

Cape May Court House, NJ
November 21, 2016
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 Deputy Mayor DeVico, Committee member Donohue, Township Clerk Kimberly Krauss, Business Administrator Constance Mahon, Municipal Solicitor Frank Corrado, and Township Engineer Marc DeBlasio.
Mayor Clark was absent.

1. SWEARING IN OF NEW POLICE OFFICER – DYLAN YOUNG
2. PRESENTATION BY MAYOR – NOVEMBER EMPLOYEE OF THE MONTH – MERRILL FOWLE
3. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)

Stan Doniger, Rio Grande:

- *Asked for clarification on agenda item #7 concerning Ordinance 1537-16.*

Committeemember DeVico:

- *Explained that safety measures must be taken regarding political signs blocking the view of vehicles at intersections.*

Stan Doniger, Rio Grande:

- *Questioned item 9 on the subject of hiring a consultant for telecommunications services.*

Committeemember DeVico:

- *Discussed previously at a Work Session meeting; the consolidation of telephone billing; consultant will make an analysis on previous billing to see if the township has over paid in any aspects.*

Stan Doniger, Rio Grande:

- *Noticed two Verizon bills on bill list; asked if township is inadvertently saying that something was not properly allocated in the past.*

Committeemember DeVico:

- *Is not insinuating there was no prior control; internal examination.*
- *Does not personally know how thorough the process was.*

Stan Doniger, Rio Grande:

- *Asked if there was a similar policy for electricity.*

Committeemember Donohue:

- *Energy Audit was done in 2012-2013; received grants to update utilities.*

Stan Doniger, Rio Grande:

- *Questioned usage amount of individuals.*

Constance Mahon:

- *Did have one instance when an employee had a phone call that exceeded the normal amount of time; internal control; done by finance department.*

4. RESOLUTION 464-16 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeeman Donohue seconded by Committeeman DeVico 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. \$1,495,277.50
5. RESOLUTION 465-16 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeeman Donohue seconded by Committeeman DeVico 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: Regular Meeting 11/07/2016.
6. REPORTS: The following departments have submitted their reports for the months indicated:
7. ORDINANCE NO. 1537-16 – AN ORDINANCE AMENDING THE MIDDLE TOWNSHIP ZONING ORDINANCE AS IT PERTAINS TO TEMPORARY POLITICAL SIGNS – Following second reading, hearing, and consideration for adoption, Ordinance 1537-16 was adopted on motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call. Complete Ordinance is on file in the Clerk's Office.
No Public Comment
BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:
WHEREAS, the Township Committee of the Township of Middle has determined that the municipal ordinance governing signs must be amended to comport with constitutional limitations on the state's ability to regulate political speech,

NOW, THEREFORE, be it ORDAINED by the Township Committee of Middle Township as follows:

SECTION 1.

Section 218-83(F)(8) of the Middle Township Code is hereby AMENDED as follows (additions in italics, deletions in [brackets]).

(8) Temporary political signs which promote the election of a particular candidate[(s)] or candidates, with the following requirements:

a. [Installation no sooner than 45 days prior to an election.]

[b.] Removed within five days following the date of the election.

[c.]b. Shall not be placed on [within any public right of way] public property.

[d.]c. Shall not be placed within a site triangle.

[e.]d. Shall not exceed three square feet in area if located in a residential zone, except on an approved commercial property.

[f.]e. Shall not exceed 32 square feet in area if located in a commercial zone.

SECTION 2.

All ordinances inconsistent with this amendment are hereby repealed.

SECTION 3.

This Ordinance shall be referred to the Middle Township Planning Board for consistency review prior to final adoption, pursuant to N.J.S.A. 40:55D-26 and -64.

SECTION 4.

This ordinance shall take effect immediately upon final adoption.

8. RESOLUTION 466-16 – AMENDING RESOLUTION 204-15 APPOINTMENTS – VOLUNTEER BOARD – VETERANS ADVISORY BOARD – On motion by Committeeman Donohue seconded by Committeeman DeVico 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 information listed below is hereby amended as follows.

