

An Action Workshop Meeting of the Township Committee of the Township of Middletown was held in the Conference Room at Town Hall, One Kings Highway, Middletown, New Jersey, at 8:00 PM on November 2, 2009.

Township Clerk, Heidi Brunt, 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, The Independent, The Star Ledger, and The Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 8, 2009.

Roll Call: Present- Byrnes, Fiore, Scharfenberger, Short, Mayor Brightbill  
Absent- None

**PLEDGE OF ALLEGIANCE**

Moment of Silence to Honor the Troops Serving Word Wide Defending our Freedoms and Way of Life

**KNOWN ACTION ITEMS:**

**RE-INTRODUCTION-2009-2992 Ordinance Amending Chapter 16 of the Revised General Ordinances Facilitating Development of Inclusionary Sites as Proscribed Pursuant to the Provisions of the Township's Housing Element and Fair Share Plan**

It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger, to re-introduce ordinance 2009-2992 with a public hearing to be held on November 16, 2009:

Roll Call Vote: Aye: Byrnes, Fiore, Scharfenberger, Short, Brightbill  
Nay: None  
Absent: None

Clerk Brunt stated motion carried to re-introduce ordinance 2009-2992 with a public hearing to be held on November 16, 2009.

**09-257 A Resolution Of The Township Of Middletown, New Jersey, Approving The Form And Authorizing The Execution And Delivery Of A Letter Of Representation And A Continuing Disclosure Agreement In Connection With The Issuance And Delivery Of The Monmouth County Improvement Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2009 And Authorizing An Authorized Municipal Representative To Do All Other Things Deemed Necessary Or Advisable In Connection With The Issuance, Sale And Delivery Of Such Bonds**

It was moved by Mayor Brightbill, seconded by Committeeman Byrnes, and carried to adopt Resolution 09-257 by the following vote:

Roll Call Vote:	Aye:	Byrnes, Fiore, Scharfenberger, Short, Brightbill
	Nay:	None
	Absent:	None

Clerk Brunt State motion carried to adopt Resolution 09-257.

**Resolution No. 09-257**

**A RESOLUTION OF THE TOWNSHIP OF MIDDLETOWN, NEW JERSEY, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 2009 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS.**

**WHEREAS**, the Township of Middletown, New Jersey (the "Municipality") desires to lease and permanently finance the cost of acquisition of certain capital equipment (the "Equipment") from The Monmouth County Improvement Authority (the "Authority"); and

**WHEREAS**, the Authority will provide for the financing of the cost of the acquisition of the Equipment by the issuance of its Capital Equipment Lease Revenue Bonds, Series 2009 (Middletown Project) (the "Bonds") payable from rentals by the Municipality pursuant to a Lease and Agreement by and between the Municipality and the Authority (the "Lease"); and

**WHEREAS**, in order to induce the Authority to issue and deliver the Bonds and its Capital Equipment Pooled Lease Revenue Bonds, Series 2009, there has been prepared and submitted to the Municipality a Letter of Representation in the form attached hereto as Exhibit A; and

**WHEREAS**, there has been prepared and submitted to the Municipality a Continuing Disclosure Agreement in the form appended hereto as Exhibit B for execution by the Municipality if the Authority shall determine that the Municipality is or will be an "obligated person" with respect to the Authority's Capital Equipment Lease Revenue Bonds, Series 2009 within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission (an "Obligated Person");

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF MIDDLETOWN, AS FOLLOWS:**

Section 1. That the Letter of Representation, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative (as that term is defined in the Lease) is hereby authorized to, and one of such officers shall execute the Letter of Representation, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addressees designated on such Letter of Representation, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That the Continuing Disclosure Agreement, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative is hereby authorized to, and one of such officers shall execute the Continuing Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same upon the determination by the Authority that the Municipality is or will be an Obligated Person, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. That any Authorized Municipal Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the sale, issuance and delivery of the Bonds, the Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2009 and all related transactions contemplated by this resolution.

Section 4. All resolutions or proceedings, or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall become effective immediately.

Date: November 2, 2009

**09-258 Resolution Adopting New Drug And Alcohol Testing Policy For Certain Safety Sensitive Employees**

It was moved by Mayor Brightbill, seconded by Committeeman Byrnes, and carried to adopt Resolution 09-258 by the following vote:

Roll Call Vote:	Aye:	Byrnes, Fiore, Scharfenberger, Short, Brightbill
	Nay:	None
	Absent:	None

Clerk Brunt State motion carried to adopt Resolution 09-258.

**Resolution No. 09-258**

**RESOLUTION ADOPTING NEW DRUG AND ALCOHOL TESTING  
POLICY FOR CERTAIN SAFETY SENSITIVE EMPLOYEES**

**WHEREAS**, while the Township of Middletown has had a drug testing policy in its employee handbook for many years, it has recently come to the Township's attention that the Township's policy is not consistent with federal standards specifically applicable to employees who drive and/or perform service work on Township-operated shuttle buses; and

**WHEREAS**, pursuant to the Omnibus Transportation Employee Testing Act of 1991 and the rules promulgated thereunder by the Federal Transit Administration (“FTA”) and New Jersey Department of Transportation (“NJDOT”), the Township of Middletown must adopt more stringent standards for those employed in relation to the transportation of members of the public; and

**WHEREAS**, upon the recommendation of the Township Administrator the policy attached hereto as “Exhibit A” which was provided by New Jersey Transit as a conforming model policy for such transportation-related employees has been revised accordingly by Middletown’s EEO Officer and reviewed by the Township Attorney; and

**WHEREAS**, the Township Committee of the Township of Middletown believes it is in the best interests of the taxpayers of the Township to adopt this policy while providing such transportation-related services.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the Drug and Alcohol Policy for Safety Sensitive Employees In Transit attached hereto as “Exhibit A” is hereby formally adopted as part of the Township of Middletown’s Policies and Procedures Manual, which must be formally reviewed, acknowledged and accepted by all applicable employees in writing.

**09-259 Resolution Authorizing Execution of Agreement with the County of Monmouth for Open Space Trust Funds for Conifer Tract Development-baseball field, Highway 36, Block 729, Lot 16.02**

It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger, and carried to adopt Resolution 09-259 by the following vote:

Roll Call Vote:	Aye:	Byrnes, Fiore, Scharfenberger, Short, Brightbill
	Nay:	None
	Absent:	None

Clerk Brunt State motion carried to adopt Resolution 09-259.

**Resolution No. 09-259**

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH THE COUNTY OF MONMOUTH FOR OPEN SPACE TRUST FUNDS FOR CONIFER TRACT DEVELOPMENT-BASEBALL FIELD, HIGHWAY 36, BLOCK 729, LOT 16.02**

**WHEREAS**, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance proposes; and

**WHEREAS**, the Governing Body of Township of Middletown desires to obtain County Open Space Trust Funds in the amount of \$250,000.00 to fund Conifer Tract Development-baseball field, Highway 36, Block 729, Lot 16.02

Whereas, the total cost estimate of the project including all matching funds is \$1,200,000.00;  
and

**WHEREAS**, the Township of Middletown is the owner of and controls the project site.

**NOW, THEREFORE, BE IT RESOLVED BY** Middletown Township Committee that:

1. Anthony Mercantante, Township Administrator is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grant Program and (c) act as the municipal contact and correspondent of the above named municipality; and
2. The Township of Middletown is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grant Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Anthony Mercantante, Township Administrator is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

**09-260 Resolution Authorizing Entry of Agreement with VNACJ for Administration of H1N1 Flu Vaccination Program on Emergent Basis**

It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger, and carried to adopt Resolution 09-260 by the following vote:

Roll Call Vote:	Aye:	Byrnes, Fiore, Scharfenberger, Short, Brightbill
	Nay:	None
	Absent:	None

Clerk Brunt State motion carried to adopt Resolution 09-260.

**Resolution No. 09-260**

**RESOLUTION AUTHORIZING ENTRY OF  
AGREEMENT WITH VNACJ FOR ADMINISTRATION  
OF H1N1 FLU VACCINATION PROGRAM ON EMERGENT BASIS**

**WHEREAS**, the Township of Middletown has been awarded funds under the 2010 State Health Services Grant-Influenza A-H1N1 Virus grant funds program to administer H1N1 vaccine; and

**WHEREAS**, on September 21, 2009, the Township of Middletown passed Resolution No. 09-222 accepting such funds received into its 2009 budget and certified to by Middletown's Acting Chief Financial Officer; and

**WHEREAS**, the Visiting Nurse Association of Central Jersey ("VNACJ"), a not-for-profit corporation, already administers health services programs for the Township of Middletown and has been recommended on an emergent basis by Middletown Health Officer Stephen McKee to administer Middletown's H1N1 vaccination program; and

**WHEREAS**, on October 23, 2009, President Barack Obama declared a National Emergency with respect to the 2009 H1N1 Flu Pandemic; and

**WHEREAS**, it is unclear exactly when the Township of Middletown will receive vaccine to administer, but the Township must imminently be prepared to do so to protect the public health safety and welfare of Township residents; and

**WHEREAS**, the Township Administrator recommends provisionally utilizing the services of the VNACJ to administer H1N1 vaccine until bids can be properly advertised and awarded under the Township's fair and open bidding process and in conformance with the Local Public Contracts Law.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the Mayor is hereby authorized to execute the Agreement attached hereto as "Exhibit A," as amended by the provisions of this Resolution, with the VNACJ to administer H1N1 vaccine utilizing Registered Nurses for the Township of Middletown at a cost of seventy two dollars (\$72) per hour per nurse, including the provision of all medical supplies and removal and disposal of all medical waste and containers in a sum not to exceed fifteen thousand dollars (\$15,000).

**BE IT FURTHER RESOLVED** that the term of this Agreement shall not extend beyond December 31, 2009.

**09-261 Authorizing Execution of Agreement between the Township of Middletown and Steven Winter Associates, Inc. For The Preparation of A Municipal Energy Audit**

It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger, and carried to adopt Resolution 09-261 by the following vote:

Roll Call Vote:	Aye:	Byrnes, Fiore, Scharfenberger, Short, Brightbill
	Nay:	None
	Absent:	None

Clerk Brunt State motion carried to adopt Resolution 09-261.

**Resolution No. 09-261**

**AUTHORIZING EXECUTION OF AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLETOWN AND STEVEN WINTER ASSOCIATES, INC. FOR THE PREPARATION OF A MUNICIPAL ENERGY AUDIT**

**WHEREAS**, the Township of Middletown has been awarded \$36,952.50 in grant funds through the Local Government Energy Audit Program, a New Jersey Board of Public Utilities Clean Energy Program; and

**WHEREAS**, on August 13, 2009, the Township was notified by the Public Utilities Clean Energy Program that grant funds are available for the Township's immediate use to complete an energy audit of certain municipal facilities; and

**WHEREAS**, the Township issued a formal RFP to five pre-qualified firms per the strict parameters of New Jersey's Clean Energy Program to ensure the delivery of an investment grade audit; and

**WHEREAS**, the Township Planner has recommended executing a Contract with Steven Winter Associates, Inc. to conduct the Township's municipal energy audit as required as a condition of the Township's grant award for an amount not to exceed \$49,270; and

**WHEREAS**, as required by the grant, 25% matching municipal funds in the amount of \$12,317.50 are available; and

**WHEREAS**, awarding a contract to Steven Winter Associates, Inc. falls under the provisions of the State of New Jersey Cooperative Purchasing Program per the Department of Treasury contract Index # T-2545.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, that the Mayor and/or Director of Planning is hereby authorized to execute a Contract with Steven Winter Associates, Inc. to prepare the Township's municipal energy audit for an amount not to exceed \$49,270.

**09-150 Raffle Application**

It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger, and carried to approve Raffle Application 09-150 for the Middletown Reformed Church by the following vote:

Roll Call Vote:      Aye:            Byrnes, Fiore, Scharfenberger, Short, Brightbill  
                            Nay:            None  
                            Absent:        None

Clerk Brunt stated motion carried to approve Raffle Application 09-150 for the Middletown Reformed Church.

**REGULAR AGENDA FOR NOVEMBER 16, 2009**

1.    CERTIFICATE OF APPRECIATION/PROCLAMATION
  - a.    Recognition of 2009 Middletown Photo Contest Winner
  - b.    Proclamation Declaring December 2009 as 3D Month in Middletown Township
  - c.    Recognition of the Middletown Post Office for earning a Voluntary Protection Programs Star Certification
  
2.    MINUTES
  - a.    September 8, 2009 Executive Session
  - b.    September 8, 2009 Workshop Meeting
  - c.    September 21, 2009 Executive Session
  - d.    September 21, 2009 Regular Meeting
  
3.    PUBLIC HEARING OF PROPOSED ORDINANCES
  - a.    2009-2991 Ordinance Authorizing Developers Agreement and Conveyance of Township Parcels for Affordable Housing Block 704 Lot 3, Block 724 Lot 1
  - b.    2009-2992 Ordinance Amending Chapter 16 of the Revised General Ordinances Facilitating Development of Inclusionary Sites as Proscribed Pursuant toe the Provisions of the Township's Housing Element and Fair Share Plan
  - c.    2009-2993 Bond Ordinance Re-appropriating \$200,000 Proceeds of Obligations Not Needed for Their Original Purposes for Storm/Flood Water Drainage Infrastructure Improvements Along Municipal Roadways in Port Monmouth by the Township of Middletown, New Jersey
  - d.    2009-2994 Ordinance Amending Chapter 16 of the Revised General Ordinances of the Township of Middletown to Address the Requirements of COAH Regarding Compliance with the Municipality's Prior Round and Third Round Affordable Housing Obligations Under its Fair Share Plan

4. CONSENT AGENDA

- a. Payment of Bills
- b. Bingo and Raffles
- c. Volunteer Firefighter Applications

5. DISCUSSION FOR NOVEMBER 2, 2009

- a. Welcoming Signs for Township Villages
- b. Insurance MEL Incentive Program
- c. Smoke Free Air Act
- d. Shrewsbury River Automated Flood Warning System
- e. Purchasing Bid Items:
  - i. Ambulance-Middletown First Aid
  - ii. Front End Loader- DPW
  - iii. Material Spreaders- DPW
  - iv. Parking Meters-Police
  - v. Chevrolet Suburban-Fire Department
- f. YMCA Partnership for the Community Health Living Index
- g. Insurance Audit
- h. 2009 Road Resurfacing Contract Change Order
- i. Redevelopment Corporation
- j. Synthetic Turf Fields

Welcoming Signs: The Township Administrator discussed the signage request by the Lincroft Village Green Association. The sign plan for the town was discussed, it began in the 1990's. The Administrator discussed revisiting the sign program and a standard design for the Township plan, pointing out the major entry points in Middletown. The Administrator stated the signs will identify the Villages as they are entering Middletown. The Administrator recommended it as a project for 2010. Mayor Brightbill discussed pricing and the condition of the current signs. The Administrator discussed the necessary standards to be met (permits, utilities, locations). The Administrator discussed the bidding with signs and installation including a list of original locations and the possible use of the Township seal.

Insurance MEL Incentive Program: It was discussed the model language is necessary for adopting the insurance premiums. The Committee discussed the schedule of harassment training and the employee handbook.

Smoke Free Air Act: The Committee discussed the smoking regulations and that an ordinance can go above and beyond the statute. The Township Attorney discussed case law on the matter.

The Shrewsbury River Automated Flood Warning System was recommended by the Township Administrator.

Parking meters: The Committee discussed time frame for the parking meters, installation and the concrete work.

YMCA Partnership for the Community Health Living Index: Gary Laermer of the YMCA discussed the program and working with the public. Mr. Laermer spoke about the lack of bicycle racks. Mr. Laermer discussed setting up a future meeting and having a committee doing testing of the program.

Insurance Audit: The Committee discussed looking at all aspects of insurance in Middletown. Currently health insurance is approximately \$4.7 million plus prescriptions; a free audit would be provided.

Redevelopment Corp.: The Township Attorney discussed outlining a change in the Senior Housing Corp. and discussed the Middletown Housing Authority as well as forming the Middletown Redevelopment Corp to maintain funds in the authority instead of sending them to the State. The Attorney proposed the Committee make appointments to the Redevelopment Corp. The Township Attorney would be moving toward drafting an ordinance for the first quarter of 2010. The Township Attorney will keep the Committee advised.

2009 Road resurfacing: The Township Engineer discussed the proposals and specs of the request for proposal. A contract period with a 6 month limit would be set. The Engineer noted that the design and construction administration were subject to change. The Engineer discussed designing two fields and permitting required. The Engineer stated there would be a flat fee except for administration.

#### **TOWNSHIP COMMITTEE COMMENTS:**

Committeeman Fiore stated that the Veteran's Day Parade was on Sunday. Committeeman Fiore encouraged residents to get out and vote.

Committeeman Byrnes also encouraged residents to vote and reminded residents of the upcoming Veteran's Day Parade. Committeeman Byrnes commented on the sad loss by the Coast Guard in CA during a recent accident.

Committeeman Short thanked Committeeman Fiore for his suggestion of the Audit. Committeeman Short also thanked the health department for all their effort in the administration of the flu shot and H1N1 clinics.

Deputy Mayor Scharfenberger stated he had no comments.

Mayor Brightbill thanked the Parks and Recreation Department for all their efforts on the 20<sup>th</sup> Annual Great Race. Mayor Brightbill thanked Bob Pleger of EMS for attending stating this was a great community event that benefits education.

**PUBLIC COMMENTS:**

Roger Foss, 21 Greengrove Court, Lincroft thanked the Township Committee for discussing the signs. Mr. Foss stated that streetscapes work and discussed the master plan. Mr. Foss discussed the entrance ways and commercial traffic and stated he would like to participate in the sign planning.

Mary Ellen Hintz, 25 Phalanx Road, Lincroft discussed park benches in Lincroft. Ms. Hintz stated that benches would improve the look of the center of Lincroft and improve the quality. Ms. Hintz discussed park benches, tables, trash receptacles and flower pots. Ms. Hintz discussed a missing bench requesting that they be placed in a concrete pad. Ms. Hintz also discussed the condition of receptacles on Route 520.

Barbara Thorpe, 53 Swimming River Road, stated she objected to the lack of enforcement of the speed limit on Swimming River Road.

John Thompson of Conifer Village discussed lighting at the end of Route 36 and the end of road for Conifer. The Township Administrator stated lighting would be addressed as part of the field design. Mr. Thompson also requested a bus stop for Conifer Village and discussed the walk currently. Additionally, Mr. Thompson requested a mid-block department of transportation light and crosswalk. Mr. Thompson's request as well as a pathway as part of the field design of the ball fields was discussed.

**ADJOURNMENT:**

Upon motion by Mayor Brightbill, seconded by Committeeman Fiore it was carried to adjourn the meeting by the following vote:

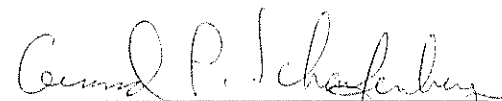
Roll Call Vote:       Ayes: Byrnes, Fiore, Scharfenberger, Short, Mayor Brightbill  
                              Nays: None

Respectfully submitted,



Heidi R. Brunt, Township Clerk

Approved by:



Gerard P. Scharfenberger, Mayor  
Township of Middletown