

Regular Meeting of the Township Committee of Middletown Township was held in the Main Meeting Room at Town Hall, One Kings Highway, Middletown, New Jersey at 8:00 p.m. on September 15, 2008.

Township Clerk, Heidi Abs called the meeting to order and read the following notice:

The Notice Requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Asbury Park Press and The Courier and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 10, 2008.

Roll Call Vote: Present: Brightbill, Byrnes, Short, Wilkens, Mayor, Scharfenberger
Absent: None

PLEDGE OF ALLEGIANCE

Clerk Abs led the assembly in the Pledge of Allegiance.

Clerk Abs requested a

**MOMENT OF SILENCE IN SUPPORT OF OUR TROOPS SERVING
WORLDWIDE FOR DEFENDING OUR WAY OF LIFE**

CERTIFICATE OF APPRECIATION/PROCLAMATION

Re-Presentation Center for Digital Government Best Fit Integrator Award

Brenda Alvarez of the MIS Department made the following re-presentation:

A collaborative effort between Middletown Township and Maser Consulting to improve residential services through the use of computer technology has resulted in national recognition from the Center for Digital Government, a leading edge organization that recognizes best practices in government. The Mayor and Township Committee marked receipt of the Best Fit Integrator award at the September 15 meeting. In attendance Sue Zitzman of Maser Consulting, and MIS Director Todd Costello.

Geographic Information Systems (GIS) are becoming a standard government technology. However, Middletown's collaboration with Maser Consulting to use GIS as backbone of township operations is something new. By utilizing the same computer processes across multiple departments, departmental data silos have been practically eliminated especially for departments that have inter-related activities. The result is that departmental township data is current and easily attainable in one place, call response time has been reduced, worker productivity has increased and cost reduction is realized through the use of this technology, explained Township Management Information Systems Department staffer Brenda Alvarez.

For example, if the Tax Assessor requires building permit information it can be accessed from the GIS at his own desk instead of going to the building department and pulling files. Another example of productivity gains is the case of the Tax assessor having to do a 200 foot list. This used to be manual and error prone. Today, the owner list is obtained from the GIS along with the map of the subject property and surrounding parcels within 200 feet. This process now takes minutes, she said.

Service requests have been streamlined as well. When a municipal service request is entered from the township public website, the request goes directly into the GIS system. An email is sent to the responsible department and the call is handled. If a call comes in via phone or letter, a service ticket is opened, the call is scheduled and attended to. As a result, phone call routing has been reduced since service requests have been classified and tied to the responsible department. The Mayors office has reported a 25% reduction in calls.

There is also a public GIS link on the Middletown web site. Searches can be performed on a variety of township assets including parks, parking lots, schools, post offices, etc. The information is then displayed on an interactive map.

Proclamation for Dollar Wise Week

Mayor Scharfenberger read the following proclamation:

Proclamation

Office of the Mayor

**National Dollar Wi\$e Week
September 20-27, 2008**

WHEREAS: The United States Conference of Mayors' Council for the New American City recognizes that financial illiteracy is a national problem that needs to be addressed and has established the Mayors' National Dollar Wi\$e Campaign to educate citizens about personal and household finances, and

WHEREAS: This need is magnified by the mounting difficulties families are facing as a result of the boom in sub-prime mortgage lending. Nationwide foreclosure filings jumped 121 percent compared to the second quarter of 2007, with 1 in every 201 households receiving a foreclosure notice. In New Jersey, foreclosure filings increased 140 percent with 1 in every 171 households receiving a notice, and

WHEREAS: Consumer bankruptcy filings rose 22 percent nationwide to a staggering 228,335 in the first quarter of 2008 compared to 187,361 in the second quarter of 2007. In New Jersey, there were 5,495 bankruptcies filed in the first quarter of 2008, up 17.5 percent from 4,673 last year, and

WHEREAS: The Mayors' National Dollar Wi\$e Campaign has declared the week of September 20-27, 2008 to be DollarWi\$e Week and

WHEREAS: Education provides the skills necessary to empower citizens to take charge of their financial futures, secure the well-being of their families, and strengthen their communities, and

WHEREAS: It is imperative that government agencies, not for profit organizations and financial institutions continue to work together through alliances such as the New Jersey Home Ownership Preservation Effort (NJ HOPE) to raise consumer awareness of available mortgage products and funding, provide increased access to credit and loan counseling for those who need it, and provide temporary assistance to consumers who are in immediate danger of foreclosure, and

THEREFORE: I, Mayor Gerard P. Scharfenberger, and the Middletown Township Committee do hereby proclaim the week of September 20-27, 2008, Dollar Wi\$e Week in the Township of Middletown and urge all citizens in our community and throughout the country to participate in Dollar Wi\$e Week by seeking opportunities to educate their families about personal and household financial management.

