

Cape May Court House, NJ  
February 6, 2012  
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 Lockwood, Committeemember Donohue, Committeemember DeLanzo, Township Business Administrator Mark Mallett, Township Clerk Kimberly Krauss, Municipal Solicitor Marcus Karavan, and Township Engineer Marc DeBlasio

1. SWEARING IN OF NEW OFFICERS
  - *Swearing in of newly appointed Officers Raymond Bradley and Brian Vergantino, as approved on January 27, 2012.*
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. 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.	\$2,902,321.25
---------------	----------------
4. 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: Special Meeting 1/17/2012, Closed Session 1/17/2012, WS 1/18/2012, Regular Meeting 1/18/2012, Closed Session 1/18/2012, Special Meeting 1/27/2012, Closed Session 1/27/2012.*
5. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Clerk for the month of January; Construction Official for the month of January; Tax Collector for the month of January; Zoning Official for the month of January;
6. ORDINANCE NO. 1404-12 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 211, THEREOF, ENTITLED SKATEBOARD PARK – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, Ordinance No 1404-12 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/05/2012 at 6:00 p.m.  
*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*  
*Local Ordinance Section 211-3 shall be amended to read as follows:*  
*211-3 RULES, SUBSECTION I*  
*I. This facility is for skateboard and in-line skating only. The use of bicycles, of any type, is expressly prohibited.*  
*SECTION 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.*  
*SECTION 4. Should any section, paragraph, sentence, clause or 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 5. This Ordinance shall become effective immediately upon final passage and publication, according to law.*
7. RESOLUTION – ADOPTING POLICY GOVERNING THE USE OF ELECTRONIC COMMUNICATIONS BETWEEN MUNICIPAL OFFICIALS DISCUSSING TOWNSHIP BUSINESS – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, the Open Meetings Act (OPMA) defines a meeting as “any gathering whether corporeal or by means of communications equipment, which is attended by, or open to, all the members of the public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body”, under N.J.S.A. 10:4-8(B), and*  
*WHEREAS, “communication equipment” may include electronic equipment through email, text message, social media or any other similar device, and*

*WHEREAS, communication using electronic equipment, among an effective majority of the members of a “public body” as defined by OPMA, held with the intent to discuss or act on public business, that is not open to the public, may violate OPMA, and*

*WHEREAS, it is appropriate for the Township of Middle to adopt guidelines regarding the use of electronic communications, such as e-mail text messages, and other forms of electronic communication, when discussing or deliberating upon municipal business, and*

*WHEREAS, this need to establish a policy was prompted by recent events that have occurred in Gloucester County, Burlington County, and Bergen County, involving the exchange of email communications by and between elected members of governing bodies, and municipal clerks, managers, administrators, staff and professionals, and*

*WHEREAS, such communications, depending upon circumstances, can be deemed to be “meetings” under the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. (“The Sunshine Law”), and*

*WHEREAS, it is important for municipal officials to identify the differences between typical communications in which “the business of the municipality is not discussed” and other forms of communications which might fall under The Sunshine Law, and*

*WHEREAS, the Township Committee of the Township of Middle has determined it appropriate to adopt a policy governing the use of electronic communications by Township Officials where the business of the municipality is included within the content of said communications.*

*NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the following policy is hereby adopted and shall constitute the guidelines to be followed within the Township of Middle governing the use of electronic communications by municipal officials, when the business of the Governing Body is intended to be discussed:*

