

Cape May Court House, NJ
Wednesday, November 30, 2016, 6:00pm
SPECIAL MEETING
FLAG SALUTE
THIS MEETING IS BEING RECORDED:

This Special Meeting was called pursuant to the provisions of the Open Public Meeting Law. Notices of this meeting were emailed to the Cape May County Gazette, Atlantic City Press and the Cape May County Herald on November 22, 2016. In addition, copies of notices were posted on the bulletin board in the Municipal Building and filed in the office of the Municipal Clerk on aforementioned date. Notices on the bulletin board have remained continuously posted.

The Township Committee met on the above date at 6:00pm at the Middle Township Municipal Building. Members present were Mayor Clark, Committeeman DeVico, Committeeman Donohue, Township Clerk Kimberly Krauss, Deputy Township Clerk Krystel Arana, and Municipal Solicitor Frank Corrado.

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.)

Stan Doniger, Rio Grande:

- *Asked for clarification regarding the difference between a Township Administrator and a Business Manager.*

Frank Corrado:

- *Legally there is no difference; statutory title is Middle Township Business Administrator.*

Stan Doniger, Rio Grande:

- *Questioned the differences regarding the functions of the Chief Financial Officer and Business Administrator.*

Mayor Clark:

- *The Business Administrator runs the township's day-to-day activities.*

Frank Corrado:

- *Explained the differences between a CFO and a COO.*
- *The CFO is in charge of the finances of the corporation and its fiscal affairs; the COO is the operating officer of a private corporation.*

Stan Doniger, Rio Grande:

- *Questioned items 3 and 4; asked for specific qualifications of Acting Business Administrator.*

Frank Corrado:

- *Functions are the same; Acting Business Administrator is the Interim Administrator who is going to supervise the operations of the township during the period the township is searching for a person to fill the position.*
- *No specific statutory qualifications.*

Committeemember Donohue:

- *Personally, the most important qualification is the ability to bridge the gap in a way that is the least disruptive to the township and its momentum.*
- *Should be a person who is familiar with the town, its employees, and the issues; that's the reason for having a Deputy Administrator.*

Stan Doniger, Rio Grande:

- *Inquired about \$500.00/week in addition to salary.*

Committeemember Donohue:

- *Explained reasoning.*

Stan Doniger, Rio Grande:

- *Asked to know why the agenda contained similar material.*

Committeemember DeVico:

- *Reason for holding Special Meeting is due to vacation and the need for an Acting Business Administrator; will be absent at upcoming regular meeting.*
- *Received a resume over the weekend from Stephen O'Connor; may act on behalf of the township to find new Business Administrator.*
- *Was hoping to have an open discussion on the matter; between Kim and Stephen.*
- *The item was left blank so it could be filled in after a decision was made.*
- *Stephen O'Connor's stipend salary would be \$80 per hour, not to exceed \$15,000.*

Stan Doniger, Rio Grande:

- *Is he an independent contractor?*

Committeemember DeVico:

- *Yes; has his own firm called South Jersey Consultants, LLC.*
- *Business Administrator in the past for the County of Cape May.*

John Lauricella, Cape May Court House:

- *Suggested interviews are videotaped as a solution to Committee having conflicting schedules.*

Mayor Clark:

- *Hopes interim will help committee narrow down the field.*

Committeemember Donohue:

- *There is no process; township is hiring someone for a position that was never advertised for.*
- *Questioned Stephen's credentials.*
- *Steven is currently employed in two other positions; questions if his prior obligations will interfere with his responsibilities in Middle Township.*

Dave Tomkinson, Middle Township:

- *Asked Committeemember DeVico if the rest of committee was in receipt of Stephen O'Connor's resume.*

Committeemember DeVico:

- *The rest of Committee was emailed copies; came through the solicitor.*

Committeemember Donohue:

- *Received proposal on Friday; resume on Monday.*

Dave Tomkinson, Middle Township:

- *How much will this person be making versus what is already in place?*

Committeemember DeVico:

- *Depends on how much he is used.*
- *\$80 per hour.*
- *Not to exceed \$15,000; that's his proposal.*

Joe Ravitz, Cape May Court House:

- *Asked about the necessity of appointing anyone until reorg if there is already a Deputy Business Administrator in place.*
- *In the meantime, there would be plenty of time to interview and get all of the candidates together.*
- *Believes the town will run well as is until reorg.*
- *Save the taxpayers a few dollars by not making this expenditure at all in this point in time.*
- *Two highly qualified people currently in the room who could be Business Administrator.*

Sam Kelly, Swainton:

- *Read prepared speech into the record.*

Committeemember Donohue:

- *Asked employees present to raise their hand if they feel as if at any point in time he has politicized their positions; no one raised their hand.*

