

Cape May Court House, NJ
November 5, 2018
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 Clark, Deputy Mayor DeVico, Committeemember Donohue, Township Clerk Kimberly Krauss, Business Administrator Elizabeth Terenik, & Municipal Solicitor Frank Corrado

1. PRESENTATION BY MAYOR AND COMMITTEE – NOVEMBER EMPLOYEE OF THE MONTH – JAMES AMENHAUSER
2. QUESTION/ANSWER PERIOD ON AGENDA (*This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.*)
3. ORDINANCE 1577-18 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 175, ARTICLE II, REGARDING RENT CONTROL - On motion by seconded by and passed on roll call, Ordinance No.1577-18 passed first reading. Second reading, public hearing and consideration for adoption will be held on 12/03/2018 at 6:00 p.m. *WHEREAS, Chapter 175, Article II, of the Middle Township Municipal Code establishes requirements for rent control; and WHEREAS, Section 175-18 provides for increases in rent based on Consumer Price Index (CPI) increases; and WHEREAS, Section 175-17 defines Consumer Price Index as “The percentage increase in social security payments as specified annually by the United States Department of Labor. It is the intention of this Article that said percentage shall represent the average yearly growth in the CPI of the United States, all citizen's index, for July, August and September of the prior year”; and WHEREAS, the Township Committee believes it is in the best interests clarify the definition to confirm the intent of the Township and the percentage to be utilized in CPI increase applications; 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:
SECTION 1. Chapter 175-17, of the Code of the Township of Middle is hereby amended as follows (strikethroughs indicating deleted portions, and bold and underlined indicating additions):
175-17. Definitions.
CONSUMER PRICE INDEX (CPI)
~~The percentage increase in social security payments as specified annually by the United States Department of Labor. It is the intention of this Article that said percentage shall represent the average yearly growth in the CPI of the United States, all citizen's index, for July, August and September of the prior year.~~
The percentage increase in Cost-Of-Living Adjustment (COLA) for Social Security benefits and SSI payments for the prior year as published by the Social Security Administration.
SECTION 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.
SECTION 3. Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.
SECTION 4. This Ordinance shall become effective immediately upon final passage and publication, according to law.*
4. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by 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, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:*

Current Acct. \$4,842,901.18
5. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by 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, the governing body thereof, that the following minutes are approved: 10/15/2018 Work Session, Board of Health and Regular Meetings.*
6. REPORTS: The following departments have submitted their reports for the months indicated: Construction Official for the month of October; Municipal Clerk for the month of October.

7. RESOLUTION – ACKNOWLEDGMENT OF RESIGNATION – On motion by _____ seconded by _____ 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 resignations listed below, are acknowledged.

NAME	BOARD/DEPARTMENT	POSITION	EFFECTIVE
Steven Smearman Sr.	Public Works	Laborer	11/03/2018
Allison Rutledge	Public Safety	Public Safety Telecommunications Operator P/T	10/23/2018

8. RESOLUTION – AUTHORIZING CHANGE IN EMPLOYMENT STATUS – On motion by _____ 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 that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	SALARY	EFFECTIVE DATE
James Clark	Public Works	Laborer 1 P/T T/A	Laborer 1 F/T	\$22,000.00	11/05/2018
Maria Pearson	Recreation	Recreation Aide P/T	Recreation Aide F/T	\$22,000.00	10/29/2018

9. RESOLUTION – APPOINTMENTS (ITEMS A THROUGH B) – On motion by _____ seconded by _____ 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, County of Cape May, State of New Jersey that the following individual is hereby appointed to the volunteer board opposite their name:

NAME	POSITION	BOARD	SALARY	TERM EXPIRES
Alexis Kern	Secretary	Cable TV Advisory Board	\$850.00	12/31/2018*

**filling unexpired term.*

- (B) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:*

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
John Sunderhauf	Public Safety	Special Class II Police Officer	\$13.00 per hour	10/29/2018
Joseph Powderly	Public Safety	Special Class II Police Officer	\$13.00 per hour	10/23/2018
Jamie Richter	Recreation	Recreation Aide P/T T/A	\$10.00 per hour	11/05/2018
Lisa Cermanski	Recreation	Recreation Aide P/T T/A	\$10.00 per hour	11/05/2018