- 1. Email communications should, as far as practicable, not include an effective majority of the governing body and should never include an effective majority of the governing body where a discussion of information related to the business of the Township is involved.*
- 2. Where email communications do include an effective majority of the governing body, such communications should not include any request for a response. Any email communication should indicate that there should be no email reply or response for communication.*
- 3. In the rare instance when a response to an email is appropriate, such response must not involve any decision making or deliberative function of the governing body or otherwise address public business as contemplated by the OPMA. Further, the response shall not be made to the entire list of email addresses to avoid even the appearance of circumvention of the act. The use of the “reply-all” function should be avoided and any response should be limited to a response to the sender only, such as the Administrator, Clerk or Attorney.*
- 4. Rolling email conversations must be avoided. A “rolling” email occurs when one member of the governing body, or a third-party, contacts others via email individually to successively discuss or gain opinions on an item of Township business. This would apply to other forms of electronic communications as well. However, communications between less than effective majority of the governing body do not violate the OPMA provided the dialogue does not become a “rolling” discussion that ends up including an effective majority of the governing body.*
- 5. To the extent possible, email communications regarding the public business of the Governing Body, when sent by Governing Body members, should be sent to the Administrator and Township Clerk for dissemination to the other members of the governing body, professionals, or staff.*
- 6. A member of a public body, or a third party, may communicate electronically with an effective majority of the public body if the communication is of a purely informational nature. For example, an administrator may email the committee to inform them on current issues in the town or items to be placed on a future agenda.*
- 7. This policy is adopted as a Township Policy and shall apply to all Agencies and Boards of the Township that are subject to the Open Public Meetings Act, including but not limited to, the Planning Board, the Zoning Board of Adjustment and the Environmental Commission. Copies of this resolution shall be provided to all elected and appointed officials and to those newly elected or appointed to any Township agency or body that is subject to the OPMA.*

8. **RESOLUTION – OUTLINING EXECUTIVE SESSION MINUTE APPROVAL / RELEASE PROCEDURE** – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, it has been deemed necessary to outline a procedure for the approval and further release of minutes prepared in connection with executive session meetings as held by the governing body of the Township of Middle.*

*NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the following procedure shall be instituted immediately for the approval and release of executive session minutes within the Township of Middle:*

- 1. After the conclusion of every meeting the Municipal Solicitor and Municipal Clerk shall review the Executive Session minutes which were approved during that meeting and determined which minutes may be made available immediately for public review, and which minutes must remain confidential pending the occurrence of additional events.*
- 2. At the conclusion of each quarter, the Municipal Solicitor and Municipal Clerk shall review all minutes which remain confidential to determine if any of those minutes maybe reclassified as available for public review.*
- 3. The above procedure shall remain in force on a continual base to assure that Executive Session minutes are timely made available to the public.*

*BE IT FURTHER RESOLVED, that all Executive Session minutes shall be typed and presented for review of the governing body members prior to the next regularly scheduled committee meeting.*

9. RESOLUTION – APPROVAL FOR PAYMENT TERMINAL LEAVE (ITEMS A THROUGH B) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

(A) WHEREAS, *Judy Lowe has retired with an effective date of July 1st, 2011, and WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick, and personal time, and WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time, NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below.*  
*Judy Lowe*

<i>vacation</i>	<i>43</i>	<i>145.08</i>	<i>6,238.44</i>
<i>Sick (capped)</i>	<i>213</i>	<i>145.08</i>	<i>12,000.00</i>
<i>personal</i>	<i>2</i>	<i>145.08</i>	<i>290.16</i>
<i>comp</i>	<i>0</i>	<i>145.08</i>	<i>0</i>
<i>total</i>			<i>18,528.60</i>

(B) WHEREAS, *Robert McHale has retired with an effective date of December 1<sup>st</sup>, 2011, and WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick, and personal time, and WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time, NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below.*

*Robert McHale*  
*(hours reported)*

<i>vacation</i>	<i>18.50</i>	<i>43.43</i>	<i>803.46</i>
<i>Sick (capped)</i>	<i>57.50</i>	<i>43.43</i>	<i>2,497.23</i>
<i>personal</i>	<i>22.00</i>	<i>43.43</i>	<i>955.46</i>
<i>comp (owes)</i>	<i>1.75</i>	<i>43.43</i>	<i>76.00</i>
			<i>-4,211.85</i>
<i>total</i>			<i>120.30</i>

10. RESOLUTION – AUTHORIZING MAYOR TO SIGN 2012 SAFETY INCENTIVE PROGRAM CONTRACT – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, the governing body of the Township of Middle does hereby recognize the important role that an effective safety program plays in lowering employee injury rates, reducing lost time accidents, and cutting insurance costs, all of which contributes to greater employee safety and lower tax rates, and WHEREAS, as part of the 2012 Safety Incentive Program, the JIF hereby request that the municipality execute a “2012 Safety Contract” essentially agreeing to support and participate in all aspects of the JIF Safety Program. NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the Mayor and Township Clerk are hereby authorized to sign any and all documents in connection with said 2012 Safety Contract.*

