREAS, the location will be at 1510 Route 9 North, Cape May Court House, NJ 08210, otherwise known as Avalon Golf Club, 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 April 30, 2010 at the location of 1510 Route 9 North, Cape May Court House,(otherwise known as Avalon Golf Club), is hereby approved.

12. RESOLUTION NO. 481-09 – TABULATION COMMITTEE – CONTRACT #2008-13 – HOME REHABILITATION – On motion by Committeemember Barry seconded by Committeemember DeLanzo 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 Township Administrator Mark Mallett, Township Clerk Kimberly Tomkinson, Chief Finance Officer Tracey Taverner, and Grants Coordinator Jill Zarharchuck be and hereby are appointed to tabulate the bids to be taken on Thursday December 10, 2009 at 1:00 PM in the Middle Township Municipal Building, 2ND Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

CONTRACT #2008-13 - HOME REHABILITATION

13. RESOLUTION NO. 482-09 – REFUND OF TAXES – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

Refund due to overpayment by mortgage company

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
17985	163.11	12	Perry, William A & Lynn E 29 Wynndemere Court	284.11	
18977	437	16.01	Troise, Anthony, Donna & Dara M 210 Sunray Beach Rd.	503.47	
6746	441	21	MaJane, Michael P 116 Rutledge Rd.	574.76	
18886	475.01	89	Burgin, John P & Linda 5 Jerome Drive	675.40	
18892	475.03	73	Pace, David J & Brooke 12 Jerome Drive	662.41	
12940	1107	3	Clayton, Heather & Charles Cripps Jr 804 Poplar Ave.	337.39	
18022	1519	7	Heins, Charles & Deborah 305 Pennsylvania Ave.	434.80	

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 2009 taxes.

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

14. RESOLUTION NO. 483-09 – TRI PARTY ALLOCATION CATEGORY AGREEMENT – JASMINE BUILDING SYSTEMS, SUN NATIONAL BANK AND THE TOWNSHIP OF MIDDLE – On motion by Mayor Doughty Seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, Jasmine Building Systems, Sun National Bank and the Township of Middle entered into a Tri-Party Allocation Category Agreement (“Agreement”) on January 6, 2005 in the amount of Three Hundred Twenty Thousand (\$320,000.00) Dollars, which was to secure the completion of certain improvements regarding a subdivision on Ninth Street, a copy of which agreement is attached hereto and made a part hereof; and

WHEREAS, Jasmine Building Systems has not completed the required improvements and is in default of the Agreement; and

WHEREAS, the Agreement states that in the event of default, “The Township shall have the absolute and unconditional right to request of and receive from the Bank such advances from the funds remaining in the Allocation Agreement as may be necessary to pay for the costs of completion of the Improvements:” so

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 the Tri-Party Agreement referenced above is hereby in default by Jasmine Building Systems and the Township Engineer is directed to prepare bid specifications to complete the improvements and the Township Solicitor is directed to pursue any and all funds from Sun National Bank

15. RESOLUTION NO. 484-09 – APPOINTMENTS – PART TIME – NEW HIRE – EMT – On motion by Committeemember DeLanzo seconded by Committeemember Barry 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 employee are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Steve Smearman	Public Safety	EMT P/T	\$12.63 ph	11/05/2009

16. RESOLUTION NO. 485-09 – ACKNOWLEDGEMENT OF TERMINATION – On motion by Mayor Doughty seconded by Committeemember DeLanzo 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 termination listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Gerald Anderson	Public Works	Laborer	08/27/2009

17. RESOLUTION NO. 486-09 – 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 Barry seconded by Mayor Doughty 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 2010 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 November 17, 2009 and continuing on the website through December 1, 2009;
2. The Township shall accept proposals until 1:00 o’clock on December 1, 2009.
3. Proposals shall be in a sealed envelope addressed to:
Kimberly Tomkinson
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
 - E. Office Staffing Plan and Resources
 - F. Location of Office from which services shall be provided

G. References

H. Potential Conflicts

6. On December 1, 2009, the Township Clerk or representative shall open each of the proposals and shall announce the proposals received by name, and a short summary of the proposal and qualifications.
7. The proposals shall be submitted to Township Committee for consideration at its reorganization meeting at which time Township Committee may award a contract by approving a resolution, or, it may choose to award at the next regularly scheduled Township Committee meeting. If a majority votes to seek interviews, interviews may be held between Township Committee and the person or entity that submitted proposals. Township Committee may send proposals to Township Board's or Agency's for consideration and approval as is appropriate.

