

Best Practices Inventory Online Platform

2021 Survey

Middletown Township

Printable Current Answers

001	Core Competencies	Personnel
<p>The Fair Labor Standards Act (FLSA) is a federal law requiring that overtime pay must be paid for all hours over 40 hours in a work week except for those employees classified as exempt and thus not entitled to overtime. Management employees such as elected officials, managers/administrators, municipal clerks, CFOs, public works superintendents, police chiefs and other department heads are typically classified as having exempt status and thus not entitled to overtime pay. Other municipal employees may also be classified as exempt under the FLSA (please consult labor counsel for detailed guidance). Exempt status also precludes overtime pay for time worked during emergencies, attendance at night meetings and participation in training sessions. Compensated leave time in lieu of cash payments is considered a form of overtime pay unless such leave is utilized in the same pay period. Does your municipality not pay overtime to employees classified as exempt under the FLSA?</p>		[1.00] Yes
002	Core Competencies	Personnel
<p>Has your municipality reviewed and updated its employee personnel manual/handbook within the past three years or upon the conclusion of each of your municipality's collective negotiated agreements (CNAs)? If yes, please provide in the Comments section the date which the personnel manual was officially updated. If not yes, please type "Did Not Answer Yes" into the comment box.</p>		[1.00] Yes Comment: October 2019
003	Core Competencies	Budget
<p>Does your municipality complete an initial draft of its annual budget no later than the first week of January (or first week of July if an SFY municipality), and obtain input in crafting the draft budget from elected officials and department heads as appropriate to the form of government?</p>		[1.00] Yes

004	Best Practices	Budget	
Has your municipality created an accumulated absence liability trust fund pursuant to N.J.A.C. 5:30-15.5? Only answer N/A if your municipality 1) does not offer (for any employee hired after a certain date) payouts upon retirement for accumulated sick leave, and 2) no current employee has a grandfathered right to sick leave payouts upon retirement.			[0.50] Yes
005	Core Competencies	Capital Projects	
Has your municipality adopted a capital program as defined by N.J.A.C. 5:30-4.2, meaning a moving, multi-year plan and schedule for capital projects (including prospective financing sources) and, when pertinent, first year operating costs and savings?			[1.00] Yes
006	Core Competencies	Transparency	
Are your municipality's codified and uncoded ordinances, including all current salary ordinances, available online?			[1.00] Yes
007	Best Practices	Transparency	
Does your municipality have an official social media account or accounts and, if so, is there a written policy establishing guidelines on access, use, and permitted content? Answer N/A if your municipality does not have a social media account.			[0.50] Yes
008	Core Competencies	Procurement	
Do your municipality's professional services contracts include a "not to exceed" amount?			[1.00] Yes

009	Best Practices	Procurement	
If your municipality contracts with an insurance broker for health insurance, and said contract exceeds the Local Public Contracts Law (LPCL) bid threshold, is your municipality's health insurance broker being procured through a competitive contracting or sealed bid process conducted pursuant to the Local Public Contracts Law? Only answer N/A if your municipality does not contract with an insurance broker for health insurance or, if it does, the contract does not exceed your municipality's LPCL bid threshold.			[0.50] N/A Comment: Jim - we are self insured. Lynn/Brian
010	Best Practices	Procurement	
Insurance broker fees dependent on the amount of health insurance premiums or fees paid by the municipality are vulnerable to abuse as brokers could face conflicting incentives in seeking lower-cost health insurance alternatives. If your municipality contracts with an insurance broker for health insurance, is the structure for broker payments set at a flat-fee rather than on a commission basis to mitigate the risk of a broker recommending more expensive health insurance coverage to earn higher fees? Only answer N/A if your municipality does not contract with an insurance broker for health insurance.			[0.50] N/A Comment: Jim - we are self insured. Brian
011	Core Competencies	Cybersecurity	
A cybersecurity incident response plan is a set of instructions to help detect, respond to, and recover from network security incidents. These plans address areas such as cybercrime, data loss, and service outages. Does your municipality have a cybersecurity incident response plan?			[1.00] Yes
012	Core Competencies	Cybersecurity	
Are all municipal employees receiving ongoing cybersecurity training in malware detection, password construction, identifying security incidents and social engineering attacks?			[1.00] Yes

013	Core Competencies	Financial Administration
	Pursuant to N.J.S.A. 40A:5-14(d), a local unit's investment policies shall be based on a cash flow analysis prepared by the CFO, with those policies being commensurate with the nature and size of the funds held by the local unit. Has your municipality conducted a cash flow analysis of its deposited and invested funds, and, based on that analysis, does your municipality's cash management plan set policies for your municipality's investments that consider preservation of capital, liquidity, current and historical investment returns, diversification, maturity requirements, costs and fees associated with the investment and, when appropriate, policies of investment instrument administrators?	[1.00] Yes
014	Core Competencies	Budget
	Is your municipality ensuring that insurance reimbursements are credited back to the budget appropriation line item in the budget in accordance with N.J.S.A 40A:5-32, instead of applied as miscellaneous revenue not anticipated? Compliance with this statutory obligation relieves pressure on current year appropriations. Only answer N/A if your municipality had no insurance reimbursements in 2020 or 2021.	[1.00] Yes
015	Core Competencies	Capital Projects
	Has your municipality reviewed all completed capital project bond ordinances for remaining balances that can be cancelled by resolution, and revert to their respective balance sheet accounts?	[1.00] Yes
016	Best Practices	Personnel
	Has your municipality established by ordinance an anti-nepotism policy that, at minimum, only authorizes the hiring the family members/relatives of municipal officials and employees if the individuals involved would do not work in a direct supervisory relationship, or in job positions in which a conflict of interest could arise. The term "family member/relatives" should be defined to include but not necessarily be limited to spouses, children, siblings, parents, in-laws, and step-relatives.	[0.50] Yes

017	Core Competencies	Procurement	
Has your municipality reviewed with legal counsel and other appropriate officials (e.g. engineer) the boilerplate language in its bid or RFP documents to ensure such language meets legal requirements under the Local Public Contracts Law and pay-to-play, along with other relevant statutes and caselaw?			[1.00] Yes
018	Core Competencies	Transparency	
Does your municipality maintain an up-to-date municipal website containing at minimum the following: past three years adopted budgets; the current year proposed budget (including the full adopted budget for the current year when approved by the governing body); most recent annual financial statement and audits; notification(s) for solicitation of bids and RFPs; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?			[1.00] Yes
019	Core Competencies	Transparency	
N.J.S.A. 34:13A-8.2 requires public employers, including municipalities, to file with the Public Employment Relations Commission (PERC) a copy of all contracts negotiated with public employee representatives. This includes, but is not limited to, collective bargaining agreements, memoranda of understanding, contract amendments, and "side letter" or "side bar" agreements. Copies of same may be emailed to contracts@perc.state.nj.us. Has your municipality filed all current contracts with PERC? Only answer N/A if your municipality does not have any employee labor unions.			[1.00] Yes
020	Core Competencies	Cybersecurity	
Does your municipality perform off-network daily incremental backups with weekly full backups of all data?			[1.00] Yes

021	Core Competencies	Shared Services
	N.J.A.C. 5:30-3.8(d)(20) requires each municipal user-friendly budget to include a listing of each shared service provided or received, what entity or entities are providing or receiving the service, the beginning and end date of the agreement as applicable, and the amount either received or paid for the service. Does your municipality list on its user-friendly budget each shared services agreement it is a party to, along with the other information required by the above-referenced regulation?	[1.00] Yes
022	Core Competencies	Fire Districts
	If a Board of Fire Commissioners establishes annual compensation for its fire district commissioners, N.J.S.A. 40A:14-88 requires the municipal governing body to review and approve such compensation before the fire district can submit its annual budget to the voters, or, in the case of fire districts whose Board of Fire Commissioners elections coincides with the November General election, before the district can adopt its annual budget. The fire district shall submit to the municipal governing body for approval the amount of compensation fixed by the Board regardless of whether the amount of compensation is being modified. Oughton v. Board of Fire Comrs., etc., 178 N.J. Super. 565, 570-571 (App. Div. 1981). If any members of the Board of Fire Commissioners in one or more of your municipality's fire districts are authorized by the Board to receive compensation, does your municipality 1) require its fire district(s) to submit such compensation for review on an annual basis; 2) ensure that each Board has adopted a resolution or resolutions fixing the amount of compensation requested for governing body approval; and 3) adopt a resolution approving, disapproving, or modifying the compensation amount fixed by the Board of Fire Commissioners?	[1.00] N/A
023	Core Competencies	Shared Services
	N.J.S.A. 40A:65-4(b) requires a copy of each shared services agreement to be filed with the Division of Local Government Services. Has your municipality filed with the Division the most current copy of each shared services agreement under which the municipality provides one or more services to another local unit as defined by N.J.S.A. 40A:65-3 of the Uniform Shared Services and Consolidation Act? Only answer N/A if your municipality does not provide a shared service to another local unit.	[1.00] Yes

024	Core Competencies	Financial Administration
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Audit findings address areas needing improvement and ignoring these findings devalues the process. Municipalities should correct noted deficiencies. Have the audit findings in your municipality's 2018 audit been identified in a corrective action plan and not been repeated in the 2019 audit? If the answer is no, please list the repeat findings, along with the date the corrective action plan was submitted to DLGS, under Comments. Only answer "N/A" if there were no audit findings in the 2019 audit. If you did not answer no, please type "Did Not Answer No" into the Comment Box.

[1.00] N/A
Comment: Did not answer no.

025	Best Practices	Transparency
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Does your municipality feature a link on its website to the Division of Taxation's Property Tax Relief Program webpage at <https://www.state.nj.us/treasury/taxation/relief.shtml>?

[0.50] Yes
Comment:
<https://www.middlestownnj.org/>
Collection

026	Best Practices	Fire Districts
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Local Finance Notice 2017-23 describes the avenues through which a municipality can consolidate multiple fire districts into a single fire district. Does your municipality have a single fire district or, if your municipality has multiple fire districts, is it reviewing the feasibility of consolidating its multiple districts into a single district? Only answer N/A if your municipality does not have a fire district.

[0.50] N/A

027	Best Practices	Environment
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Have public electric vehicle charging stations been installed, or are they currently being installed, on municipal property?

[0.50] Yes
Comment: They will be installed as part of our municipal complex project. We will also have one at DPW. This part of the project should be done within the next 6 months.

028a	Unscored Survey	Shared Services
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (a) Chief Financial Officer		[0.00] Yes Comment: Borough of Fair Haven
028b	Unscored Survey	Shared Services
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (b) Tax Collector		[0.00] Yes Comment: Borough of Fair Haven
028c	Unscored Survey	Shared Services
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (c) Tax Assessor		[0.00] No Comment: N/A
028d	Unscored Survey	Shared Services
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (d) Municipal Clerk		[0.00] No Comment: N/A
028e	Unscored Survey	Shared Services
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (e) Municipal Treasurer		[0.00] No Comment: N/A

028f	Unscored Survey	Shared Services
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (f) Qualified Purchasing Agent		[0.00] Yes Comment: Borough of Fair Haven
028g	Unscored Survey	Shared Services
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (g) Certified Public Works Manager		[0.00] No Comment: N/A
028h	Unscored Survey	Shared Services
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (h) Public Works Superintendent		[0.00] No Comment: N/A
029	Unscored Survey	Shared Services
If the answer to at least one part of Question 28 is yes, did one or more of the identified shared service agreements result in the dismissal of a tenured official? If yes, please insert under Comments 1) the position or positions where an agreement resulted in the dismissal of a tenured official; and 2) an estimate of the cost savings anticipated to be achieved by the participating municipalities at the outset of the agreement. If the answer is No or N/A, please insert "No" or "N/A" under Comments. See LFN 2018-3R for more information on this provision of the Common Sense Shared Service Act.		[0.00] No Comment: N/A

030	Unscored Survey	Environment	
How much did your municipality spend on operational costs associated with managing and treating stormwater runoff in the prior fiscal year, and how much did your municipality appropriate toward same for the current fiscal year? Examples of such costs include street cleaning, conveyance system clean-out, routine maintenance of storm drains and outfall pipes, and stormwater runoff-related educational programs. Also list under Comments the FCOA codes your municipality is using to classify these stormwater-related prior year expenditures and current year appropriations.			Comment: 2020: \$222,558.00 2021: \$240,800.00 FOCA's: 26-290-100-101 31-460-200-276 26-290-100-262 26-290-100-258
031	Unscored Survey	Financial Administration	
Does your municipality currently retain a chief financial officer through a professional services contract?			[0.00] No
032a	Unscored Survey	American Rescue Plan Act	
Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (a) Public Health (EC 1)			[0.00] Yes
032b	Unscored Survey	American Rescue Plan Act	
Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (b) Negative Econ. Impacts (EC 2)			[0.00] Yes
032c	Unscored Survey	American Rescue Plan Act	
Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (c) Services to Disproportionately Impacted Communities (EC 3)			[0.00] No
032d	Unscored Survey	American Rescue Plan Act	
Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (d) Premium Pay (EC 4)			[0.00] Yes

032e	Unscored Survey	American Rescue Plan Act
Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (e) Water/Sewer/Broadband Infrastructure (EC5)		[0.00] No
032f	Unscored Survey	American Rescue Plan Act
Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (f) Revenue Replacement (EC 6)		[0.00] Yes
032g	Unscored Survey	American Rescue Plan Act
Is your municipality currently undecided on how to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the previously referenced expenditure categories? Please answer Yes if none of the previous subparts were Yes, otherwise answer No		[0.00] No
032h	Unscored Survey	American Rescue Plan Act
Did your municipality decline ARP Local Fiscal Recovery Fund (LFRF) dollars instead? Please answer Yes if none of the previous subparts were Yes, otherwise answer No		[0.00] No
033	Unscored Survey	American Rescue Plan Act
What portion of the first tranche of ARP LFRF dollars will your municipality obligate toward eligible uses by December 31, 2021?		[0.00] Less than 50%
034	Unscored Survey	American Rescue Plan Act
What portion of the first tranche of ARP LFRF dollars will your municipality obligate toward eligible uses by December 31, 2022?		[0.00] Equal to or Greater than 50%

Unscored Survey

Financial Administration

035

Does your municipality pay one or more of its vendors or contractors via an automated clearing house (ACH) transfer and/or a procurement card? Please select one or more of the options provided , as applicable. This question excludes debt service, pension bills, and employee health benefits.

[0.00] None of the Above

036a

Unscored Survey

Procurement

N.J.S.A. 40A:11-41 et seq. authorizes municipalities to establish one or more specified set-aside programs for public procurement. A set-aside program establishes a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to one or more qualified enterprises authorized pursuant to N.J.S.A. 40A:11-42. If your municipality has set aside the following program, please select Yes and include under Comments the percentage of the dollar value of total procurements currently establishes as a set-aside goal under the program. Those selecting No shall type "N/A" under Comments. (a) Minority Business Enterprises

[0.00] No
Comment: N/A

036b

Unscored Survey

Procurement

N.J.S.A. 40A:11-41 et seq. authorizes municipalities to establish one or more specified set-aside programs for public procurement. A set-aside program establishes a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to one or more qualified enterprises authorized pursuant to N.J.S.A. 40A:11-42. If your municipality has set aside the following program, please select Yes and include under Comments the percentage of the dollar value of total procurements currently establishes as a set-aside goal under the program. Those selecting No shall type "N/A" under Comments. (b) Women's Business Enterprises

[0.00] No
Comment: N/A

036c

Unscored Survey

Procurement

N.J.S.A. 40A:11-41 et seq. authorizes municipalities to establish one or more specified set-aside programs for public procurement. A set-aside program establishes a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to one or more qualified enterprises authorized pursuant to N.J.S.A. 40A:11-42. If your municipality has set aside the following program, please select Yes and include under Comments the percentage of the dollar value of total procurements currently establishes as a set-aside goal under the program. Those selecting No shall type "N/A" under Comments. (c) Small Business Enterprises

[0.00] No
Comment: N/A

036d

Unscored Survey

Procurement

N.J.S.A. 40A:11-41 et seq. authorizes municipalities to establish one or more specified set-aside programs for public procurement. A set-aside program establishes a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to one or more qualified enterprises authorized pursuant to N.J.S.A. 40A:11-42. If your municipality has set aside the following program, please select Yes and include under Comments the percentage of the dollar value of total procurements currently establishes as a set-aside goal under the program. Those selecting No shall type "N/A" under Comments. (d) Veteran Business Enterprises

[0.00] No
Comment: N/A

037

Unscored Survey

Procurement

If your municipaity has established a set-aside program for qualified business enterprises pursuant to N.J.S.A. 40A:11-41 et seq, did your municipality's contract awards meet or exceeded the set-aside goals established by the governing body in the prior fiscal year for each of your municipality's set-aside programs? Only answer N/A if your municipality does not have a set-aside program.

[0.00] N/A

038	Unscored Survey	Procurement	
For a municipality having established a set-aside program for qualified business enterprises, N.J.S.A. 40A:11-48 requires each municipal authority, board, committee or commission authorized to independently award contracts to issue a report to the municipal governing body by January 31 of each year 1) describing their efforts in attaining the municipality's set-aside goals for the prior calendar year; and 2) the percentage of the dollar value of total procurements awarded in the prior calendar year under each set-aside program established by the municipality. Did each of the above-referenced entities submit this report to the municipal governing body in 2021? Answer N/A if your municipality does not have a set-aside program or does not have any authorities, boards, committees or commissions authorized to independently award contracts.			[0.00] N/A
039	Unscored Survey	Tax Collection	
Has your municipality established a ten-day grace period for the payment of property taxes and other municipal charges as authorized by N.J.S.A. 54:5-19?			[0.00] Yes
040	Unscored Survey	Tax Collection	
Complete the Excel-based Tax Sale Report. Upload the completed report using the "Attach File" button toward the bottom of your screen. Type "File Uploaded" in the Comment Box			Comment: File Uploaded
041	Unscored Survey	Opportunity Zones	
Is your municipality aware of any real estate development projects or businesses that will be using the Opportunity Zone tax incentive or receiving an Opportunity Fund investment?			[0.00] N/A

042	Unscored Survey	Opportunity Zones
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If your municipality knows of any projects that are using or will be using the Opportunity Zone tax incentive, please include the name of each project, the full address, a short description that includes the primary developer (if applicable), estimated value of the development (i.e. total permitted value), and the project's status (if known) on the Excel form provided on DLGS's Best Practices webpage. Upload the Excel form using the "Attach File" button toward the bottom of your screen. If you have uploaded the Excel form, type "File Uploaded" in the Comment Box. If you have not uploaded the Excel Form, type NA in the Comment Box.

Comment: N/A

043	Unscored Survey	Planning & Economic Development
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Does your municipality currently plan to sell any municipally-owned vacant conforming lots by December 31, 2022?

[0.00] No

044a	Unscored Survey	Planning & Economic Development
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Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (a) Dedication of Space or Open-Space

[0.00] Yes

Comment: In certain zones (R-1, R-2, R-3, RTH, RTH1 - 9, RGA, RGA1, RGA2, RGA4, RHA, PD, RMF1 - 5) In addition the following design regs require preservation of open space: 540-513 Preservation of Natural Features, 540-606 Buffer Areas and Screening, 540-628 Public Open Space and Common Open Space, and 540-651 Wooded Areas.

044b	Unscored Survey	Planning & Economic Development
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (b) Fee In-Lieu of Dedicating Space or Open Space		[0.00] No
044c	Unscored Survey	Planning & Economic Development
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (c) Fee In-Lieu of Parking		[0.00] No
044d	Unscored Survey	Planning & Economic Development
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (d) Impact Fee(s) (pro rata share of infrastructure improvement costs)		[0.00] No
044e	Unscored Survey	Planning & Economic Development
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (e) Provision of Affordable Housing Units		[0.00] Yes Comment: In certain zones (RTF, RTH2 - 9, PRH, RGA-4, RMF1, RMF3-5, R-3).
044f	Unscored Survey	Planning & Economic Development
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (f) Affordable Housing Trust Fund Payments		[0.00] Yes Comment: 540-531D(19)

045	Unscored Survey	Planning & Economic Development
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Does your municipal land use ordinance provide for an historic preservation commission that is governed under N.J.S.A. 40:55D-107?

[0.00] Yes
Comment: 540-313

046	Unscored Survey	Planning & Economic Development
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Does your municipality have an environmental commission, or is your municipality part of a joint environmental commission, that is governed under N.J.S.A. 40:56A-1 et seq.?

[0.00] Yes

047	Unscored Survey	Planning & Economic Development
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Does your municipality have an industrial commission that is governed under N.J.S.A. 40:55B-1 et seq.?

[0.00] No

048	Unscored Survey	Recreation
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Does your municipality have a recreation commission that is governed under N.J.S.A. 40:61-17 et seq.?

[0.00] No