11. RESOLUTION – APPOINTMENT – NEW HIRE – 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, 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:*

<i>NAME</i>	<i>DEPARTMENT</i>	<i>TITLE</i>	<i>SALARY</i>	<i>EFFECTIVE</i>
<i>Joseph Russo</i>	<i>EMS</i>	<i>EMT</i>	<i>\$10.60 ph</i>	<i>02/06/2012</i>
<i>Robert Bartleson</i>	<i>Public Works</i>	<i>Senior Mechanic</i>	<i>\$35,000.00</i>	<i>02/20/2012</i>

12. RESOLUTION – APPROVE CHANGE ORDER NO. 2 – RECONSTRUCTION OF BEACH AVENUE – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, the 2010 Capital Improvement Phase I, Reconstruction of Beach Avenue project was awarded September 7, 2011 via Resolution No. 427-11 to South State, Inc. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #2 for the project awarded to South State Inc. be and is hereby approved in the amount of \$25,995.40.*

13. RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – ENGINEERING DESIGN ASSOCIATES- GRAVEL PIT LICENSING 2012 – 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 Engineering Design Associates and the Township of Middle for inspections and assistance towards the 2012 Gravel Pit renewal process, 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.

*Engineering Design Associates – 2012 Gravel Pit Licensing - not to exceed \$6,500.00*

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

*Refund due to 100% Disabled American Veteran*

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT
2510	125	1	Vollrath, John W 840 Rte 9 N Cape May Court House, NJ 08210	305.38

*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 2011 taxes.

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

15. RESOLUTION – CANCELLATION OF TAXES – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*Cancellation of Taxes due to 100% Disabled American Veteran as of November 30, 2011*

ACCT #	BLOCK	LOT	NAME/LOCATION	balance 2011	2012 1st ½
2510	25	1	Vollrath, John W 840 Rte 9 N	305.38	1801.59

16. RESOLUTION – CANCELLATION OF TAXES & LIEN – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*CANCELLATION OF TAXES AND TAX TITLE LIEN #2010-6073 AS THE PROPERTY HAS BEEN DEEDED TO THE TOWNSHIP OF MIDDLE*

ACCT #	BLOCK	LOT	NAME/LOCATION	lien and 2012 tax
7392	501	2	Township of Middle Township 33 Mechanic St Cape May Court House, NJ 08210	472.28 35.45 Total 507.73

17. RESOLUTION – APPOINTMENT – PLANNING BOARD – 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 person be and are hereby appointed to the Middle Township Planning Board for the term of office opposite their name:

NAME	TERM EXPIRES	POSITION
Layne Buckingham	12/31/2012*	Planning Board Member Alt. #2

*\*filling unexpired term*

18. RESOLUTION – TRANSFER OF FUNDS – RESERVES – 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,

*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 2011:

Administration S&W 1-01-20-100-100-111	\$1,500	EMS OE 1-01-25-262-262-299
Information Tech OE 1-01-20-132-132-211	\$4,000	Motor Pool OE 1-01-26-315-315-677

19. RESOLUTION – EMERGENCY TEMPORARY BUDGET AMENDMENT – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS*, an emergent condition has arisen and no adequate provision has been made in the 2012 temporary appropriations for the aforesaid purpose; and NJSA 40A:4-20 provides for the creation of an emergency appropriation for the purpose above mentioned, and

*WHEREAS*, the total emergency temporary resolutions adopted pursuant to the provisions of Chapter 96 PL 1951 (NJSA 40A:4-20) including this resolution total \$97,000.00

*NOW THEREFORE BE IT RESOLVED* (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with NJSA 40A:4-20

1. An emergency temporary appropriation be and the same is hereby made in the amount of \$97,000. That said emergency temporary appropriation shall be provided for in the 2012 budget under the title of:  
See Attached List
2. That one certified copy of this resolution be filed with the Director of Local Government Services.