NAME	POSITION	EFFECTIVE
Vince DePrinzio	Alternate Member	11/21/2016
Howard Trout	Member	11/21/2016

9. RESOLUTION 467-16 – APPOINTING FLEXIBLE COMMUNICATIONS AND JAMES C. PETERS AS AGENT FOR TELECOMMUNICATIONS SERVICES – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, Flexible Communications and James C. Peters, with offices at 1238 Briarwood Road, Belmar, New Jersey 07719, have offered broker services for the Township’s telecommunication needs, which will result in a significant savings for the Township; and
WHEREAS, the Township Committee of the Township of Middle wishes to appoint Flexible Communications and James C. Peters to act as Agent for all of the Township’s telecommunication services with the understanding that all compensation to James C. Peters will be paid by the telecommunication vendor and not by the Township; and
WHEREAS, Flexible Communications and James C. Peters have completed and submitted a Business Entity Disclosure Certification which certified that Flexible Communications and James C. Peters have not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Flexible Communications and James C. Peters from making any reportable contributions through the term of the contract; and
WHEREAS, Flexible Communications has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and have provided proof of registration to the Township of Middle.
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized, directed, and empowered to sign a Letter of Agency and to take all action deemed necessary to carry into effect the intent and purpose of this Resolution.
10. RESOLUTION 468-16 – AUTHORIZING CONTRACT WITH BLOCK LINE SYSTEMS FOR TELECOMMUNICATION SERVICES – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, Block Line Systems, 1645 West Chester Pike, Suite 200, West Chester, PA 19382 has submitted a proposal to provide local and long distance telephone services; and
WHEREAS, the proposed contract has been reviewed and approved by the Township Solicitor; and
WHEREAS, Block Line Systems has completed and submitted a Business Entity Disclosure Certification which certified Block Line Systems have not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Block Line Systems from making any reportable contributions through the term of the contract; and
WHEREAS, Block Line Systems has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and have provided proof of registration to the Township of Middle; and
WHEREAS, this contract shall have a term of three (3) years. If lower rates are available after 24 months, the Township has an option to lock in the lower rate if the Township so agrees to renew for another three (3) year term.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized, directed, and empowered to sign a contract with Block Line Systems to provide local and long distance telephone services and to take all action deemed necessary to carry into effect the intent and purpose of this Resolution.

11. RESOLUTION 469-16 – APPOINTING ALLAN ROTTO CONSULTANTS, INC. AS AGENT FOR AUDITING OF TELECOM, DATA AND BILLS – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, Allan Rotto Consultants, Inc., PO Box 1127, Syossett, NY 11791-0489 has offered agent and consultant services under FCC/PSC CPNI guidelines, to audit and review all of the Townships telecommunication billings charges; and
WHEREAS, the Township Committee of the Township of Middle wishes to appoint Allan Rotto Consultants, Inc. to act as Agent for all of the Township’s telecommunication audit and review of billing charges pursuant to CPNI rules with the understanding that any compensation to Allan Rotto Consultants, Inc. will only be paid if the Township stands to recoup any expenses previously paid, and only up to 50% of the reimbursement due the Township; and
WHEREAS, Allan Rotto Consultants have completed and submitted a Business Entity Disclosure Certification which certified that Allan Rotto Consultants have not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Allan Rotto Consultants from making any reportable contributions through the term of the contract; and
WHEREAS, Allan Rotto Consultants has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and have provided proof of registration to the Township of Middle.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized, directed, and empowered to sign a Letter of Agency and to take all action deemed necessary to carry into effect the intent and purpose of this Resolution.
12. RESOLUTION 470-16 – RESCINDING RESOLUTION 436-16 (AUTHORIZING CHANGE IN EMPLOYEE STATUS) – On motion by Committeeman Donohue seconded by Committeeman DeVico 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 Resolution No. 436-16 is hereby rescinded.
13. RESOLUTION 471-16 – ACKNOWLEDGING INTERGOVERNMENTAL TRANSFER – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted.
WHEREAS, the Intergovernmental Transfer Program through New Jersey Civil Service Commission provides the opportunity for eligible New Jersey state and local government employees with permanent civil service status to transfer between local to local employment jurisdictions while maintaining their permanent status; and
WHEREAS, this program promotes more efficient public service by allowing civil service jurisdictions to share talented and experienced individuals with other governmental sectors; and
WHEREAS, all parties involved in the transfer (the transferring employee, the sending jurisdiction, the receiving jurisdiction, and the New Jersey Civil Service Commission) must agree to the transfer for it to be completed. A transfer is not valid until approved by the Civil Service Commission.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Governing Body of the Township of Middle does hereby acknowledge and approve the preparation of an Intergovernmental Transfer for William J. Mulligan, Jr., effective November 30, 2016.
BE IT FURTHER RESOLVED, that Human Resources, and/or any other required official of the Township of Middle, is hereby authorized to process all “receiving agency” forms in connection with said transfer.
14. RESOLUTION 472-16 – AUTHORIZING ENTRY INTO A COOPERATIVE PRICING AGREEMENT – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted.
WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and
WHEREAS, the NJPA, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and
WHEREAS, the governing body of the Township of Middle has duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services; and
NOW, THEREFORE BE IT RESOLVED as follows:
1) TITLE - This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Middle.
2) AUTHORITY - Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
3) CONTRACTING UNIT - The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
4) EFFECTIVE DATE - This resolution shall take effect immediately upon passage.
15. RESOLUTION 473-16 THROUGH 474-16 – AUTHORIZING PURCHASE UNDER STATE CONTRACT (ITEMS A THROUGH B) – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.
(a) WHEREAS, there is a need to purchase one (1) 2017 Freightliner m2 Chassis with a mounted 2017 Elgin Whirlwind MV Street Sweeper for use by the Township of Middle Public Works Department; and
WHEREAS, through the NJPA Co-Op Purchasing System, Contract #022014-FSC, these items are available; and
WHEREAS, the total amount of the purchase for one (1) 2017 Freightliner m2 Chassis with a mounted 2017 Elgin Whirlwind MV Street Sweeper is \$273,880.45, and funds are available as evidenced by the Chief Financial Officer's Certification; and
NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the appropriate officials are hereby authorized to purchase one (1)