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

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

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

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

I. Technical criteria:

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

II. Management criteria:

- a. Project management:
 - i. How well does the proposed scheduling timeline meet the agency's needs?
 - ii. Is there a project management plan?
- b. History and experience in performing the work:
 - i. Does the vendor document a record of reliability of timely delivery and on-time and on-budget implementation?
 - ii. Does the vendor demonstrate a track record of service as evidenced by on-time, on-budget, and contract compliance performance?
 - iii. Does the vendor document industry or program experience?
 - iv. Does the vendor have a record of moral integrity?
- c. Availability of personnel, facilities, equipment and other resources:
 - i. To what extent does the vendor rely on in-house resources vs. contracted resources?
 - ii. Are the availability of in-house and contract resources documented?
- d. Qualification and experience of personnel:

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

III. Cost criteria:

- a. Cost of goods to be provided or services to be performed:
 - i. Relative cost: How does the cost compare to other similar proposals?
 - ii. Full explanation: Is the price and its component charges, fees, etc., adequately explained or documented?
- b. Assurances of performance:
 - i. If required, are suitable bonds, warranties, or guarantees provided?
 - ii. Does the proposal include quality control and assurance programs?
- c. Vendor's financial stability and strength:
 - i. Does the vendor have sufficient financial resources to meet its obligations?

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

A. Municipal Solicitor - Legal Advisor to the Township Committee and Administrative Staff. Includes all litigation, draft and review ordinances, resolutions, and any and all other matters regarding the Township's legal issues. Also solicitor to Cable Television Advisory Board, Economic Development Council, and Sewer and Water Department. Township Committee meets twice a month in the evening; there are frequent daytime meetings. Cable Advisory Board meets quarterly. The Solicitor is required to be in Township Hall at least one day a week to meet with department heads and employees. The Solicitor is expected to be immediately available to Township Committee members and the Administrator; at least one full time staff member is to be assigned to do Township work. Minimum qualifications are at least five years experience in some governmental capacity.

B. Labor Solicitor - Legal Advisor to the Township Committee and Administrative Staff on labor law issues, including civil service issues, disciplinary matters, hiring and firing of employees, and negotiating contracts.

C. 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.

D. Municipal Prosecutor - Prosecutes in the Township's municipal Court. Court meets every Monday, Wednesday and any special session as set forth by the Municipal Court Administrator.

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

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

G. Planning Board Solicitor - Attorney representing the Planning Board. The Planning Board meets two evenings a month.

H. Rent Leveling Board Solicitor - Attorney represents the Rent Leveling Board. The Rent Leveling Board meets quarterly.

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

J. Economic Development and Grant Administrator Consultants - provide administrative services for economic development board, home rehabilitation program for low income homeowners, evaluation services for loan program to businesses, and assist in applications for grants involving the same.

K. Grant Application and Housing Rehabilitation Consultant - completes applications and makes efforts to obtain grants particularly Housing Rehabilitation Grants.

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

M. Beach Erosion Prevention and Replenishment Consultant - completes grant applications and advises Township Committee on beach erosion prevention and beach replenishment issues and funding, particularly federal funding.

N. Bond Counsel - Legal Advisor to the Township Committee and Administrative Staff on issues regarding bond financing. Includes compliance with any and all necessary laws, state and federal, in the marketing and selling of the Township's bonds of any sort, including bond anticipation notes. Minimum qualifications are at least five years experience in the municipal bonding field, and that the person have the demonstrated experience and capacity for marketing and selling municipal bonds.