<b>GENERAL GOV.</b>		
01-20-100-100-	General Administration	S&W OE
01-20-100-101-	Public Affairs	S&W OE
01-20-105-105-	Human Resources	S&W OE
01-20-110-110-	Mayor & Committee	S&W OE
01-20-120-120-	Municipal Clerk	S&W OE
01-20-120-121-	Codification	OE
01-20-120-122-	Records Management	OE
01-20-130-130-	Financial Admin	S&W OE
01-20-130-131-	Grants Admin	S&W OE
01-20-130-132-	Bond Registrar	OE
01-20-135-135-	Audit Services	OE
01-20-145-145-	Tax Collector	S&W OE
01-20-150-150-	Tax Assessor	S&W OE
01-20-155-155-	Liquidation of TTL's	OE
01-20-155-156-	Legal Services	S&W OE
01-20-165-165-	Engineering Services	S&W OE
01-21-180-180-	Smart Growth	OE
	Planning Board	OE
01-21-185-185-	Zoning Board	S&W OE
01-22-195-195-	Code Enforcement	S&W OE
01-22-195-196-	Construction	S&W OE
01-22-195-198-	Demolition of Substandard Bldgs	OE
01-22-195-200-	Electrical Inspector	S&W
01-23-210-210-	Surety Bond Premiums	OE
01-23-220-220-	Other Insurance Premiums	OE
01-23-215-215-	Worker's Compensation Insurance	OE
01-23-220-220-	Group Insurance Premiums	OE
01-23-220-221-	Dental Insurance	OE
01-23-220-222-	Prescription Insurance	OE
01-23-225-225	Unemployment Compensation	OE
01-23-310-310-	Public Bldgs & Grounds	S&W OE
01-25-240-240-	Police	S&W OE
01-25-250-250-	Communications	S&W OE
01-25-252-252-	Emergency Management	OE
01-25-262-262-	Rescue Squad	S&W OE
01-25-262-263-	Contributions to 1st Aid Squads	OE
01-25-264-264-	Volunteers In Medicine Donation	OE
01-25-265-265-	Fire Protection	S&W
01-25-275-275-	Prosecutor	S&W
01-26-290-290-	Gypsy Moth Control	OE
01-26-290-291-	Public Works Department	S&W OE
01-26-300-301-	Shade Tree	OE
01-26-305-306-	Garbage & Trash Removal	OE
01-26-305-307-	Sanitation	OE

01-26-305-308-	Recycling Contractual	OE	
01-26-315-315-	Motor Pool	OE	
01-27-330-330-	Board of Health	S&W	
		OE	
01-27-340-340-	Animal Control	S&W	
		OE	
01-27-340-340-	Animal Shelter	OE	
01-27-360-360-	PATF Contribution	OE	
01-28-370-370-	Recreation	S&W	
		OE	
01-28-370-371-	Senior Center	S&W	
		OE	
01-28-380-380-	Beach Restoration	OE	
01-30-415-415-	Terminal Leave	OE	40,000.00
01-31-430-430-	Electric	OE	
01-31-435-435-	Street Lighting	OE	
01-31-436-436-	Postage	OE	
01-31-440-440-	Telephone	OE	
01-31-446-446-	Natural Gas	OE	
01-31-447-447-	Fuel Oil	OE	
01-31-460-460-	Gasoline	OE	
01-31-462-462-	Manit & Service Policies	OE	40,000.00
01-32-465-465-	Sanitary Landfill	OE	
01-35-470-470-	Contingent	OE	
01-36-471-471-	PERS (In Caps)	OE	
01-36-471-471-	Social Security	OE	
01-36-471-471-	PFRS (In Caps)	OE	
01-36-471-471-	DCRP	OE	5,000.00
01-36-475-475-	PERS Employer Liability	OE	
01-36-475-475-	PFRS Employer Liability	OE	
01-41-704-704-	Safe & Secure Grant	OE	
01-42-101-101-	Interlocal CMC Tech School	OE	
01-43-490-490-	Municipal Court	S&W	
		OE	
01-43-495-495-	Public Defender	S&W	
01-44-901-901-	Capital Improvement Fund	OE	
01-44-904-904-	Construction of Bus Shelters	OE	
01-44-905-905-	Telephones & Public Works	OE	
01-41-730-730-	Police Body Armor	OE	
01-41-707-707-	Cops In Shops	OE	
01-41-708-708-	Aggressive Driving	OE	
01-41-899-899-	Matching Grant Fund for MAC	OE	
01-41-709-709-	Reconstruction of Boyd Street	OE	
	<b>Total</b>		<b>97,000.00</b>