Proclaiming Middletown Day for September 27, 2008

Mayor Scharfenberger presented the following proclamation to Greg Silva, head of Parks and Recreation and Stephanie Cooper:

Proclamation

Office of the Mayor
Middletown Day 2008
September 27, 2008

WHEREAS: Middletown Township is a 42-square mile community that some 68,000 neighbors call home, and

WHEREAS: Middletown Township is a unique collection of neighborhoods, each with its own geographic flavor and historic personality. Together, we form a dynamic community with a strong volunteer spirit, and

WHEREAS: Middletown Township began to hold an annual fall festival over a decade ago to offer residents the opportunity to meet friends and neighbors from Middletown Village, Leonardo, River Plaza, Lincroft and everywhere in-between, and

WHEREAS: Middletown Day has blossomed into an exciting day dedicated to family fun. The festival is attended by more than 10,000 people annually. The day includes free concerts, a classic car show, a craft fair and flea market, carnival games, a petting zoo and hayrides, demonstrations by firefighters and first aiders, activities to support the troops, a food court, and many exhibits highlighting township facilities and services, and

WHEREAS: Middletown Day 2008 will be held on Saturday, September 27, 2008 from 11 a.m. to 6 p.m. on the Great Lawn at Croydon Hall.

NOW

THEREFORE: Be it proclaimed that I, Mayor Gerard P. Scharfenberger and the Middletown Township Committee, do hereby proclaim September 27, 2008 as Middletown Day. We encourage all our residents to celebrate Middletown on this special day.

Presentation of Certificates to the 2008 Digital Photo Contest Winners

Mayor Scharfenberger and The Public Information Officer, Cindy Herrschaft, presented the winners of the digital photo contest.

It was noted that twenty-five residents submitted digital photographs of their favorite spots in Middletown. Residents were invited to submit photographs of nature, landmarks and township events. Winning photographs will be used in the website's homepage photo gallery. A complete gallery of all photos submitted can be view at www.middletownnj.org Congratulations to all the winners!

Photos

First Place- Lois Wilkes – Sunset at Bayshore Waterfront Park

Second Place – Cindy Jones – A View from the Belford Dock

Third Place – Lloyd Kelegher – Winter's Over at Shadow Lake Village

Honorable Mention – Janice Barchat – Olden Days, Locus

Honorable Mention – Susan Boston – Sunset at Sunnyside Equestrian Center

Presentation of Certificates to Middletown Little League 10/11 All Stars Team for Winning State Championship

The winning Little League team was presented with certificates of appreciation by Mayor Scharfenberger.

The Middletown Little League Softball 10/11 All-Stars were recognized at the September 15 meeting for winning the state tournament in their division. The members of the team are: Nikki Alfano, Julia Beck, Danielle Colucci, Nicolette Curran, Elizabeth Gulino, Kendell Keelen, Kristi Miceli, Samantha Politano, Kelly Rasmussen, Nicolette

Scheinartz, Phoenix Starick, Noelle Vizzone, Coach Frank Miceli, and Coach Nick Alfano

Proclamation for Making Strides against Breast Cancer

The Deputy Mayor read the following proclamation:

Proclamation

Office of the Mayor

Making Strides Against Breast Cancer

October 19, 2008

WHEREAS: Breast cancer is the most common cancer among women in the United States, other than skin cancer. The chance of a woman having invasive breast cancer some time during her life is 1 in 8. The chance of dying from breast cancer is 1 in 35. Right now, there are about 2.5 million breast cancer survivors in the United States, and

WHEREAS: The American Cancer Society Making Strides Against Breast Cancer walk is a non-competitive walk to raise awareness and funds to fight breast cancer. In 2007, nearly 500,000 men, woman and children of all ages in 130 communities nationwide raised more than \$50 million, and

WHEREAS: This inspiring event unites communities to honor and celebrate breast cancer survivors, educate woman about the importance of early detection, raise money to fund lifesaving research and support programs to further progress against this disease, and

WHEREAS: A Making Strides Against Breast Cancer walk will be held in Point Pleasant on Sunday, October 19, 2008, and now

THEREFORE: Be it proclaimed on September 15, 2008 that I, Mayor Gerard P. Scharfenberger and the Middletown Township Committee, do hereby encourage all residents in the Township of Middletown to help raise awareness about breast cancer by supporting the American Cancer Society's Making Strides Across America walk in Point Pleasant.