O. COAH Counsel – Legal advisor to the Township's Committee and Administrative Staff on issues regarding its obligations mandated by The Council on Affordable Housing and assorted state statutes and regulations. Minimum qualifications are at least five years experience in the COAH field.

P. Municipal Engineer - The Municipal Engineer must be a Professional Engineer in the State of New Jersey, and have experience in Municipal Engineering. It is preferable that the Municipal Engineer also be a Professional Planner. Other skills and licenses are also considered.

The Municipal Engineer is to be the Principal Engineer for the Township. He is to advise Township Committee on all Engineering matters. He is to provide services on specific projects as the Principal Engineer, Project Engineer, Professional Planner, Project Technician, Environmental Specialist, Drafts Person, AutoCadd Technician, Administrative Assistant, Clerical (other than overhead functions), Inspector (Level One), Inspector (Level Two), and other engineering services as is necessary.

The Municipal Engineer is also to be available to all Township Staff under the direction of the Municipal Administrator, and to make himself or herself regularly available in Township Hall.

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

Q. Communications Consultant (Various Telecommunications Projects) - Qualified consulting firm to assist with various telecommunications projects during the calendar year 2010, such as consultation on phone system and any problems associated with it; existing telecommunications projects with the Department of Public Safety ; with potential new infrastructure projects, and repairs or improvements to existing infrastructure. Applicant must have sufficient engineering staff to provide services on emergency basis, including weekend and night availability. Applicant must be familiar with Township systems, or substantial equivalents.

R. Risk Management Consultant – The consultant shall assist the Municipality in identifying its insurable exposures and to recommend professional methods to reduce, assume, or transfer the risk loss. Shall assist the Municipality in understanding and selecting the various coverage's available from the Atlantic County Municipal Joint Insurance Fund, review with the Municipality any additional coverage's that the Consultant feels should be carried but are not available from the Fund and subject to the Municipality's authorization place such coverage outside the fund. Shall further assist in the preparation of applications, statements of values and similar documents requested by the Fund, review the municipalities' assessment as prepared by the Fund and assist the municipalities' preparation of its annual insurance budget. Review the loss and engineering reports and generally assist the safety committee in its loss containment objectives. Assist where needed in the settlement of claims, with the understanding that the scope of the Consultant's involvement does not include the work normally done by a public adjuster. And any other services as required

S. Planning Consultant - Provide professional planning services and advise the Township Committee, Planning and Zoning Boards, on the master plan, housing plan, zoning and land use matters, plan endorsement, environmental studies, and other related planning services that may be deemed necessary to the Township.

18. RESOLUTION NO. 487-09 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – ACCREDITATION CONSULTANT SERVICES – POLICE DEPARTMENT – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between W. Scott Webster and the Township of Middle for the consultant services in connection with the renewal of accreditation for the Middle Township Police Department, 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.

W. Scott Webster – Consultant Services – Accreditation Police Department - \$20.00 per hour not to exceed \$1,500.00

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of not to exceed \$1,500.00 has been bid for the following service or items accreditation. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 9-01-25-240-240-234

Tracey DeVico Taverner, CFO

- 19. RESOLUTION NO. 488-09 – AUTHORIZATION TO CLOSE MECHANIC STREET – CHRISTMAS IN MIDDLE TOWNSHIP - On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
*WHEREAS, "Christmas in Middle Township" is scheduled to be held on Friday, December 4, 2009, and
WHEREAS, the Middle Township Chamber of Commerce has requested the closing of Mechanic Street from 5:00 PM to 9:45 PM on this date in connection with the event.
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 authorization is hereby given to close Mechanic Street on December 4, 2009 from 5:00 PM to 9:45 PM in connection with the "Christmas in Middle Township" festivities.*