	<b>TEMP.UTILITY</b>		
07-55-501-501-	Operating Budget	S&W	
		OE	
07-55-502-504-	User Charges	OE	
07-55-512-512-	Capital Outlay	OE	
07-55-502-503-	Group Insurance Premiums	OE	
07-55-502-503-	Other Insurance Premiums	OE	
07-55-502-503-	Dental Insurance	OE	
07-55-502-503-	Prescription Insurance	OE	
07-55-541-541-	Social Security	OE	
	<b>Total</b>		<b>0.00</b>

20. RESOLUTION – AMENDING RESOLUTION NO. 2-12 – AWARD UNDER FAIR AND OPEN PROCESS – JOANNE KAY – HEARING OFFICER – On motion by seconded by and passed on roll call, the following resolution was adopted.

*WHEREAS, on January 4, 2012 via Resolution No. 2-12, a contract was granted under the Fair and Open Process to Joanne Kay for Hearing Officer, and*

*WHEREAS, said contract shall be amended to read Kay & Kay Attorneys.*

*NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the Fair and Open Contract between the Township of Middle and Kay & Kay Attorneys in the amount not to exceed \$5,000.00, for Hearing Officer, is hereby ratified and amended as necessary.*

21. RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – CONSTANCE A. MAHON – CONSULTING SERVICES – 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 Constance A. Mahon and the Township of Middle for consulting services, in the absence of Municipal Clerk Kimberly Krauss, 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.  
*Constance A. Mahon – Consulting Services – not to exceed \$12,000.00 (\$50.00 per hour)*
22. RESOLUTION – CLOSED SESSION – UNION NEGOTIATIONS – UAW – 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 *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: UNION NEGOTIATIONS - UAW*  
2.) *The general nature of the subject matter to be discussed is as follows: UNION NEGOTIATIONS – UAW*  
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 following topic in closed session: Union Negotiations – UAW. 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 – ACKNOWLEDGEMENT 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 resignation listed below is acknowledged.
- | <i>EMPLOYEE</i>           | <i>DEPARTMENT</i>          | <i>POSITION</i> | <i>EFFECTIVE</i>  |
|---------------------------|----------------------------|-----------------|-------------------|
| <i>Paul W. Hewitt Jr.</i> | <i>Public Safety / EMS</i> | <i>EMT</i>      | <i>01/17/2012</i> |
24. RESOLUTION – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – TJ MAIN STREET, LLC. – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted. *WHEREAS*, the Township of Middle has approved two separate Economic Development Loans for TJ Main Street, LLC., and *WHEREAS*, the loans have been consolidated and re-recorded with the Cape May County Clerk’s office as one loan, thereby requiring the discharge of the original loan for \$50,000.00. *NOW THEREFORE BE IT RESOLVED*, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the original loan for TJ Main Street, LLC. in the amount of \$50,000.00 is hereby authorized to be discharged. *BE IT FURTHER RESOLVED*, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.
25. RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – FORD SCOTT ASSOCIATES – AUDIT SERVICES – GRASSY SOUNDS SEWER CONNECTION – 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 Ford Scott Associates and the Township of Middle for audit services, in connection with the USDA application for the Grassy Sounds Sewer Connection , 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.  
*Ford Scott Associates – Audit Services – Grassy Sounds Sewer Connection – Not to exceed \$8,000.00*

26. PUBLIC COMMENT:

Motion to go into closed session:  
1<sup>st</sup> 2<sup>nd</sup>  
Roll Call Vote:

Motion to adjourn meeting:  
1<sup>st</sup> 2<sup>nd</sup>  
Roll Call Vote