2017 Freightliner m2 Chassis with a mounted 2017 Elgin Whirlwind MV Street Sweeper as indicated above.

FURTHER RESOLVED, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to: Granturk Equipment Co.

(b) WHEREAS, there is a need to purchase two (2) 2017 Peterbilt 348 Tandem Axle Cab and Chassis Truck with a mounted Leach 25 cubic Yard 2R-11 for use by the Township of Middle Public Works Department; and

WHEREAS, through the NJPA Co-Op Purchasing System, Contract #112014-LEG, these items are available; and

WHEREAS, the total amount of the purchase for two (2) 2017 Peterbilt 348 Tandem Axle Cab and Chassis Truck with a mounted Leach 25 cubic Yard 2R-11 is \$369,693.60, and funds are available as evidenced by the Chief Financial Officer's Certification; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the appropriate officials are hereby authorized to purchase two (2) 2017 Peterbilt 348 Tandem Axle Cab and Chassis Truck with a mounted Leach 25 cubic Yard 2R-11 as indicated above.

FURTHER RESOLVED, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to: Granturk Equipment Co.

16. RESOLUTION 475-16 – REDUCTION OF PERFORMANCE BOND – UNITED UNIFORMS, LLC. – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, \$40,000.00 is being held as a performance guarantee of United Uniforms, LLC for Block 1414.01, Lot 8, otherwise known as 211 Bayberry Drive, Suite 2A; and

WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$15,803.46 have been completed; and

WHEREAS, it has been further recommended that the performance guarantee for the above stated project be reduced to \$24,196.54; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance guarantee as listed above be and is hereby reduced.

17. RESOLUTION 476-16 – APPOINTMENT – NEW HIRE – On motion by Committeeman DeVico seconded by Committeeman 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 employee is hereby appointed to the following position at the salary opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Cheryl Mason	Public Works	Laborer 1 P/T T/A	\$9.00ph*	11/14/2016

*\$10.00 after six (6) months

18. RESOLUTION 477-16 THROUGH 480-16 – APPROVE CHANGE ORDER – HOUSING REHABILITATION PROJECTS (ITEMS A THROUGH D) – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted.

(a) WHEREAS, Housing Rehabilitation Contract No. 2016-1 was awarded August 1, 2016, via Resolution No. 317-16 to H. J. Graber Contractors; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #1 for the project awarded to H.J. Graber Contractors, be and is hereby approved in the amount of \$450.00.

(b) WHEREAS, Housing Rehabilitation Contract No. 2016-7 was awarded August 1, 2016, via Resolution No. 321-16 to Gemini Construction; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #1 for the project awarded to Gemini Construction, be and is hereby approved in the amount of \$1,200.00.

(c) WHEREAS, Housing Rehabilitation Contract No. 2016-8 was awarded August 1, 2016, via Resolution No. 322-16 to H. J. Graber Contractors; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #1 for the project awarded to H.J. Graber Contractors, be and is hereby approved in the amount of \$3,075.00.

(d) WHEREAS, Housing Rehabilitation Contract No. 2016-10 was awarded August 1, 2016, via Resolution No. 323-16 to Gemini Construction; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #1 for the project awarded to Gemini Construction, be and is hereby approved in the amount of \$2,500.00.