APPROVAL OF MINUTES

Clerk Abs requested a motion to approve the minutes.

It was moved by Deputy Mayor Brightbill, seconded by Committeeman Wilkens and carried to adopt the minutes of the following meetings.

July 7, 2008	Executive Session
July 7, 2008	Workshop Meeting
July 21, 2008	Executive Session
July 21, 2008	Regular Meeting
July 30, 2008	Executive Session
July 30, 2008	Special Meeting

Roll Call Vote: Ayes: Brightbill, Byrnes abstain July 30 meetings, Short, Wilkens, Mayor Scharfenberger
 Nays: None
 Abstention: Byrnes on July 30 meetings.

Clerk Abs stated motion carried to approve minutes.

PUBLIC HEARING ON PROPOSED ORDINANCES

Ordinance #2008-2947

Clerk Abs read the following ordinance by title for a second and final reading:

Ordinance Amending the Code of the Township Of Middletown (1996) Chapter 41 to Add A Section Determining And Defining Positions Eligible For The Defined Contribution Retirement Program

Mayor Scharfenberger opened the public hearing:

Hearing no comments from the public, it was moved by Mayor Scharfenberger, seconded by Deputy Mayor Brightbill to close the public hearing and carried to adopt this ordinance on second and final reading.

Roll Call Vote: Ayes: Brightbill, Byrnes, Short, Wilkens, Mayor Scharfenberger
 Nays: None

Clerk Abs stated motion carried to adopt ordinance on second and final reading.

Ordinance #2008-2948

Clerk Abs read the following ordinance by title for a second and final reading:

Ordinance Vacating a Portion of Unnamed Right of Way off Latham Avenue

Mayor Scharfenberger opened the public hearing:

Hearing no comments from the public, it was moved by Mayor Scharfenberger, seconded by Committeeman Wilkens to close the public hearing and carried to adopt this ordinance on second and final reading.

Roll Call Vote: Ayes: Brightbill, Byrnes, Short, Wilkens, Mayor Scharfenberger
 Nays: None

Clerk Abs stated motion carried to adopt ordinance on second and final reading.

INTRODUCTION OF PROPOSED ORDINANCES

Ordinance #2008-2949

Clerk Abs read the following ordinance by title for a first reading:

Capital Ordinance

It was moved by Mayor Scharfenberger to table the Ordinance to the October 6, 2008 meeting, seconded by Committeeman Short and carried to table this ordinance.

Roll Call Vote: Ayes: Brightbill, Byrnes, Short, Wilkens, Mayor Scharfenberger
 Nays: None

Clerk Abs stated motion carried to table this ordinance.

Ordinance #2008-2950

Clerk Abs read the following ordinance by title for a first reading:

**Ordinance Authorizing Acquisition of Property for Township Open Space Program
Block 532 Lot 44 Owners-William Throckmorton, Melissa Ko, Jessica Ko, Estate of
Joseph Gorny**

It was moved by Mayor Scharfenberger to introduce, seconded by Committeeman Wilkens and carried to adopt this ordinance on first reading.

Roll Call Vote: Ayes: Brightbill, Byrnes, Short, Wilkens, Mayor Scharfenberger
 Nays: None

Clerk Abs stated motion carried to adopt this ordinance upon first reading with public hearing to be held on October 20, 2008.

CONSENT AGENDA:

RESOLUTION #08-240: Payment of Bills

Clerk Abs requested the approval to adopt Resolution 08-240, resolution authorizing payment of bills for September 2008.

It was moved by Mayor Scharfenberger, seconded by Deputy Mayor Brightbill and carried to adopt the following resolution.

Payment of Bills for September 2008 in the amount of \$2,122,273.43

Roll Call Vote: Ayes: Brightbill, Byrnes, Wilkens, Mayor Scharfenberger
 Nays: None
 Abstention: Short w/comment

Clerks Abs stated the motion carried to adopt resolution 08-240.