- 20. RESOLUTION NO. 489-09 – APPROVING CHANGE ORDER NO. 2 – WHITESBORO/EDGEWOOD PHASE I SANITARY SEWER PROJECT - On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
*WHEREAS, on November 20, 2008 via Resolution No. 510-08, the above project was approved, and
THEREFORE, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the attached Change Order #2 for the project awarded to Perna Finnigan Inc. be and is hereby approved with no increase in dollar amount of revised contract price from Change Order #1.*

- 21. RESOLUTION NO. 490-09 – TRANSFER OF FUNDS - On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
*WHEREAS, it is legal and lawful to make budget transfers on and after the first day of November in any budget year,
NOW THEREFORE BE IS RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and the State of New Jersey, that the following transfers of budget appropriations be made in the budget of Middle Township for the year 2009:*

<i>From</i>	<i>Amount</i>	<i>To</i>
<i>Finance S&W 130-111</i>	<i>\$6,000</i>	<i>Comm S&W 250-111</i>
<i>Finance S&W 130-111</i>	<i>\$2,250</i>	<i>Tax Coll S&W 145-111</i>
<i>Grants S&W 131-111</i>	<i>\$650</i>	<i>Animal Con S&W 340-111</i>
<i>Gypsy Moth OE 290-299</i>	<i>\$15,000</i>	<i>Bldgs & Grds OE 310-299</i>
<i>Gypsy Moth OE 290-299</i>	<i>\$17,500</i>	<i>Smart Growth 180-111</i>

22. PUBLIC COMMENT:

Eileen Fausey: What is status on library?

Mayor Doughty: No, the library will not be moved.

Eileen Fausey: Commented on Police’s Medicine Cabinet, which was very helpful and also the police department going on facebook is very good for letting residents know what is going on in their area

Kirk Kelly: Wanted to know if it was true Middle Township was getting 10.2 million dollars for storm damage?

Mark Mallett: Stated unaware and Mayor stated a little premature.

Kirk Kelly: Said will not let Reeds Beach be forgotten, this has been going on for 18 years. You keep perpetuating this negative thing that happens at Reeds Beach by allowing these old timers to keep bubble gumming these places together. If they are not code, cut them. You have an obligation to make my neighborhood safe and you are not doing that. Tired of saying same thing over and over, wants action.

Carol Gregg: Told at last meeting Mr. Pickering would find out who had rights to the lake in Marlyn Manor.

Jim Pickering: Got verbal report and saw some documentation, but not all documentation. There is no recorded document that gives the municipality any right to the lake. There are no easements recorded, no deed of any sort that gives the municipality any title to use the lake. Did see original sub-division plans and they show an easement going into the lake and an easement coming out of the lake, but the sub-division plan does not show any lake at all, it only shows block and lot numbers. We have spoken internally and someone is going to go talk to those folks that own the lots upon which the lake sits.

Susan DeLanzo: Over the weekend did visit the neighbors on the lake and they are all very anxious for us to assume the maintenance of the lake.

Carol Gregg: The fountain in the middle of the lake, it is run on electricity, who pays for that?

Mark Mallett: Middle Township.

Jim Pickering: That was installed with the OK of the property owners.

Carol Gregg: Has anything been done to see if there is a problem with the lake?

Vince Orlando: Did have meeting with Beazer and it was decided that the grading was not done according to the approved plan. Beazer Home surveyors is going out, is going to survey what has been done and present a plan to me to remediate the direct run off from that property onto the lots adjacent to that fence line. There is also an area not graded properly along 4th Avenue, which they have agreed to immediately grade properly. Also met with the hydro geologist, Tom Dwyer, who is going to do some test augers to determine the hydrology of the ground. This really has no direct affect on your situation. The public works department will also be snaking that line, with my presence, to check for collapsed pipes and we are going to look and see what type of improvements we can make back there, so that if there is an increase of flow that is needed to the lake that could be absorbed. The outflow pipe does function pretty good. There is a drain that goes under the Parkway approximately 50 feet from the outfall pipe, which is actually a 42 inch pipe, that is somewhat problematic during high tides because while it lets the water out during a flood event, during high tides it allows the bay waters to back up into the system eliminating the flow. There is some brush and fragmites there. The Parkway needs to clean up that area. Some dredging would help within the lake, which would give additional volume during storms.

Jim Pickering: The property owners are willing to give up maintenance to the Township. This will require us to get a survey of the lake, meets and bounds descriptions and do agreements with each of the property owners.

Vince Orlando: Probably a tremendous amount of sediment that has built up in that lake over the years.

Carol Gregg: You had sent a letter to Beazer and you had given them 60 days to correct the whole problem. Is that still in affect?

Vince Orlando: I think so..advised them once plan approved would like to see completion of the project within 45 days.

Carol Gregg: What is the infrastructure?

Vince Orlando: The underground pipes.

Carol Gregg: And that is going to be addressed from Marlyn Manor to the lake?

Vince Orlando: Yes, that is something the Township will be doing, not Beazer Homes. We are going to inspect it and make sure it is not crushed.

Carol Gregg: Our flooding has nothing to do with high tides.

Vince Orlando: It does in a way, it can't get out fast enough into the bay if the tides are up. That is a rarity, but it would have an impact.

Roy Moore: Do you have a drawing of the drainage in the area? It floods at 3rd and Linden, it floods at 3rd and Maryland and it floods at our place. Do all of these go into our drainage?

Vince Orlando: As far as I can tell 3rd and Linden drains towards you and 3rd and Maryland drains in a different direction.

Carolyn Moore: If you don't have the proper equipment to go in and check out the infrastructure, do you need to hire a company that does so you can actually see the whole system as it is to see if it is caved in areas you could not get to?

Vince Orlando: I have not been out there to make that determination and I will make a recommendation to committee whether or not we have to hire some type of specialist. I think we are going to be able to handle it with the equipment that we have.

Tom Duffy: What happens after all that water runs into that holding tank?

Vince Orlando: There are actually 3 basins. There is one behind the Sleepys, which connects to the one in the middle of the property, which connects to the one on the north side of the property. The 3rd one is at a slightly lower elevation, but they are retention basins, they retain the water and they don't go anywhere, it just goes through percolation, they don't tie into an outfall pipe like the lake. They are called retention so they retain all the water, they don't detain all the water. With retention basins they hold the water that are designed to handle all the runoff associated with a hundred year storm, so that if they reach a certain level they don't overflow and during these last storms these basins were full but they were not near their capacity. They are supposed to drain 72 hours after rainfall events.

Tom Duffy: If they don't drain in a month, month and a half we are looking at a health issue, right?

Vince Orlando: That would be a question for the health department. This was talked about and basins may be holding some silt, there will be a time when they will go in and clean the bottom of the basins to get a grass cover to grow and they should function adequately. Even during the last 3 rainfall events prior to this weekend, they were not even near capacity. Those basins are about a couple of acres so there is a tremendous amount of storage capacity when you are looking at runoff. Even though those basins look high, there is only about 2-4 inches of water in them. The second basin had no water because it is a couple of inches higher.

Eileen Fausey: When you allow these developments to go in, and they had to raise it 4 feet, is there any requirement or any impact study on how doing this would affect the abutting neighborhoods?

Vince Orlando: They don't do impact studies, but they do drainage calculations and they are required to keep all of their water onsite and that is one of the problems because the backyards of some of those properties were not graded properly and are discharging onto the adjacent properties.

Eileen Fausey: So they didn't anticipate that there would be a drainage problem from higher ground to lower ground?

Vince Orlando: They haven't graded it properly and once they do grade it properly it will eliminate that problem. They have 45 days after acceptance of the plan to do this.

Eileen Fausey: Ok, I was just curious.

Meeting adjourned 6:56 PM

Kimberly Tomkinson, Twp. Clerk

Prepared by D. Stimmel, Deputy