

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 January 20, 2009.

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 8, 2009.

Roll Call Vote: Present: Byrnes, Fiore, Short, Scharfenberger, Mayor Brightbill,
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

Certification Presented to the Employee of the Month - Lois Nicolai a Crossing Guard with the Middletown Police Department

Clerk Abs requested that Lois come forward. Mayor Brightbill stated Lois was one of the wonderful crossing guards in town. Mayor Brightbill presented Lois with a certificate for employee of the month for her outstanding job.

Chief Oches stated that Crossing Guard Special Officer Nicolai was on her West Front Street post in front of Chris's Deli. When she stopped traffic to cross five children, a road rage incident, that had been ongoing, erupted into a physical assault in front of her while traffic was stopped. Nicolai intervened in an attempt to halt the physical assault. At the same time, a woman in another vehicle, Margaret McDermott, got out of her vehicle to assist the crossing guard. Both women, without regard for their own personal safety, directed the assailant to stop his assault and wait for the arrival of officers. The assailant threatened to assault both woman by driving his vehicle toward them in a threatening manner, before redirecting his vehicle into the Chris' Deli parking around the two women and fleeing the scene.

Presentation of a Good Citizenship Award to Margaret McDermott

Clerk Abs requested that Margaret McDermott come to the podium. Mayor Brightbill thanked Ms. McDermott for her help and bravery in this road rage incident as described above. Mayor Brightbill presented Margaret with a certificate in congratulations.

Mayor Brightbill read the following proclamation and presented it to the representatives for the American Heart Association

Proclamation Declaring "National Wear Red Day for Woman" February 6, 2009 to Increase Awareness about Heart Disease in Women

Mayor Brightbill read the following proclamation and presented it to the representatives for the American Heart Association:

Proclamation

OFFICE OF THE MAYOR

**National Wear Red Day for Women
February 6, 2009**

WHEREAS: Diseases of the heart are the nation's leading cause of death and stroke is the third leading cause of death; and

WHEREAS: Cardiovascular disease (CVD) claims the lives of more than 460,000 American females (about one death per minute) each year. Each year, 53 percent of all cardiovascular disease deaths occur in females, as compared to 47 percent in men, and about 29,500 more females than males die from stroke; and

WHEREAS: In 2008 the estimated direct and indirect cost of cardiovascular diseases and stroke in the U.S. was estimated at \$431.8 billion; and

WHEREAS: More women die of cardiovascular disease than the next five leading causes of death combined, including all cancers. However, only 13 percent of women consider cardiovascular disease their greatest health risk; and

WHEREAS: February is designated as American Heart Month; and

WHEREAS: Go Red For Women is the American Heart Association's national movement and call to increase awareness about heart disease and empower women to take action to reduce that risk; and

WHEREAS: All women should learn their own personal risk for heart disease, using tools such as the American Heart Association's Go Red For Women Heart Check up and by talking to their healthcare provider.

NOW

THEREFORE: I, Mayor Pamela M. Brightbill, and the Middletown Township Committee in recognition of the importance of the ongoing fight against heart disease and stroke, do hereby proclaim **Friday February 6, 2009 as Wear National Red Day for Women** in the Township of Middletown. We urge all citizens to **"Go Red"** for the day, and to call attention to the magnitude of cardiovascular disease in women, and as a show of support to fight it, as well as in recognition of family, friends, and neighbors who have suffered from cardiovascular disease. By increasing awareness of the risk factors for this devastating disease and taking actions to reduce them, we can save thousands of lives each year.

APPROVAL OF MINUTES

Clerk Abs requested a motion to approve the minutes.

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

October 6, 2008	Executive Session
October 20, 2008	Executive Session
November 3, 2008	Executive Session
November 3, 2008	Workshop Meeting
November 13, 2008	Special Meeting
December 1, 2008	Executive Session
December 1, 2008	Workshop Meeting
December 11, 2008	Special Meeting
December 15, 2008	Executive Session
December 15, 2008	Regular Meeting

Roll Call Vote: Ayes: Byrnes, Fiore, Scharfenberger, Short abstention on December 1 meeting only, Mayor Brightbill
Nays: None
Abstention: Short on December 1 exec and workshop only.