Committee Byrnes questioned if the soccer coaches, and theme tickets were revenue neutral items that were covered by the fees collected by the Township.

Committeeman Short stated he had receipts in the payment of bills and therefore abstained.

It was moved by Mayor Scharfenberger seconded by Committeeman Wilkens to adopt resolutions 08-241 to 08-245, including Bingo and Raffle Applications.

Roll Call Vote: Ayes: Brightbill, Byrnes, Short, Wilkens, Mayor Scharfenberger
 Nays: None

Clerk Abs stated motion carried to adopt Resolutions 08-241 to 08-245.

RESOLUTION #08-246 Resolution Authorizing the Establishment of a Strategic Planning Advisory Committee

A motion to table Resolution 08-246 until October 6, 2008 was made by Committeeman Short, seconded by Committeeman Byrnes.

Roll Call Vote: Ayes: Brightbill, Byrnes, Short, Wilkens, Mayor Scharfenberger
Nays: none

Clerks Abs stated the motion carried to table the resolution.

RESOLUTION #08-247 Resolution Authorizing Amendment to the 2008 Capital Plan

A motion to table Resolution 08-247 until October 6, 2008 was made by Committeeman Short, seconded by Deputy Mayor Brightbill.

Roll Call Vote: Ayes: Brightbill, Byrnes, Short, Wilkens, Mayor Scharfenberger
Nays: none

Clerks Abs stated the motion carried to table the resolution.

RESOLUTION #08-248 Resolution Authorizing the Establishment of a Standing Budget Advisory Committee

A motion to adopt Resolution 08-248 until October 6, 2008 was made by Committeeman Short, seconded by Committeeman Byrnes.

Roll Call Vote: Ayes: Byrnes, Short,
Nays: Brightbill w/comment, Wilkens w/comment, Mayor Scharfenberger w/comment

Clerks Abs stated the motion failed to adopt this resolution.

Committeeman Byrnes stated he supported this resolution in order to better review the Township's Budget process. Committeeman Byrnes felt it was not feasible for the Township Committee to review the budget themselves and he would like to see other committees. Committeeman Byrnes stated he would like to look at the Professionals to better examine their fees.

Deputy Mayor Brightbill stated she voted no on the committee because it is the role of the Township Committee to oversee policies and adopt ordinances; it is the job of the Administrator to oversee the day to day operations. The Administrator and professionals are available throughout the day for any member of the committee to discuss issues with. Deputy Mayor Brightbill stated the committee is already the committee to oversee the budget items and everyone on the committee can ask questions.

Committeeman Wilkens stated he voted no because the committee has complete oversight and analysis of the budget, it is the paramount responsibility of everyone on the committee. All members of the committee should be meeting with department heads, the

process is open to the public and making a committee of two people could infringe on the public's right to know. Committeeman Wilkens said additionally that there is a new administrator and new CFO who have already begun to target items.

Mayor Scharfenberger stated he did not feel comfortable abdicating his responsibility in being involved in the budget process, there are 5 individuals on the committee each of whom is responsible for looking at the budget and he would prefer to be involved in the budget from the beginning of the process. Mayor Scharfenberger noted that the budget process is very long process and felt that all members should be involved at all times during the process. Mayor Scharfenberger also noted that in regards to engineering fees most of those are being paid by builder's fee and not the tax payers.

RESOLUTION #08- 241

**RESOLUTION AUTHORIZING RELEASE OF THE
MAINTENANCE GUARANTEE FOR GJH PROPERTIES, LLC**

WHEREAS, the developer of the sub-division known as GJH Properties, Block 1117, Lot 46 had posted with the Township a maintenance guarantee in the form of a Letter of Credit issued by the Bank of America in the amount of \$16,416.00; and

WHEREAS, the developer has requested a release of said maintenance guarantee; and

WHEREAS, the Township Engineer, as set forth in his letter of July 22, 2008, indicates he has inspected the premises and has recommended that the maintenance guarantee in the form of a Letter of Credit in the amount of \$16,416.00 be released; and

WHEREAS, the Township Committee agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Middletown Township Committee that the maintenance guarantee be released.

A certified copy of this resolution shall be provided by the Office of the Township Clerk to the following:

- a. T&M Associates
- b. Planning
- c. Mitchell Friedman

GJH Properties, LLC
6 Ardmore Place
Holmdel, NJ 07733

RESOLUTION NO. 08-242

RESOLUTION AUTHORIZING ACCEPTANCE OF THE 2008 PRESERVATION GRANT FROM THE MONMOUTH COUNTY HISTORICAL COMMISSION

WHEREAS, the Governing Body of the Township of Middletown received notice from the Monmouth County Historical Commission that the Township of Middletown is eligible to receive a 2008 Preservation Grant in amount of \$4,800 for the MacLeod Rice House at Croydon Hall Porch Ceiling and Roof Repair Project, and

WHEREAS, repair of the porch ceiling and roof are a primary concern for the future of the structure, and

WHEREAS: MacLeod Rice House at Croydon Hall Porch Ceiling and Roof Repair Project represents another step towards preservation of the house, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Middletown, that the Township of Middletown does hereby accept the 2008 Preservation Grant totaling \$4,800 to provide funding for the MacLeod Rice House at Croydon Hall Porch Ceiling and Roof Repair Project.

BE IT FURTHER RESOLVED, that the designated Grant Project Manager hereby is, authorized to execute a Grant Agreement with Monmouth County Historical Commission on behalf of the Township of Middletown, and upon execution of said Agreement, the Township of Middletown does accept the Terms and Conditions specified in the Agreement in connection with this grant.

Resolution No 08-243

RESOLUTION AUTHORIZING A CHAPTER 159 GRANT INSERTION INTO THE 2008 MUNICIPAL BUDGET FOR THE DEPARTMENT OF HOMELAND SECURITY FIRE ACT GRANT

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Middletown has received a \$114,320 grant from the U.S. Department of Homeland Security for the Fire Act Grant and wishes to amend its 2008 budget to include this amount as revenue, and

WHEREAS, a condition of receiving the grant is that the Township of Middletown must provide a match of \$28,580 and

WHEREAS, sufficient funding for this match is available in the 2007/2008 MCIA Lease Program

NOW THEREFORE BE IT RESOLVED, that the Township Committee of Middletown Township, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2008 budget in the sum of \$114,320 which is now available as revenue from:

The U.S. Department of Homeland Security – “Fire Act Grant”

BE IT FURTHER RESOLVED that a like sum of \$114,320 be and the same is hereby appropriated under the caption of:

**General Appropriations
Operations Excluded from the 3.5 % CAPS
Public Safety – Fire Dept.**

“Fire Act Grant” – Federal Grant \$114,320

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

Resolution No. 08-244

**RESOLUTION CONFIRMING APPOINTMENT/TERM
OF CLASS IV MEMBER OF PLANNING BOARD
CARL RATHJEN**

WHEREAS, Carl Rathjen was appointed by Resolution in January 2006 to the Planning Board as a Class IV member to a term of 4 years, to expire on December 31, 2009, and has served and continues to serve as a Class IV Board member, and

WHEREAS, as Carl Rathjen then and now is also a member of the Environmental Commission whose term expired on December 31, 2006 and who was then re-appointed to a new 3 year term on the Environmental Commission to expire on December 31, 2009, to be technically correct under N.J.S.A. 40:55D-23, Mr. Rathjen should have been appointed in January 2006 to a one year term to coincide with his then remaining term on the Environmental Commission, and then re-appointed in January 2007 to a 3 year term to coincide with his new term on the Environmental Commission, and

WHEREAS, to redress this technical issue the Planning Board requests that Carl Rathjen's appointment as Class IV Planning Board member who is also a member of the Environmental Commission be confirmed for the three year term commencing January 1, 2007 and expiring December 31, 2009.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown that the appointment of Carl Rathjen as a Class IV Planning Board member, also a member of the Environmental Commission, is confirmed nunc pro tunc for a 3 year term, from January 1, 2007 to December 31, 2009, to coincide with his 3 year term on the Environmental Commission.

RESOLUTION #08-245

RESOLUTION RELEASING THE PERFORMANCE GUARANTEE

LAD PROPERTIES (Block 190, Lots 24 and 25.01)

WHEREAS, the developer of the sub-division known as LAD Properties (Block 190, Lots 24 and 25.01) had posted with the Township a reduced Performance Guarantee in the form of a Surety Bond issued by International Fidelity Insurance Company in the amount of \$79,859.25 and 10% cash Bond in the amount of \$8,873.25; and

WHEREAS, the developer has requested a release of said reduced Performance Guarantee; and

WHEREAS, the Township Engineer, as set forth in his letter of August 28, 2008, indicates he has inspected the premises and has recommended that the performance guarantee in the form of surety bond in the amount of \$79,859.25 and 10% Cash bond in the amount of \$8,873.25 be released upon submission of a Maintenance Guarantee in the amount of \$11,092.00 and posting of inspection escrow; and

WHEREAS, the Township Committee agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Middletown Township Committee that the performance guarantee be released.

A certified copy of this resolution shall be provided by the Office of the Township Clerk to the following:

- d. T&M Associates
- e. Planning
- f. Connors Associates
515 Highway 36
Belford, NJ 07718

BINGO AND RAFFLES

Christ Church Episcopal	08-124
PTA Port Monmouth	08-125
PTA Navesink Elementary School	08-126
PTA Navesink Elementary School	08-127
Christian Brothers Academy	08-128
Christian Brothers Academy	08-129

VOLUNTEER FIREFIGHTERS

None

TOWNSHIP COMMITTEE COMMENTS

Committeeman Byrnes stated he continues his support for the Budget Committee. Committeeman Byrnes discussed the budget process and addressing department functions. Committeeman Byrnes stated he was pleased about the Strategic Planning Committee. Committeeman Byrnes discussed the Banfield contaminations and will continue to look into the issue and remediation. Committeeman Byrnes discussed the Shadowlake Dredge project and Banfield for recommendation by the Environmental Commission. Committeeman Byrnes commended the September 11 memorial and discussed the impact of the stock-market distress. Committeeman Byrnes thanked Committeeman Wilkens for attending the St. Leo picnic.

Committeeman Short stated it was a real chance to balance the budget and the need for a budget committee. Committeeman Short commended Committeeman Byrnes regarding the Strategic Planning Committee. Committeeman Short stated he thinks the budget committee is necessary to focus on the budget. Committeeman Short commended the Township of the GIS and Technology Award. Committeeman Short reminded everyone of Middletown Day on Sept. 27.

Committeeman Wilkens thanked Committeeman Byrnes for his comments about the St. Leo's picnic. Committeeman Wilkens commended the photo contest winners and the staff for the September 11 memorial. Committeeman Wilkens stated he was looking forward to the budget process and felt confident there will be greater communication.

Deputy Mayor Brightbill stated she was moved by the September 11 memorial service and commended the Leonardo service and Mass. Deputy Mayor Brightbill noted that Lt. Craig Weber biked from the Pentagon to NYC to raise money in memorial of September 11. Deputy Mayor Brightbill stated the community affairs council had a business to business event which had great attendance. Deputy Mayor Brightbill discussed that the Arts Council had an open house with demonstrations. Deputy Mayor Brightbill congratulated the soft-ball team for their State Championship.

Mayor Scharfenberger commended the media coverage of the September 11 memorial service and discussed the story of a victim about her experience abroad and her pride in being American. Mayor Scharfenberger commended the bag-pipers and Pastor Morris.

PUBLIC COMMENTS

Abe Litenberg, Lincroft, discussed the round about award at the County level. Mr. Littenberg commended the traffic calming device and announced the Lincroft Village Green Association Picnic on October 5, 2008.

James Cody, Lincroft, discussed the comments regarding the budget resolution. Mr. Cody stated that in 2003 the school board did not hire a professional and spent \$29, 000 on engineering fees and the High School North field. Mr. Cody discussed the no bid process for the field and the 2008 Board of Education bid for an engineering firm. Mr. Cody stated he objected to the Board of Education process and commended the Township for voting down the sub-committee for the budget.

Earl Teasley stated he was the Chair of the Monmouth County Human Relations Committee, he recommended keeping the Middletown Human Rights Commission and announced a central jersey regional hearing with the NJ State Human Rights Commission due to a federal reserves study.

Irwin Beaver, Belford, discussed the article regarding the attorney bills and discussed the billing hours listed. The Township Attorney commented on the hours worked by 3 attorneys and discussed continuous hours worked on Middletown issues. Irwin Beaver stated he is requesting an investigation. The Township Attorney stated the bills were scrutinized. Mayor Scharfenberger stated bill lists can be reviewed and questioned prior to meetings.