Mike Linz, EMS Deputy Chief:

- *Questioned the stipend going along with the appointment.*
- *Does EMS billing; back in May asked for a raise; committee would not consider raise by Ms. Krauss and by Ms. Mahon because of the fact that a little while prior to his request his salary was increased by \$2,500 for appointment of Deputy Chief.*
- *Description of duties state may or may not do EMS billing.*
- *Kim would be a good Interim Business Administrator; has a problem with the fact she'd be receiving an additional stipend as Acting Business Administrator for duties she should be doing as deputy.*
- *Asked why she was entitled to any more money when he wasn't.*

Stan Doniger, Rio Grande:

- *Questioned if the waiving of the fee for daycare was a lawsuit.*
- *Asked if Corrado billed the township for legal services.*

Frank Corrado:

- *Of course.*

Stan Doniger, Rio Grande:

- *Stated the township incurs legal expenses for apparently something that they folded and now committee wants to waive the penalties.*
- *The amount of money is not the issue.*
- *Asked what will stop the same from happening again later.*
- *Asked Mayor Clark in specific if he cared to comment.*

Mayor Clark:

- *No.*

Committeemember DeVico:

- *Hasn't voted yet; will see what his vote is when it comes up.*

Committeemember Donohue:

- *Believes in equal and fair application of the law.*
- *Asked, when exceptions start to be made, how are the reasons judged and priorities set.*
- *Slippery slope.*
- *Stick to the ordinance and stick to the law.*

Committeemember DeVico:

- *Have to have some trust in one's Assessor and Tax Collector.*
- *They're a bigger entity; if they have a problem they have on-staff lawyers that can quickly challenge and delay the process and then want forgiveness afterwards.*

Madelyn McCarroll:

- *Commented on the rush to make an appointment for Acting Business Administrator.*
- *Wonders what message hiring outside help sends to township employees when there are people who want the position who have been doing it for years.*
- *Objects on seeking outside help due to a vacation.*

Committeemember DeVico:

- *States it is more than a vacation.*
- *Claims there was a sense of urgency from someone else sitting at the table since topic was listed on previous agenda.*

Committeemember Donohue:

- *91 days since Administrator gave her notice; no one has been interviewed.*

Committeemember DeVico:

- *Asserts if the election had gone a different direction, things would be different.*
- *Donohue and Lockwood would have hired someone they could work with as well.*

Committeemember Donohue:

- *Asked Committeemember DeVico if he had trouble getting along with Kim.*

Committeemember DeVico:

- *Not insinuating he cannot work with Kim.*
- *Has a lot of concerns; it's not about what she can do.*
- *She's an applicant; fair and impartial shot at getting position.*
- *Claims if Kim is made Administrator she has to remove herself from the interview process.*
- *Questions what effect Kim having to remove herself from the interview process would have on the township.*
- *Mr. O'Connor is his pick.*
- *We've all had the same amount of time to review Stephen's resume.*

Committeemember Donohue:

- *Brought to light Committeemember DeVico has previously worked with Stephen.*
- *Personally has never met Stephen O'Connor; has had no opportunity to discuss position with him or interview him.*

Committeemember DeVico:

- *"Then the Mayor is going to have a big decision to make tonight."*

Madelyn McCarroll:

- *Asked Committee to consider five members; believes have five members would eliminate constant animosity towards each other; Run town without politics for the good of the people.*
- *Reward employees with their respect.*

Mayor Clark:

- *Agrees; believes he worked together pretty well when he was on committee.*
- *He was the odd man out; and he knew where his place was when he was the odd man out.*
- *Feels like he wasn't included; lots of things he found out last minute.*

Madelyn McCarroll:

- *One should not feel like they should have to keep to their place.*
- *Constant electioneering.*
- *Should feel like you're here to serve the people of the community which in part means fostering good feelings with township employees.*
- *Sees decision as smacking them in the face.*

Mayor Clark:

- *Thinks he has done a good job about that and has worked very hard.*
- *Volunteer fireman of community for 22 years; has a really good job working at Sturdy Savings Bank.*
- *Does this because he cares for the community.*

Madelyn McCarroll:

- *Wasn't saying that he doesn't care.*

Mayor Clark:

- *Tries to make the best decisions possible for the community with no political agenda.*

Committeemember Donohue:

- *Asked Mayor Clark if appointing his campaign manager tonight is not considered a political maneuver.*

Dan Lockwood, Cape May Court House:

- *Spoke of description of Deputy Business Administrator duties and the Mayor's role in the absence of a Business Administrator.*
- *Went through the process of hiring a business administrator already in 2012.*
- *Didn't have to hire someone that was political.*
- *Deputy Administrator was on the books as filling the position of Administrator; asked committee at that point to put an administrator in place to help run the township.*
- *Deputy position was never designed to be the Administrator's position; the ordinance clearly defined areas of responsibilities.*
- *That is what the Deputy Administrator stipend was for; wasn't to completely replace the Administrator in their absence; at least not for a period of time.*

Mayor Clark:

- *Indicated he waited until after the election to be fair.*

Dan Lockwood, Cape May Court House:

- *Spoke of need to do the hard work; “roll up sleeves” and begin interviews if there are already a number of candidates.*
- *Does not see the need for an Interim; committee needs to take the time.*
- *Commented on conducting interviews with a “committee” of people.*
- *Agrees with Committeemember Donohue’s decision for a fair wage.*
- *When process previously done it was non-political; interviews were done as a group; received the consensus of the group.*

2. ITEM OF DISCUSSION – ACTING BUSINESS ADMINISTRATOR

Committeemember Donohue:

- *Apparently doesn’t know his place.*
- *Will speak his mind.*
- *Equally elected as any other member of the board; represents the people of the town.*
- *Has made certain promises about how he would pursue government; intends to keep those promises.*
- *Can work with anybody; purpose is to bring good people together to do great work; but will resist when he thinks something is being done that is not in the best interest of the town.*
- *Reiterated his understanding of the purpose of the meeting.*
- *It’s been 3 weeks since the elections and interview process had still not been started; feels like the ball has been dropped and suddenly committee is backed into a corner and has to make a rush decision.*
- *It has been over 90 days since Connie submitted resignation.*
- *Explained his decision to assign Kim; about \$6,000 in a 90 day period.*
- *Members who think Kim should have just assumed additional responsibilities because she is Deputy Clerk.*
- *Mayor and Deputy wanting to assign someone for over double that amount; \$15,000.*
- *Doesn’t question Mr. O’Connor’s credentials; already appointed Business Administrator at Cape May Point; also appointed consultant for the City of Wildwood for special projects with a not to exceed amount of \$40,000 a year, same rate at Wildwood as Middle Township.*
- *Kim will be the one familiarizing Stephen on the various subjects of Middle Township; paying him to learn from Kim.*
- *In opinion, political appointment.*

Committeemember DeVico:

- *Agrees with what a lot of what Committeemember Donohue says; agrees about the process being forthcoming.*
- *Bring someone on that is going to help at an hourly rate to hire a full-time administrator.*
- *Different approaches to process.*
- *Claims he can be here to help Stephen with transition.*

Mayor Clark:

- *Has looked at both resumes.*
- *Interim; person is not going to be permanent; stated for the record.*
- *Person will help them go forward and find the best person suitable for the job; that’s the reason an interim is hired.*

3. RESOLUTION – APPOINTING ACTING BUSINESS ADMINISTRATOR – On motion by Committeeman Donohue seconded by _____ 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 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

***No Seconded motion. Item not passed.**

Committeemember Donohue:

- *Stated for the record he was the one who suggested topic be put on the agenda again appointing Kim Krauss as Business Administrator.*

4. RESOLUTION 492-16B – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – SJC CONSULTANTS LLC – INTERIM BUSINESS ADMINISTRATOR – On motion by Committeeman DeVico seconded by Mayor Clark 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 Agreement between SJC Consultants LLC. and the Township of Middle for Interim Business Administrator Services 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 in the amount of \$80.00/hr. not to exceed \$15,000.00.

BE IT FURTHER RESOLVED, that said contract shall be for a period of three (3) months effective the date of this resolution.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

*No certification of funds provided prior to approval.

Kimberly D. Krauss:

- *Item was originally listed as an appointment.*
- *Advised topic is non-fair and open.*
- *Asked if funds would have had to be appointed ahead of time; normal course of action.*
- *Funds were not certified ahead of time.*

Frank Corrado:

- *They don't have to be certified ahead of time.*

Kimberly D. Krauss:

- *Will be relisting item as a non-fair and open resolution.*
- *Asked for verbal confirmation of information to be listed on resolution.*

5. RESOLUTION 492-16C – 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) – On motion by Committeeman Donohue seconded by Committeeman DeVico 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)

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)

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.

6. RESOLUTION – WAIVING INTEREST – BLOCK 131 LOT 1.1 BLDG (TAX ACCOUNT NO. 19138) – On motion by Mayor Clark seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Day Care Center at the Cape Regional Medical Center, having been opened to the public, became eligible for property taxation during the year 2016, and was therefore assessed for property tax purposes by Middle Township during that year; and

WHEREAS, upon receiving that assessment, the Medical Center objected, and took the position that its Day Care Center was entitled to an exemption from property taxation on the ground that it was an educational institution; and

WHEREAS, subsequently the township and the Medical Center engaged in an extended period of legal research, discussion, and negotiation in an attempt to resolve this dispute, during which period the Medical Center did not pay the property taxes levied on the Day Care Center, causing them to become delinquent and subject to interest and fees; and

WHEREAS, the dispute has finally been resolved, and the Medical Center has agreed to pay, and in fact has promptly paid, the delinquent taxes on the Day Care Center; and

WHEREAS, because of the ongoing legal dispute between the township and the Medical Center, interest and fees in the amount of \$417.78 accumulated on the unpaid Day Care Center taxes during the period they were delinquent; and

WHEREAS, the Medical Center has requested, given the bona fide dispute over tax liability, that the township waive the accumulated interest and fees on those delinquent taxes; and

WHEREAS, the Middle Township Committee has considered the matter and believes that this was an isolated situation that was the subject of a bona fide dispute over whether the Day Care Center was exempt from taxation, and that therefore it is appropriate for the township to waive interest and fees accumulated while that dispute was being resolved,

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

1. The averments of the preamble are incorporated.
2. Interest and fees in the amount of \$417.78, accumulated on the taxes assessed against the Day Care Center at the Cape Regional Medical Center, are hereby waived.
3. The Township Tax Collector is hereby authorized to remove this property from the tax sale list.

4. This resolution shall take effect immediately, according to law.
***No Seconded motion. Item not passed.**

7. PUBLIC COMMENT:

Sandy Gallow, Cape May Court House:

- *Would like the hourly rate be broken down between the \$500 a week for Kim opposed to O'Connor.*

Committeemember DeVico:

- *\$13 an hour for Kim.*

Sandy Gallow, Cape May Court House:

- *\$12.50 an hour for Kim.*
- *Asked for clarification regarding Stephen being paid hourly; daily; weekly.*

Committeemember DeVico:

- *Does not want to get into it; his decision comes down to who he thinks is going to be best to get a new Administrator.*

Sandy Gallow, Cape May Court House:

- *Asked if there was an Interim in place to help with the decision of hiring a Business Administrator before Connie was hired.*

Committeemember Donohue:

- *There was not an Interim; appointed a Deputy Administrator.*
- *Did not hire and Acting or Interim Administrator.*
- *Gave background of experience when no Business Administrator was in place.*
- *O'Connor's proposal pledging to represent township at meeting with other governmental agencies; will be interesting to see how he plans to carry out responsibilities; day-to-day operations.*
- *Connie worked at nights; over the weekend.*
- *Serving the people of the township; not filling the Administrator's position permanently.*
- *90 days; Kim; \$6,000.*
- *90 days; if Stephen O'Connor works 15 hours a week it would cost about \$14,000.*
- *Here to defend the tax payers' money; makes more sense fiscally to appoint Kim from an operational standpoint.*

Sandy Gallow, Cape May Court House:

- *Hopes the peoples best interest of the town is at mind and not a political lashing.*

Sam Kelly, Swainton:

- *Tonight's actions were a reaction to Committeemember Donohue's actions.*
- *Doesn't hear Committeemember Donohue speaking about the money that was spent at the time to hire a Business Administrator when Connie was hired.*

Committeemember Donohue:

- *Wants people to see how the town is being run.*
- *This action is opposed to every virtue of open, transparent, and clean government that he has been fighting for five years for.*

Joe Ravitz, Cape May Court House:

- *Asked about hiring an LLC of Mr. O'Connor's.*
- *Questioned if there are any other employees employed in the LLC.*
- *Can he send anyone else?*

Frank Corrado:

- *No, he is the only employee.*

Madelyn McCarroll:

- *Best time to advertise for a new administrator would have been immediately after the election; seems to be some kind of plot to try and take over.*

Dan Lockwood, Cape May Court House:

- *Congratulated Mayor Clark on winning election.*

Motion to enter closed session: 7:01pm

1st: Committeeman Donohue 2nd: Committeeman DeVico

Roll Call Vote: Committeemember DeVico, Committeemember Donohue, Mayor Clark

Motion to reenter open session: 7:15pm

1st: Committeeman Donohue 2nd: Committeeman DeVico

Roll Call Vote: Committeemember DeVico, Committeemember Donohue, Mayor Clark

Motion to Adjourn Meeting: 7:15pm

1st: Committeemember DeVico 2nd: Committeemember Donohue

Roll Call Vote: Committeemember DeVico, Committeemember Donohue, Mayor Clark

Kimberly D. Krauss, Township Clerk

Minutes prepared by Krystal M. Arana, Deputy Township Clerk