19. RESOLUTION 481-16 – REFUND OF TAXES – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, a refund is due, as a result of overpayment by the Mortgage Company,

ACCT	BLOCK	LOT	OWNER/LOCATION	2016
13131	1134	5	Federal National Mortgage Association Property location: 19 South 10th Avenue	\$574.53

Please make check payable and send to:

Attn: Lereta

Central Refunds

1123 Park View Drive

Covina, California 91724

NOW, THEREFORE, 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 2016 taxes,
 BE IT FURTHER RESOLVED, that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

20. RESOLUTION 482-16 THROUGH 483-16 – ACKNOWLEDGEMENT OF RESIGNATION (ITEMS A THROUGH B) – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted.

(a) 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
Aaron Taylor	Public Works	Laborer 1 P/T	11/17/2016

(b) 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
Matthew Lamanteer	Public Safety	Police Officer	11/12/2016

21. RESOLUTION 484-16 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeeman DeVico seconded by Committeeman Donohue 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; and

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 imposes 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	PROPERTY LOCATION	BLOCK // LOT	AMOUNT
Abbott, Raymond	1502 Jackson Street	712 // 9	\$193.34
Cipollono, Gloria J	6 Lola Lane	468 // 16	\$148.14
Spaulding, Islane W	44 West Shellbay Avenue	329.03 // 31	\$202.41
Gilliar, Michael D	214 Hand Avenue	236 // 21	\$169.02

22. RESOLUTION 485-16 – CLOSED SESSION – PENDING LITIGATION (CAPE MAY POINT AFFORDABLE HOUSING, LP V. TOWNSHIP OF MIDDLE, TOWNSHIP OF MIDDLE PLANNING BOARD AND TOWNSHIP OF MIDDLE ZONING BOARD) AND PERSONNEL ISSUES (FLSA NEW RULE) – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and

WHEREAS, said Closed Session shall be held directly after this open session.

NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:

1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter:
 CLOSED SESSION – PENDING LITIGATION (CAPE MAY POINT AFFORDABLE HOUSING, LP V. TOWNSHIP OF MIDDLE, TOWNSHIP OF MIDDLE PLANNING BOARD AND TOWNSHIP OF MIDDLE ZONING BOARD) AND PERSONNEL ISSUES (FLSA NEW RULE)

2.) The general nature of the subject matter to be discussed is as follows:
 CLOSED SESSION – PENDING LITIGATION (CAPE MAY POINT AFFORDABLE HOUSING, LP V. TOWNSHIP OF MIDDLE, TOWNSHIP OF MIDDLE PLANNING BOARD AND TOWNSHIP OF MIDDLE ZONING BOARD) AND PERSONNEL ISSUES (FLSA NEW RULE)

3.) It is anticipated at this time the above subject matter will be made public as follows:

WHEN THE MATTER IS RESOLVED

4.) This Resolution shall take effect immediately.

Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session.

This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist.

The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.

23. RESOLUTION 486-16 THROUGH 487-16 – APPROVAL PAYMENT TERMINAL LEAVE (ITEMS A THROUGH B) – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.

(a) WHEREAS, John Hearon resigned with an effective date of November 4, 2016; 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:

John Hearon

Personal Hours: -3
Vacation Hours: 95.5
Total Hours: 92.5

\$ 1,674.50 (inclusive of payroll tax expense to the Township)

*Less balance due to Twp. for reimbursable expenses \$805.07

Total Due Employee \$869.43

(b) WHEREAS, Matthew Lamanteer resigned with an effective date of November 14, 2016; 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:

Matthew Lamanteer

Personal Hours: 1
Vacation Hours: 55.7
Total Hours: 56.7

\$ 1,097.42 (inclusive of payroll tax expense to the Township)

24. RESOLUTION 488-16 – 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 Committeeman Donohue seconded by Committeeman DeVico 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 2017 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 November 22, 2016 and continuing on the website through December 13, 2016. Said request will also be advertised in the Cape May County Herald Newspaper on November 30, 2016.
2. The Township shall accept proposals until 1:00 o’clock on December 13, 2016.
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 13, 2016 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 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?

3. 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 Thursday 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 Thursday 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. 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.

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

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

L. 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.

M. 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.

N. 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

O. 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.

P. Ethics Board Attorney - Legal Advisor to the Middle Township Ethics Board as needed on a case to case basis.

Q. Planning Board Engineer - Engineer to the Planning Board. Required to have planner certification as well as P.E.. May be required to spend at least one day a week in Township Hall meeting with residents regarding planning issues. Planning Board meets twice a month, during the evening hours. The Engineer is expected to be immediately available to the Board Attorneys, Zoning Board Officer, Board Members and Zoning and Planning Office. Minimum qualifications are at least five years' experience in some governmental capacity. Required to have sufficient staff to meet Township's demands.

R. Zoning Board Engineer - Engineer to the Zoning Board. Required to have planner certification as well as P.E. May be required to spend at least one day a week in Township Hall meeting with residents

regarding zoning issues. Zoning Board meets once a month, during the evening hours. The Engineer is expected to be immediately available to the Board Attorneys, Zoning Board Officer, Board Members and Zoning and Planning Office. Minimum qualifications are at least five years' experience in some governmental capacity. Required to have sufficient staff to meet Township's demands.

25. RESOLUTION – APPOINTING ACTING BUSINESS ADMINISTRATOR – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

Resolution did not pass

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 person shall be appointed as Acting Business Administrator as follows:

NAME	DEPARTMENT	TITLE	STIPEND	EFFECTIVE
Kimberly Krauss	Administration	Acting Business Administrator	\$500.00 per week	11/30/2016

26. RESOLUTION 489-16 – AUTHORIZING TOWNSHIP TO EXCEED 60-DAY BID LIMITATION – USDA GRASSY SOUND SANITARY SEWER FORCE MAIN PHASE IIIA – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, it was deemed necessary and desirable to solicit for bids for the USDA Grassy Sounds Sanitary Sewer Force Main Phase IIIA project; and

WHEREAS, the Township received bids on October 18, 2016 for said project, and

WHEREAS, NJSA 40A:11-24 delegates the time table for making awards and returning deposits, and

WHEREAS, statute states that the contracting unit shall award or reject the contract in no case more than 60 days after receipt, except that the bidders who consent thereto at the request of the contracting unit, be held for consideration for such longer period as agreed, and

WHEREAS, all bid security, except the security of the three apparent lowest responsible bidders, shall be returned, unless otherwise requested by the bidder, and

WHEREAS, the Township of Middle is scheduled to award the contract for the above referenced project, however will need to exceed said time frame and will require addition sixty (60) days, and

WHEREAS, the Township has requested written consent from the three lowest bidders to retain all bid documents for an additional 60 days or until an award is made.

NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey, that the Township of Middle is hereby authorize to extend the award time for the above referenced project for sixty (60) additional days.

27. RESOLUTION 490-16 – AUTHORIZING EXECUTION OF CONTRACT WITH DELTA DENTAL – On motion by Committeeman Donohue seconded by Committeeman DeVico 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 and State of New Jersey, hereby authorized the execution of an agreement with Delta Dental for the period of 01/01/2017 through 12/31/2017.

BE IT FURTHER RESOLVED, that the administrative fee for said renewal period shall be \$5.98 per month, per person.

FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all paperwork in connection therewith.

28. RESOLUTION 491-16 – AWARD OF BID – 2016 ROAD PROGRAM – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for the 2016 Road Program; and

WHEREAS, sealed bids were received on November 16, 2016; and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest complete 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 2016 Road Program, be and hereby is awarded to:

Lexa Concrete, LLC. - \$557,615.00

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

29. RESOLUTION 492-16 – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	EFFECTIVE DATE	SALARY
Tara Love	Public Safety	Telecommunications Operator P/T	Telecommunications Operator F/T	11/22/2016	\$28,500.00

30. PUBLIC COMMENT:

Ed Dillio, Cape May Court House:

- *Asked who will fill the Administrator's roll for the next two months until one is appointed.*

Committeemember DeVico:

- *Hasn't made that determination yet.*
- *Asked for a few more Work Session meetings to discuss issue; was told this was not the first time this situation had occurred.*
- *Not in a hurry; thinks Kim is capable of handling a few issues that may come up over the next couple of weeks under the stipend that she is already receiving as Acting Deputy Administrator.*

Ed Dillio, Cape May Court House:

- *Questioned why Kim was not being appointed if she is capable of doing the job.*

Committeemember DeVico:

- *Asked why she should receive more money.*

Ed Dillio, Cape May Court House:

- *Replied that Kim would be doing the Administrator's job.*

Sam Kelly, Swainton:

- *Read premade speech into the record.*
- *Targeted Committeemember Donohue.*

Stan Doniger, Rio Grande:

- *On behalf of his neighbors concerning the bike path, would like an update; states information is not being forwarded to the surrounding residents.*

Committeemember DeVico:

- *Regarding connection with Lower Township, project delayed due to pending DEP approval.*

Stan Doniger, Rio Grande:

- *Questioned when Atlantic City Electric was going to put in polls along Railroad Avenue.*

Constance Mahon:

- *Did speak to them about the steel polls when they proposed the connector bike path which connects Lower Township and Middle Township from Satt Boulevard to Sally Marshall Crossing; configuration of bike path will not interfere with the placement of the polls.*
- *Upgrades will not occur for about four years.*

Stan Doniger, Rio Grande:

- *Requested an update on Patsy's Way.*

Frank Corrado:

- *Subject is pending litigation; closed session to be held at the end of current meeting; complaint has been filed by the developer.*

Dan Lockwood, Cape May Court House:

- *In lieu of Michael Clark's absence, wanted to publicly congratulate him.*
- *Thanked Connie; it was a pleasure working together; wished her the best.*

John Lauricella, Cape May Court House:

- *The people expended from business administrator had their eyes closed.*

Committeemember Donohue:

- *November 4th was the deadline.*

John Lauricella, Cape May Court House:

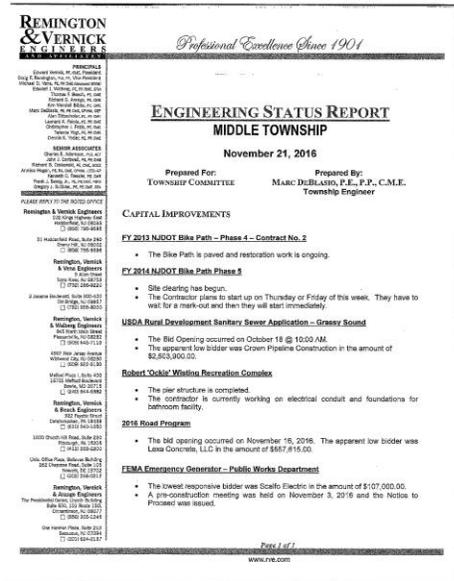
- *New to the town but thinks it is fishy that advertisement for the biggest position was not made for the longest time; disappointed.*

Sam Kelly, Swainton:

- *Grateful politics were not allowed; has confidence the greatest person for the position will be found.*

Mike Voll, Rio Grande:

- *Applauded Connie for doing an outstanding job as Business Administrator.*
- *Chief Executive Officer at previous job in Lower Township, as a result of working together with Connie on the bike trail, they were able to obtain the grant for both communities.*
- *Back in the 90's when he was Mayor of Middle Township, he created the position of Administrator; in this form of government the Chief Executive Officer is the Mayor; during this interim the Mayor will be in charge of the community until a new administrator is selected.*



Frank Corrado:

- Thanked Connie for making job much easier; wished her the best.

Constance Mahon:

- Thanked the taxpayers and employees; it's been her pleasure working for the Township of Middle.
- Feels as if she is leaving a family; a piece of Middle Township will always be in her heart.
- Has had a great time; learned a lot and has met a lot of good people along the way.

Committeemember Donohue:

- Congratulated Madelyn McCarroll and thanked her for the work the Animal Advisory Board has done to make an impact not only in Middle Township but in the County; neighboring municipalities are taking action to put in place a similar board.
- Reiterated on Michaels Organization; affordable housing.
- Discussed the LED lighting project in Rio Grande; allocation on budget was fairly close; we should be able to move forward by early next year.
- Hiring process for administrator position; advises residents to watch for what happens, see how it goes.
- Advertised Christmas parade.

Committeemember DeVico:

- Thanked Connie; stated it's been an interesting year; wished her well.
- Aldi opening.
- Mentioned Middle Township's school district.

Kimberly D. Krauss, Township Clerk

Motion to enter closed session – 6:50pm

1st: Committeemember DeVico

2nd: Committeemember Donohue

Pass on Roll Call: Committeemember DeVico, Committeemember Donohue

Motion to return to open session – 7:20pm

1st: Committeemember Donohue

2nd: Committeemember DeVico

Pass on Roll Call: Committeemember DeVico, Committeemember Donohue

Motion to adjourn meeting – 7:20pm

1st: Committeemember Donohue

2nd: Committeemember DeVico

Pass on Roll Call: Committeemember DeVico, Committeemember Donohue