Don Watson, 10 Collision Drive, requested information on a capital ordinance regarding Penelope Lane. The Administrator discussed the need for further testing on the property. The Township Engineer noted there was a public bid for sampling wells in the capital program.

Carolyn Schwebel, 79 Hamilton Ave, Leonardo, discussed curbs with no curb cuts on Harmony Road and correspondence regarding the need for curb cuts. Ms. Schwebel also discussed accessibility and the 7 points from HUD. Ms. Schwebel discussed the quality of the township attorney's hours worked.

The Township Administrator stated a meeting was being held with Engineer and CFO to review the Capital Plan and this was discussed. There would be design work done over the winter and bid in the Spring. The Administrator asked the Engineer to look at Harmony Road.

Pat Walsh, West Front Street, stated she wanted to share with the Township Committee the Hillside Sunshine Ordinance. Ms. Walsh stated she was concerned about the budget

committee resolution not being addressed and stated she objected to Mayor Scharfenberger's article in Middletown Matters. Ms. Walsh discussed public access to resolutions, ordinances and minutes prior to meeting the same time as they are put in front of the Township Committee.

Committeeman Wilkens stated he took exception to Ms. Walsh's comments.

Committeeman Byrnes and Committeeman Short stated they would like to discuss the issue further at the caucus meeting.

Kathleen Delco, Lincroft, stated that Ms. Walsh should not discuss transparency in government. Ms. Walsh is a member of the school board and Ms. Delco had to obtain a court order because of the denials of OPRA's for certain records from the school board. Ms. Delco discussed the lack of transparency with the school board and stated Ms. Walsh wasted more money in town than anyone in government.

John Schwebel 79 Hamilton Ave., Leonardo objected to the transparency in government and stated it would be simple to post minutes online. Mr. Schwebel requested that minutes be posted more promptly.

James Grenefege, Locust, questioned the article in Middletown Matters about transparency in government. Mr. Grenefege stated he did not feel that the access and communication is transparent. Mr. Grenefege questioned the contamination at Town Hall and the Arts Center and questioned costs. Mr. Grenefege stated he encouraged the budget committee. Mr. Grenefege also asked about the Township's drop in the rankings as a Blue Ribbon Community.

Andrew Bane, 10 Leonard Ave., discussed the open public meetings that focus on the budget.

ADJOURNMENT

It was moved by Mayor Scharfenberger, seconded by Deputy Mayor Brightbill and carried to adjourn the meeting into executive session at 10:15 P.M.

The Township Attorney read the following resolution for the record.

RESOLUTION EXECUTIVE SESSION:

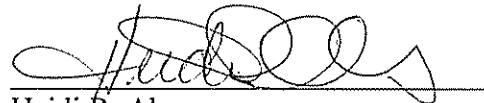
WHEREAS, the Open Public Meetings Act provides that the Township Committee may go into Executive Session to discuss matters that may be confidential or listed in N.J.S.A. 10:4-12, and

WHEREAS, it is recommended by the Township Attorney and Township Administrator that the Township Committee go into Executive Session at this time to discuss matters set forth hereinafter which are permissible for discussion in Executive Session.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown that the Township Committee shall go into Executive Session to discuss the following items:

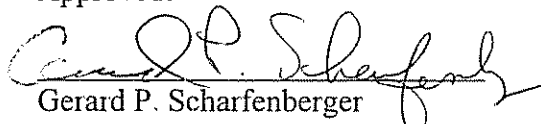
1. Litigation - NJSA 10:4-12(b)(7)
 - Mountain Hill, LLC. v Middletown Township – “ATOD” upon formal action, estimated December 2008.
2. Property Acquisition or Sale– NJSA 10:4-12(b)(5)
 - Open Space Property Acquisition / Sale – “ATOD” upon formal action, estimated December 2009.
3. Personnel - NJSA 10:4-12(b)(8)
 - Police Department Vacancy – “ATOD” upon formal action, estimated December 2008.
 - Strategic Planning Committee Public Members Appointments- “ATOD” upon formal action, estimated December 2008.
4. Contract Negotiations – N.J.S.A. 10:4-12(b)(4)
 - PBA Collective Bargaining Negotiations- “ATOD” upon formal action, estimated July 2008.

Respectfully submitted,



Heidi R. Abs,
Township Clerk

Approved:



Gerard P. Scharfenberger
Mayor, Township of Middletown

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