10. RESOLUTION – AUTHORIZING ACCELERATED TAX SALE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, N.J.S.A. 54:5-19 requires that any unpaid taxes and/or other municipal charges that remain in arrears on the eleventh day of the eleventh month be sold at a tax sale; and
WHEREAS, Chapter 99, Public Laws allows accelerated tax lien sale as of the eleventh day of the eleventh month of the fiscal year upon passage of a resolution of the governing body; and
WHEREAS, the annual accelerated tax sale for the Township of Middle is scheduled to be held on December 19, 2018; and
WHEREAS, the tax sale process is lengthy and costly and places a large financial burden on the general tax base; and
WHEREAS, it is the desire of the Township of Middle to hold taxpayers who cause the tax sale procedure to be held accountable for the fees associated with the said sale; and
WHEREAS, N.J.S.A. 54:5-26 provides for direct mailing of the tax sale notices in-lieu of up to two (2) legal advertisements, the costs of which shall be added to the cost of the sale, not to exceed \$25.00 for each set of notices; the first notice will be mailed November 21, 2018; the second notice will be mailed November 28, 2018; the first advertisement will be published in the Herald Newspaper on December 5, 2018; the second advertisement will be published in the Herald Newspaper on December 12, 2018; and
WHEREAS, ordinance number 1354.10 of the Township of Middle states the same, and
WHEREAS, N.J.S.A. 54:5-38 provides for fees in connection with holding a tax sale, of two (2%) percent of the total of municipal charges, including all interest and penalties, to the date of sale. The two (2%) percent shall not be less than fifteen (\$15.00) dollars nor more than One Hundred (\$100.00) dollars for each parcel sold; and all payments accepted will be by cashier's checks, certified checks or money orders and
WHEREAS, N.J.S.A. 54:5-29 provides for payment prior to the tax sale to include all interest, costs and penalties;
NOW THEREFORE, BE IT RESOLVED, by the Municipal Governing Body of the Township of Middle in the County of Cape May the Tax Collector is hereby authorized to conduct an accelerated tax lien sale for the calendar year 2018 delinquencies.
BE IT FURTHER RESOLVED, by the Municipal Governing Body of the Township of Middle, that in accordance with N.J.S.A. 54:5-26 the Tax Collector's office is hereby authorized to send two

(2) direct mailings, in lieu of 2 advertisements, and collect a mailing fee of Twenty-Five dollars (\$25.00) for each notice mailed; and

BE IT FURTHER RESOLVED, that costs of preparation, administration and advertisement, prior to the sale are hereby determined to be two (2%) percent of the total municipal charges, including all penalties and interest, but not less than Fifteen (\$15.00) dollars and not more than One Hundred (\$100.00) dollars for each parcel.

11. RESOLUTION – CANCEL TAXES (ITEMS A THROUGH C) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

(A) WHEREAS, a removal of one month of 2017 is required by the County Board of Taxation.

ACCT	BLOCK	LOT	OWNER/LOCATION	2017
383	11	23.02	Wolverton, Bruce S & Amy M 4 Fish Hawk Lane	\$355.07

(B) WHEREAS, the following cancellation of taxes is due based on 100% Disabled Veteran status:

ACCT	BLOCK	LOT	OWNER/LOCATION	2018	2019
17975	163.11	2	Danks, Robert & Stella Property location: 61 Wynndemere Court Exempt as of September 21, 2018 Mr. Danks is 100% Disabled Veteran	\$1,137.70	\$2,068.54
17753	114	13 C0127	Egan, Dennis M & Nancy J Property location: 1012 St Andrews Drive Exempt as of September 24, 2018 Mr. Egan is 100% Disabled Veteran	\$1,836.04	\$3,442.70
14495	1449	2	Dicola, Joseph Property location: 33 Church Rd Exempt as of September 26, 2018 Mr. Dicola is 100% Disabled Veteran	\$979.99	\$1,876.42

(C) WHEREAS, an adjustment to the added assessment is required per County Tax Board judgement. and;

WHEREAS, the added assessment will be decreased by the following:

ACCT	BLOCK	LOT	OWNER/LOCATION	2018	2019
38	11	25	Daher, Karl S & Helen J 2 Hawks Landing	\$385.74	\$289.29

12. RESOLUTION – REFUND OF TAXES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, refunds are due for overpayment made on tax exempt properties.