Clerk Abs stated motion carries to adopt minutes.

PUBLIC HEARING ON PROPOSED ORDINANCES

None

INTRODUCTION OF PROPOSED ORDINANCES

None

CONSENT AGENDA

Clerk Abs requested the approval to adopt Resolution 09-055, resolution authorizing payment of bills for December 2008.

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

RESOLUTION #09-055: Payment of Bills

Payment of Bills for December 2008 in the amount of \$15,788,946.97

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

Clerks Abs stated the motion carried to adopt resolution 09-055.

RESOLUTION #09-060

Clerk Abs requested the approval to adopt Resolution #09-060 Resolution Authorizing Award of Contract for Underground Fuel Oil Storage Tank Removal and Replacement Contract #08-04

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

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

Clerks Abs stated the motion carried to adopt resolution 09-060

Resolution No. 09-060

RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR:
UNDERGROUND FUEL OIL STORAGE TANK
REMOVAL AND REPLACEMENT
CONTRACT # 08-04

WHEREAS, bids were received on January 6, 2009; and

WHEREAS, eleven (11) bids were picked up by vendors, and five (5)

Responsive Bids were received as follows.

<u>VENDOR</u>	<u>AMOUNT</u>
1. AURORA ENVIRONMENTAL INC. 1102 UNION AVENUE UNION BEACH, N.J. 07735	\$ 97,675.60
2. TTI ENVIRONMENTAL INC. 1253 NORTH CHURCH STREET MOORESTOWN, N.J. 08057	\$ 108,419.55
3. T. SLACK ENVIRONMENTAL INC. 180 MARKET STREET KENILWORTH, N.J. 07033	\$ 129,809.05
4. A&J CONSTRUCTION COMPANY 5026 INDUSTRIAL ROAD FARMINGDALE, N.J. 07727	\$ 152,150.00
5. MAC-ROSE CONTRACTORS INC.	\$ 168,222.50

85 RIDGE ROAD
BROWNS MILLS, N.J. 08015

Bids were advertised as per N.J. State Statutes and affidavit of Publication is on file in the Office of the Township Clerk.

AURORA ENVIRONMENTAL INC., 1102 UNION AVENUE, UNION BEACH, N.J. 07735. shall Furnish and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated January 6, 2009. said bidder being the Lowest Responsible Bidder.

DESCRIPTION

VENDOR

UNDERGROUND FUEL OIL AURORA ENVIRONMENTAL INC. STORAGE TANK REMOVAL AND REPLACEMENT CONTRACT # 08-04	1102 UNION AVENUE UNION BEACH, N.J. 07735
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WHEREAS, bids have been reviewed by Robert Keady, Township Engineer and the Purchasing Agent and it is their recommendation that the contract be awarded to AURORA ENVIRONMENTAL INC., 1102 UNION AVENUE, UNION BEACH, N.J. 07735. in the amount of: \$ 97,675.60

NOW THEREFORE BE IT RESOLVED, Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey as follows:

1. It hereby awards the contract for "Underground Fuel Oil Storage Tank Removal and Replacement" to Aurora Environmental Inc., 1102 Union Avenue, Union Beach, N.J. 07735 at a cost of: \$ 97,675.60

BE IT FURTHER RESOLVED, this contract is awarded pursuant to a Fair and Open Process in accordance with N.J.S.A. 19:44A-20-5 et seq.

WHEREAS, the Chief Financial Officer of the Township of Middletown has certified that adequate funds are available and are designated to the line item appropriation of the official budget no. stated below. A copy of the said certification is attached hereto and made

a part hereof and the funds to be expended herein are assigned to line item no. stated below.

A copy of the within resolution and certification shall be certified by the Township Clerk.

The Township Attorney is satisfied that the certification of availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.

C-04-55-906-868-016- \$ 88,508.41

C-04-55-908-949-005 - \$ 9,167.19

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

- A) Purchasing Agent
- B) Robert Keady, T&M Associates
- C) Chief Financial Officer
- D) All of the above Bidders

Clerk Abs requested the adoption of the consent agenda including Resolution 09-057 through 09-059 including Bingo and Raffle Applications and Volunteer Fire Fighter Applications. Resolution 09-056 had previously removed from the agenda.

It was moved by Deputy Mayor Scharfenberger, seconded by Mayor Brightbill and carried to adopt Resolution 09-057 through 09-059 including Bingo and Raffle Applications and Volunteer Fire Fighter Applications.

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

Clerks Abs stated the motion carried to adopt the consent agenda including Resolution 09-057 through 09-059 including Bingo and Raffle Applications and Volunteer Fire Fighter Applications

Resolution No. 09-057

RESOLUTION FOR STATE CONTRACTS

WHEREAS, the Township of Middletown desires to purchase various goods and services from authorized vendors under the State of New Jersey Cooperative Pricing Program 1-NJCP as authorized by N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-77.15; and

WHEREAS, the Township Purchasing Agent has reviewed and recommends the utilization of these contracts on the grounds that they represent the best price available; and

WHEREAS, a list of vendors has been attached hereto showing state contract vendors, state contract numbers, and maximum amounts from which purchases may be made during the calendar year 2009.

NOW THEREFORE BE RESOLVED by the Township Committee that the Purchasing Agent on behalf of the Mayor and the Township Administrator as Contracting Agent is hereby authorized to process purchase orders with vendors on the attached list in accordance with the terms of the State Contracts as indicated in amounts not to exceed amount listed for each; and

BE IT FURTHER RESOLVED that no certification of funds from the Chief Financial Officer has been attached because these contracts are open-ended pursuant to N.J.A.C. 5:30-11-10 individual purchase orders will be processed prior to the release of the order to the vendor.

RESOLUTION 09-058

**Authorizing the Execution of a
Municipal Assistance / Shared Services Agreement
with the County of Monmouth**

WHEREAS, the New Jersey Uniform Shared Services and Consolidation Act (C40A:65-1, et seq.) authorizes local units such as this Municipality to enter into shared service agreements with other local units; and

WHEREAS, the County of Monmouth, a local unit, has offered to provide Municipal Assistance / Shared Services to this Municipality; and

WHEREAS, it is in the best interest of this Municipality to enter the proposed Municipal Assistance / Shared Services Agreement with the County of Monmouth.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Middletown that the Mayor and the Municipal Clerk are hereby authorized to execute the attached Municipal Assistance / Shared Services Agreement with the County of Monmouth.

BE IT FURTHER RESOLVED, that the Municipal Clerk will forward a certified copy of this resolution, along with the executed Municipal Assistance / Shared Services Agreement to the Clerk of the Board of Chosen Freeholders,

County of Monmouth, Hall of Records, 1 East Main Street, Freehold, N.J. 07728

RESOLUTION 09-059

**Authorizing the Execution of a
Commodity Resale Agreement
with the County of Monmouth**

WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreement for the purchase of certain commodities from other contracting units; and

WHEREAS, the County of Monmouth has authorized the creation of the Monmouth County Commodity Resale System; and

WHEREAS, it would be in the best interest of this Municipality to become a member of the Monmouth County Commodity Resale Program.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Middletown that the Mayor and Municipal Clerk are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth.

BE IT FURTHER RESOLVED, that the Municipal Clerk will forward a certified copy of this resolution along with the executed Commodity Resale Agreement to the Clerk of the Board of Chosen Freeholders, County of Monmouth, Hall of Records, 1 East Main Street, Freehold, N.J. 07728.

BINGO AND RAFFLES

CHRISTIAN BROTHERS ACADEMY	09-01,
CHRISTIAN BROTHERS ACADEMY	09-02,
NEW JERSEY LEATHERNECKS	09-03,
COURT APPT'D SPECIAL ADVOCATES	09-04,
BREAST FRIENDS FOREVER, INC.	09-05
PROJECT PAUL 2121 CARR AVENUE	09-06,
MIDDLETOWN VILLAGE PFA, INC.	09-07
MIDDLETOWN VILLAGE PFA, INC.	09-08
MIDDLETOWN VILLAGE PFA, INC.	09-09
BROOKDALE C.C. FOUNDATION	09-10,

VOLUNTEER FIREFIGHTERS

David D'Arcy	Old Village Fire
Michael Pennell	East Keansburg Fire
David J. Cassidy	East Keansburg Fire
Thomas Kane	East Keansburg Fire

TOWNSHIP COMMITTEE COMMENTS

Committeeman Fiore commented on the recent budget meeting stating that he believed the meeting was constructive. Committeeman Fiore stated he felt that the committee was committed to creativity in managing the budget in an appropriate time period. Committeeman Fiore compared Middletown to various municipalities. Committeeman Fiore discussed the possible shortfall in state aid and promised to review the budget in regards to services. Committeeman Fiore discussed various state programs and commended Middletown's fiscal soundness.

Committeeman Byrnes stated the budget session was informative and Middletown is facing many tough choices. Committeeman Byrnes stated the township was trying for a zero percent to minimal tax increase but that this could cause a negative impact on programs. Committeeman Byrnes discussed Middletown's parks facilities and activities. Committeeman Byrnes commented on the swearing in of our new President Barack Obama and the worsening economy. Committeeman Byrnes noted the likely decrease in State aid.

Committeeman Short asked that resolution be placed on the agenda for resolutions and ordinances to be placed on the web-site. Committeeman Short would like to discuss this further. Committeeman Short discussed placing a hold on discretionary spending and would like this discussed further at the February 3 workshop meeting. Committeeman Short stated the Board of Education had placed a freeze on discretionary spending. Committeeman Short encourage participation in the Lion's Club breakfast on February 1.

Deputy Mayor Scharfenberger stated that the budget discussed would not be the final project but it must be clear to the department heads that the budget must not be increased unless absolutely necessary. Deputy Mayor Scharfenberger attended memorial service for the color guard. Deputy Mayor Scharfenberger stated that Russ Malliard was a real patriot.

Mayor Brightbill congratulated Cindy Herschaft on her birthday. Mayor Brightbill stated that she felt the budget workshop was well done and that she was glad to have the department heads attending. Mayor Brightbill stated many more levels of the budget will be reviewed. Mayor Brightbill stated she would like to see more realistic documents in the beginning and that she would like to see no increases. Mayor Brightbill announced that the Northern Monmouth Chamber of Commerce had many events and that Centrex was opening a new gym. Mayor Brightbill discussed the 9th annual Mayor's cup between High School North and South, North won this year. Mayor Brightbill stated she saw an article in the Asbury Park Press showing that local government jobs have grown from 2001-2008 from 375,000 to 446,000 approximately yet Middletown has gone from 351 to 338 full-time employees.

PUBLIC COMMENTS

Phil Nicolaus, 609 Turner Drive, Belford questioned the resolutions 09-058 and 09-059. The Township Administrator explained that these were put in place to obtain better pricing and give the Township the flexibility to participate in the re-sale program.

Andrew Bane, Leonardo thanked Deputy Mayor Scharfenberger for coming to the memorial for Legion members. Mr. Bane complained about the leaf pick up and snow plowing. Mr. Bane thanked the committee for the budget workshop. Mr. Bane asked for clarification regarding the state directed board of education freeze on spending. Mr. Short clarified the letter from the Commissioner to freeze discretionary spending. Mr. Bane wanted to clarify that it would have no effect in the school budget for next year. Committeeman Short discussed a possible limit on spending.

Mayor Brightbill noted that the leaf pick-up options are being reviewed and that they will work to correct, but the plan was done for cost savings.

Deputy Mayor Scharfenberger questioned if plowing had been done. The Township Engineer stated there was not enough snow to facilitate plowing in the last storm, it needs to be three inches. The Township Administrator noted that not all the plows are Township owned and operated.

Mr. Richionne, 16 Golden Eye, complained about the revaluation. Mr. Richionne complained about the assessed value past and present and the costly appeals process. Mr. Richionne requested not to go through the appeals process and requested to review the process of how the assessed value was arrived at. Mayor Brightbill stated she would request for the Tax Assessor to call the resident.

Don Watson, 10 Collinson Drive, New Monmouth questioned why they were approving the payment of bills for December. The Township Administrator explained that all bill are paid the month after.

ADJOURNMENT

It was moved by Mayor Scharfenberger, seconded by Deputy Mayor Brightbill and carried to adjourn the meeting at 9:10 P.M.

Respectfully submitted,



Heidi R. Abs,
Township Clerk

Approved:



Pamela M. Brightbill
Mayor, Township of Middletown