ACCT	BLOCK	LOT	OWNER/LOCATION	2018
17975	163.11	2	Danks, Robert & Stella 61 Wynndemere Court Cape May Court House, NJ 08210 Date of exemption: 9/21/2018	\$267.95
17753	114	13 C0127	Egan, Dennis M & Nancy J 1012 St Andrews Drive Cape May Court House, NJ 08210 Date of exemption: 9/24/2018	\$505.46
14495	1449	2	Dicola, Joseph 33 Church Rd Rio Grande, NJ 08242 Date of exemption: 9/26/2018	\$23.59

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 check in the above noted amounts payable to the above-mentioned party, as a refund of 2018 taxes.

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

13. RESOLUTION – AUTHORIZING THE CREATION OF LIEN ON PROPERTY – On motion by _____ seconded by _____ 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

17. RESOLUTION - 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 _____ seconded by _____ 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 2019 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 7, 2018 and continuing on the website through November 27, 2018 Said request will also be advertised in the Cape May County Herald Newspaper on November 14, 2018
2. The Township shall accept proposals until 10:00 am on November 27, 2018
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 one copy 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 November 27, 2018 at 10:00am, 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, Rent Leveling, Ethics Board, 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. Economic Development Consultant – a variety of services including: technical assistance to Economic Development Council and Coordinator; business loan processing assistance; economic analysis and studies; economic development outreach and programming; and grants and legislation.
- I. Grants Consultant - completes applications and makes efforts to obtain grants in a variety of areas, including but not limited to energy; housing rehabilitation; infrastructure; resilience and Community Rating System; recreation, parks and open space. Consultant is not expected to have expertise in all areas listed, and should indicate in the proposal their respective specialty.
- J. 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.
- K. 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.
- L. 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.

The Township of Middle may select, at its sole discretion, individuals or firms for these positions, so long as those individuals or firms meet or exceed the minimum requirements set forth in this resolution; however, the Township is under no obligation to select any firm even if qualified and will make any selection based on an overall evaluation of qualifications in the best interest of the Township. Once an appointment is made, no substitution of personnel may be made without the express written consent of the Township of Middle, which consent may be withheld in the township's sole discretion. The Township of Middle reserves the right to appoint other professionals to perform services as the need may arise.

18. RESOLUTION – TABULATION COMMITTEE – 2019 RISK MANAGEMENT

CONSULTANT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on December 5, 2018 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

2019 RISK MANAGEMENT CONSULTANT

19. RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH THE NON-FAIR AND OPEN PROCESS – FLOOD PLAIN MANAGER – 2019 - On motion by _____ 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, the governing body thereof, that the Agreement between DeSimone Management, LLC and the Township of Middle be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

*DeSimone Management, LLC
Flood Plain Manager
Not to Exceed \$10,000.00*

**Contract Period 01/01/2019 through 12/31/2019*

20. RESOLUTION – AWARDING EMERGENCY CONTRACT – REPAIR OF TOWNSHIP HALL ROOF – LAURANT CONSTRUCTION CO. – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Township Committee of the Township of Middle, County of Cape May, State of New Jersey authorized an Emergency Contract for the Repair of the Township Hall Roof pursuant to Resolution 416-18, which sets forth the factual basis for the emergency. and;

WHEREAS, pursuant to N.J.S.A.40A:11-6 a contract may be negotiated or awarded for a contracting unit without public advertising for bids and bidding therefor, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, based on said emergency immediate action was required for the repair of the Township Hall Roof to further avoid damage to Township Hall property and further disruption of municipal government operations; and

WHEREAS, the Chief Financial Officer has certified that sufficient funding exists for this purpose. NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, Cape May County, State of New Jersey, that contracts are hereby authorized under NJSA 40A:11-6 to the contractors listed below:

Laurant Construction Co. – Not to Exceed \$151,544.00

21. RESOLUTION – AWARD OF BID – OFF-DUTY POLICE MANAGEMENT AND ADMINISTRATION – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for Off-Duty Police Management and Administration; and

WHEREAS, sealed bids were received on September 25, 2018; 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 Off-Duty Police Management and Administration be awarded to Extra Duty Solutions as follows:

Township – Receipt of Ninety-Two and Twenty-Five Hundredths (92.25%) of fees collected

Extra Duty Solutions – Receipt of Seven and Seventy-Five Hundredths (7.75%) of fees collected

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

22. RESOLUTION – SOCIAL AFFAIRS PERMIT – WILDWOOD GOLF & COUNTRY CLUB – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Wildwood Golf & Country Club has applied for approval to sell alcoholic beverages at an event to be held at 1170 Golf Club Road, Cape May Court House, New Jersey, on December 7, 2018 from 5:00pm to 10:00pm, and

WHEREAS, they have provided proper documentation to the Township of Middle,

NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

23. RESOLUTION – TRANSFER OF FUNDS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, it is legal and lawful to make budget transfers on and after the first day of November in any budget year; and

NOW THEREFORE BE IS RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and the State of New Jersey, that the following transfers of budget appropriations be made in the budget of Middle Township for the year 2018:

<u>Account Number</u>	<u>Name</u>	<u>From</u>	<u>To</u>
8-01-20-105-106-299	Timekeeping software	2,500.00	
8-01-20-110-110-200	Mayor & Committee OE	300.00	
8-01-20-130-131-200	Grant Admin-OE	4,200.00	
8-01-20-165-165-200	Engineering OE	25,000.00	
8-01-20-130-130-100	Finance - S&W	1,500.00	
8-01-20-130-130-200	Finance OE	4,000.00	
8-01-22-195-196-100	Construction Code S&W	40,000.00	
8-01-23-215-215-400	Workers Comp Insurance	3,000.00	
8-01-23-220-220-400	Group Insurance	10,000.00	
8-01-23-310-310-200	Pub Bldg & Grounds OE	10,000.00	
8-01-26-290-290-200	Gypsy Moth OE	3,000.00	
8-01-27-340-340-200	Animal Control-OE	1,000.00	
8-01-31-435-435-475	Street Lighting Costs	5,000.00	
8-01-36-471-471-457	DCRP	5,000.00	
8-01-28-370-371-200	Senior Center OE	2,000.00	
8-01-20-100-100-200	Admin - OE		300.00
8-01-20-130-131-100	Grant Admin - S&W		2,200.00
8-01-20-155-156-200	Legal Services-OE		20,000.00
8-01-23-221-221-411	Health Care Waiver		10,000.00
8-01-26-315-315-200	Motor Pool		30,000.00
8-01-27-340-340-100	Animal Control S&W		1,000.00
8-01-31-446-446-475	Natural Gas Costs		15,000.00
8-01-36-471-471-453	Social Security		15,000.00
8-01-32-465-465-373	Sanitary Landfill-Contract		21,500.00
8-01-43-490-490-200	Municipal Court-OE		1,500.00
		116,500.00	116,500.00

24. RESOLUTION - DIRECTING THE DISTRIBUTION OF THE TOWNSHIP OF MIDDLE NET RETURNED SURPLUS FUNDS HELD IN TRUST BY THE ATLANTIC COUNTY

MUNICIPAL JOINT INSURANCE FUND – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle hereinafter referred to as MUNICIPALITY, participated as a member municipality of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as FUND, for one or more of the following FUND fiscal years beginning January 1, 2005, January 1, 2006, January 1, 2007, January 1, 2008, January 1, 2009, January 1, 2010, January 1, 2011, January 1, 2012, January 1, 2013 and

WHEREAS, the FUND is a statutory filed municipal joint insurance fund as defined in N.J.A.C. 11:15-2.1 et seq., and

WHEREAS, the MUNICIPALITY joined the FUND knowing that membership carries with it joint and several liability with all other member municipalities for each year of the MUNICIPALITY's membership, and

WHEREAS, the MUNICIPALITY understands that the FUND's Executive Committee are the only persons authorized in law to make decisions as to when and how much of any available statutory surplus will be released by the FUND, and

WHEREAS, the MUNICIPALITY understands that the FUND's Executive Committee are the only persons authorized in law to make decisions as to when and how much of any projected deficit will be declared as an additional assessment due to the FUND, and

WHEREAS, the MUNICIPALITY understands that Available Statutory Surplus is defined to be the amount of money in excess of the projected value of claims by line of coverage, plus an actuarially determined value for Incurred But Not Reported claims, subject to the surplus reserve calculations as defined in N.J.A.C. 11:15-4.6 et seq., and subject to review and approval by the Department of Banking and Insurance and Department of Community Affairs, State of New Jersey, prior to release by the Executive Committee of the FUND, and

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier release of Available Statutory Surplus due to the possibility that a FUND year wherein a return of Statutory Surplus has been duly authorized could later be presented with a claim for which it could be responsible causing a demand for an additional assessment from each participating member municipality of that FUND year, and

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier collection of an additional assessment due to the possibility that a FUND year wherein an additional assessment has been duly authorized could later be presented with a need for additional assessments from each participating member municipality of that FUND year, and

WHEREAS, the MUNICIPALITY understands that its options for directing the distribution of its net share of released Statutory Surplus to be as follows:

- 1. Direct the FUND to apply the MUNICIPALITY's share to the MUNICIPALITY's premium as a credit in the next FUND fiscal year (N.J.A.C. 11:15-4.21(e)),*
- 2. Direct the FUND to issue a check to the MUNICIPALITY for the MUNICIPALITY's share,*
- 3. Direct the FUND to apply the MUNICIPALITY's share to the FUND's Aggregate Excess Loss Contingency Fund (A.E.L.C.F.), which provides member municipalities with an available individual contingency balance for use in satisfying any possible need for a supplemental assessment for any year they were a member and an annual capacity to use all or a portion of a member municipality's available balance in offsetting future premiums, or*
- 4. Direct the FUND to apportion the MUNICIPALITY's share as a stated dollar amount among options 1, 2 and 3 above such that the sum total of allocated dollars equals the amount of the Net Distribution available to the MUNICIPALITY as noted above*

NOW THEREFORE, the MUNICIPALITY directs the FUND to distribute the MUNICIPALITY's share of its Net Distribution as follows (check the boxes that apply):

- Apply a portion of the amount as a credit to the MUNICIPALITY's next FUND Year premium.
- Apply a portion of the amount as a check to the MUNICIPALITY.
- Apply a portion or the full amount to the MUNICIPALITY's share of the FUND's Aggregate Excess Loss Contingency Fund (A.E.L.C.F.).

Designate the full amount as follows (Sum of below must equal full dividend amount):

- Credit \$95,427.00
- Check \$_____ (Requires voucher)
- A.E.L.C.F. \$25,000.00 (Requires Resolution)

Total Dividend \$120,427.00

25. RESOLUTION - CLOSED SESSION – POTENTIAL LITIGATION – 2018 ROAD IMPROVEMENT PROGRAM PHASE II – On motion by _____ seconded by _____ 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
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:*

POTENTIAL LITIGATION – 2018 ROAD IMPROVEMENT PROGRAM PHASE II

2.) *The general nature of the subject matter to be discussed is as follows:*

POTENTIAL LITIGATION – 2018 ROAD IMPROVEMENT PROGRAM PHASE II

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.

26. RESOLUTION – APPROVE LEAVE OF ABSENCE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, an employee may request an unpaid leave of absence from the Township in writing on a form prescribed by the Human Resources & Training Department, whereas it shall be made timely and in advance whenever possible, and

WHEREAS, employees may be granted a personal leave of absence at the sole discretion of the Township Committee if the leave does not cause undue operational disruption, and

WHEREAS, the leave must include the use of any accrued vacation and sick leave time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation and sick leave will be without pay or longevity credit.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Leave of Absence without pay for Dustin Sturm, from November 5, 2018 through November 10, 2018 is hereby approved, as outlined in the PPM of the Township of Middle.*

**Dates are subject to change.*

27. PUBLIC COMMENT

Motion to adjourn –

1st: _____ 2nd: _____

Pass on Roll Call: