

Swim Club Utility and Regular Meeting

A Swim Club Utility Meeting of the Township Committee of Middletown Township was held in the Conference Room at Town Hall, One Kings Highway, Middletown, New Jersey at 7:00 p.m. on December 21, 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 Star Ledger, The Independent and 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 Vote: Present: Byrnes, Fiore, Scharfenberger, Mayor Brightbill
Absent: Short

Gregg Silva, Director of Parks and Recreation discussed a cancellation of appropriations to reduce the deficit including the cancellation of salary and wages. Mr. Silva discussed financial totals after the bills are paid for 2009. Mr. Silva discussed the previous meetings and swim club membership. Mayor Brightbill discussed the cancellations on the agenda for tonight. The Committee discussed the salary and wage reductions due to rain cancellations. The Committee discussed cancellation of previous swim club meetings. The Committee requested a special meeting in February to recap material and gathering options for 2010.

It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger to adjourn the meeting into executive session.

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

Clerk Brunt stated motion carries to adjourn to executive session.

The Township Attorney read the following resolution:

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.

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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)
 - Tax Appeal (AT&T v Middletown) – “ATOD” upon formal action, estimated December 2009.

2. Contract Negotiations – N.J.S.A. 10:4-12(b)(4)
 - Professional Services Contracts – “ATOD” upon formal action, estimated January 2010.
 - Turf Field Engineering Services Contract Negotiation- “ATOD” upon formal action, estimated December 2009.

3. Personnel - NJSA 10:4-12(b)(8)
 - Acting CFO Appointment/CFO Vacancy – “ATOD” upon formal action, estimated January 2010.
 - Boyle v. Middletown Twp. Appeal – “ATOD” upon formal action, estimated December 2009.

A 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 December 21, 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 Star Ledger, The Independent and 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 Vote: Present: Byrnes, Fiore, Scharfenberger, Short, Mayor Brightbill
 Absent: None

PLEDGE OF ALLEGIANCE

Clerk Brunt led the assembly in the Pledge of Allegiance.

Clerk Brunt requested a
**MOMENT OF SILENCE TO HONOR THE TROOPS SERVING WORLD WIDE
DEFENDING OUR FREEDOMS AND WAY OF LIFE**

CERTIFICATE OF APPRECIATION/PROCLAMATION

Recognition of Best Special/Innovative Program Award from 2009 Rutgers and State League of Municipalities Municipal Public Information Contest

Clerk Brunt asked Cindy Herrschaft, public information officer, to come to the podium.

Deputy Mayor Scharfenberger congratulated Mayor Brightbill on her innovative idea for Buy Middletown. Deputy Mayor Scharfenberger thanked Ms. Herrschaft for her work on getting the word out to the businesses in town. Deputy Mayor Scharfenberger stated that the Township had won the award for the Buy Middletown campaign which was introduced by Mayor Brightbill in January and was recognized as being among the best new programs in the state. Mayor Brightbill thanked Ms. Herrschaft for all her help and the great job she had in publicizing this program. Mayor Brightbill said it was amazing to see the community embrace the buy Middletown campaign and she was thrilled to earn statewide recognition for the program.

Proclamation Presented to Don Skrivanek for his dedicated service to “Middletown Helps its Own”

Clerk Brunt requested that Don Skrivanek approach the podium. Mayor Brightbill thanked Mr. Skrivanek for his years of service and read the following proclamation:

**DONALD SKRIVANEK DAY
December 18, 2009**

WHEREAS: Middletown Helps Its Own was established in 1964 to coordinate the efforts of local civic and community organizations who helped local families at Christmas, and

WHEREAS: Donald Skrivanek began to volunteer with Middletown Helps It Own during the group’s infancy as a representative of the Middletown Jacyees. In the first few years the organization delivered nearly 50 baskets at Christmas time, and

WHEREAS: Mr. Skrivanek became the Middletown Helps Its Own President in 1970 when the group was delivering nearly 100 baskets each Christmas. His presidential duties have included everything from tracking the needs of Middletown families, printing individual cards for each gift basket on his home computer to organizing events and raising funds, and

WHEREAS: Under Mr. Skrivanek’s guidance, Middletown Helps Its Own has grown to annually provide more than 500 baskets between Thanksgiving and Christmas. During the year the group also provides clothing, food and shelter to families facing hard times and unforeseen tragedies, and

WHEREAS: Mr. Skrivanek diligently rallies support from local businesses, churches, civic and fraternal organizations, scouts, and hundreds of residents. Mountains of food, toys, clothing and other donations and are collected annually. Gift baskets are packaged and delivered by armies of volunteers each holiday season under his watchful eye, and

WHEREAS: This holiday season marks Donald Skrivanek's fortieth anniversary as President of Middletown Helps It Own. The Middletown Township Committee wishes to take this opportunity to express the community's deepest appreciation to Donald Skrivanek for his steadfast devotion to the well-being of Middletown families. The holiday season has been brighter for thousands of residents thanks to his leadership. Thank you for being the quintessential friend, neighbor and volunteer. Now,

THEREFORE: I, Mayor Pamela M. Brightbill, and the Middletown Township Committee do hereby proclaim December 18, 2009 as Donald Skrivanek Day in honor of his invaluable contributions to his hometown and to Middletown Helps Its Own. We are proud that you are a member of Middletown's citizenry.

Mr. Skrivanek thanked the Mayor and Committee and stated that donations can be made to Middletown Helps Its Own, P.O. Box 105, Port Monmouth, NJ 07758.

Recognition of the Middletown Eagles Pop Warner Midget Cheerleading Team Win at the 2009 Jersey Shore Competition

Mayor Brightbill congratulated the cheerleaders on their winning season, they placed first in the 2009 Jersey Shore Conference Competition, first in the Eastern Regional Division and second in the Midget Small Novice Division at the National Pop Warner Championship's held at Disney World's Wide World of Sports.

Mayor Brightbill presented the members with a certificate of congratulations, team members were Theresa Alaia, Alexis Baker, Amanda Benbow, Erin Caddock, Jacquelyn Clarke, Kelsey Finck, Elizabeth Giannone, Kelly Kidney, Stephanie Kleid, Micaela Kube, Courtney Mackrell, Jessica Mandlebaum, Dana Martinez, Rebecca Murphy, Diana Schiele, Jillian Wallrabe, Rebecca Warnock, Emma Weber, Head Coach Erica Schiele, Asst. Coach Erin Castle, Asst. Coach Joni Kleid, Student Demonstrator Katherine Castle, Student Demonstrator Danielle Troccoli, Association Cheer Denise McWalters.

Recognition of Service for Committeeman Patrick Short

Clerk Brunt asked if Township Committeeman Patrick Short could come to the podium. Mayor Brightbill thanked Committeeman Short for his service the past three years on the Township Committee and presented him with a plaque in appreciation. Committeeman Short thanked the residents and his fellow committee members. Committeeman Short stated it was an honor to serve on this committee.

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APPROVAL OF MINUTES

Clerk Brunt 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 5, 2009	Executive Session
October 5, 2009	Workshop Meeting
October 19, 2009	Executive Session
October 19, 2009	Regular Meeting

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

Clerk Brunt stated motion carries to approve minutes.

PUBLIC HEARING ON PROPOSED ORDINANCES

Ordinance 2009-2995 Ordinance Approving School Traffic Guard Hourly Wage Range Schedule for 2007 through 2010 and Amending Salary Ordinance 2003-2745

Mayor Brightbill opened the public hearing:

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

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

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

Ordinance 2009-2996 An Ordinance Amending Ordinance 2003-2751 Revising Salary Ranges for Management/Non-Union Employees

Mayor Brightbill opened the public hearing:

Phil Nicolaus, 35 Turner Drive, stated that he objected to raises and that he objected to the cost of government. Mr. Nicolaus stated he recommended eliminating jobs. Committeeman Fiore stated these are salary ranges, it was not an authorization for raises.

James Grenafefe, 5 Red Coach Lane, discussed the range for the Township Engineer and stated that he recommended freezing all ranges and not adopt this ordinance.

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

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

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

INTRODUCTION OF PROPOSED ORDINANCES

None

CONSENT AGENDA

RESOLUTION 09-282: Payment of Bills

Payment of Bills for December 2009 in the amount of \$44,698,290.87

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

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

Clerk Brunt stated the motion carried to adopt resolution 09-282.

Committeeman Byrnes stated his no vote was due to the emergency appropriation including in the payment of bills which he did not support.

RESOLUTION 09-283: Resolution Authorizing an Emergency Appropriation 2010 Budget per NJSA 40A:4-48

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

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

Clerk Brunt stated the motion did not carry to adopt resolution 09-283.

Committeeman Byrnes stated he was concerned with the lack of a plan for the 2010 budget. Committeeman Byrnes stated that while he was mindful on how to pay the bills 2010 is where we will have to pay back this appropriation and wanted a plan to do that.

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Committeeman Fiore discussed the material submitted to the township committee over the year and stated this shortfall was projected. Committeeman Fiore stated this payment is related to the insurance premiums and there were serious consequences to not having the funds to pay the bills. Committeeman Fiore stated failing to pay puts the town in a precarious position.

Assistant Administrator Dunn stated that these were processed health claim; hospitals, doctors and employees are waiting for reimbursement. Assistant Administrator Dunn stated that the discounts the Township has are in jeopardy, these are bills that are due. Assistant Administrator Dunn cautioned that if these bills were not paid they would be more money later on.

RESOLUTION 09-284: Resolution Authorizing The Transfer Of Funds For The Year 2009 Budget

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

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

Clerk Brunt stated the motion carried to adopt resolution 09-284.

Committeeman Short stated the lack of financial planning or management was the issue. Committeeman Short stated we should not have to wait till the New Year to find out where the Township is fiscally. Committeeman Short stated that there should be a freeze on overtime and discretionary spending and that he objected to the delay and emergency spending. Committeeman Short stated decisions should be in place in December.

RESOLUTION #09-284

RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS IN THE LOCAL BUDGET OF THE TOWNSHIP OF MIDDLETOWN FOR THE YEAR 2009

WHEREAS, Section 40A:4-58 of the Revised Statutes of New Jersey authorizes the transfer of appropriations, during the last two (2) months of the calendar year, to said budget where adopted heretofore by the governing body by two-thirds vote thereof.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown, as follows:

1. That the excess in the appropriations listed in the column designated "FROM" be transferred to the appropriations listed in the column designated "TO" as follows:

	CURRENT FUND	FROM	TO
Account Number			
9-01-20-100-100-200	Administration O&E	11,000.00	
9-01-20-100-101-100	Purchasing S&W	11,000.00	
9-01-20-100-101-200	Purchasing O&E	1,000.00	
9-01-20-110-100-100	Township Committee S&W	3,000.00	
9-01-20-130-100-100	Finance S&W	21,500.00	
9-01-20-140-100-100	MIS S&W	6,000.00	
9-01-20-145-100-100	Tax Collector S&W	28,000.00	
9-01-20-150-100-100	Tax Assessor S&W	16,000.00	
9-01-23-215-100-200	Insurance Workmen's Comp	19,637.07	
9-01-27-330-100-100	Health S&W	19,000.00	
9-01-28-370-100-100	Parks S&W	55,000.00	
9-01-29-390-100-200	Library O&E	\$ 10,000.00	
9-01-30-410-102-100	Safety Council S&W	1,000.00	
9-01-31-460-200-200	Utilities	157,500.00	
9-01-20-165-100-200	Engineering O&E		\$ 42,500.00
9-01-20-175-100-200	History Preservation O&E		1,000.00
9-01-23-220-100-200	Insurance - Employee Health Claims		19,637.07
9-01-26-290-100-100	DPW S&W		115,000.00
9-01-29-390-100-100	Library S&W		10,000.00
9-01-30-410-204-284	Fire Department - LOSAP		171,500.00
		\$359,637.07	\$359,637.07

	SWIM CLUB UTILITY	FROM	TO
Account Number			
9-27-55-501-000-100	Swim Utility S&W	\$3,600.00	
9-27-55-503-000-269	Swim Utility Electricity		\$3,600.00
		\$3,600.00	\$3,600.00

2. The Township Clerk is hereby authorized and directed to transmit to the Chief Financial Officer and Township Auditor, a certified copy of this resolution.

3. This resolution shall take effect immediately.

4. A copy of this resolution shall be filed forthwith with the Director of New Jersey, Division of Local Government Services.

RESOLUTION 09-296: Resolution Awarding Contract for Professional Engineering and Inspection Services for Synthetic Turf Fields

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

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

Clerk Brunt stated the motion carried to adopt resolution 09-296.

Mayor Brightbill stated she was happy to award this contract and that she looks forward to the projects management and the project moving forward.

RESOLUTION NO. 09-296

AWARDING CONTRACT FOR PROFESSIONAL ENGINEERING AND INSPECTION SERVICES FOR SYNTHETIC TURF FIELDS

WHEREAS, the Township of Middletown solicited bids advertised pursuant to the Fair and Open Process for professional engineering services related to the design and construction management of synthetic turf fields at Croydon Hall and West Front Street Park; and

WHEREAS, on November 30, 2009, twelve bid proposals were received and subsequently evaluated by the Township Engineer and Recreation Director, then reviewed by the Township Administrator and Township Attorney in conjunction with the

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Township Engineer and Recreation Director who secured supplementary information from all bidders, and narrowed down to a list of four firms that provided detailed in-person presentations to the Township Engineer and Recreation Director relating to their qualifications and experience handling similar projects; and

WHEREAS, pursuant to the Township Engineer's memorandum of 17 December 2009 attached hereto, it is the recommendation of the Township Engineer and Recreation Director to retain the services of CMX Engineering based on the overall confidence in the firm to complete the job on time, within budget and without incident; and

WHEREAS, monies have already been bonded for this purpose and funds are available subject to the certification of the Township's Acting Chief Financial Officer.

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

- (1) The firm of CMX Engineering, 200 State Highway Nine, Manalapan, New Jersey is hereby retained for professional engineering services in relation to the design and construction management of synthetic turf fields at Croydon Hall and West Front Street Park in an amount not to exceed \$194,700.
- (2) This contract is awarded pursuant to the Fair and Open Process (N.J.S.A. 19:44A-20.5 et seq.) and in accordance with N.J.S.A. 40A:11-5(1)(a) as a contract for professional services.
- (3) All terms and conditions provided for within the Request for Proposals and responses thereto shall be incorporated into the contract for professional services and the Mayor is hereby authorized to execute the same.
- (4) The Township Clerk shall maintain a copy of this Resolution as well as the Contract and related materials on file for public review and publish a notice of award in accordance with law.

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Clerk Brunt requested the adoption of the consent agenda including Resolution 09-285 through 09-297 including Bingo and Raffle Application and Volunteer Firefighter Applications but excluding resolution 09-296 that was adopted by separate vote.

It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger and carried Resolution 09-285 through 09-297 including Bingo and Raffle Application and Volunteer Firefighter Applications but excluding resolution 09-296 that was adopted by separate vote.

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

Clerk Brunt stated the motion carried to adopt the consent agenda including Resolution 09-285 through 09-297 including Bingo and Raffle Application and Volunteer Firefighter Applications but excluding resolution 09-296 that was adopted by separate vote.

RESOLUTION No. 09-285

CANCELLATION OF COMMUNITY DEVELOPMENT MORTGAGES

BE IT RESOLVED by the Township Committee of the Township of Middletown that the mortgages of the Township securing the Community Development and Neighborhood Preservation Program loan/grants in connection with the following properties be and hereby are authorized to be canceled because these mortgages have been repaid and expired.

Block	248	Lot	21	\$14,990.00
Block	654	Lot	32	\$15,315.00
Block	133	Lot	15.02	\$15,000.00
Block	636	Lot	43	\$ 9,650.00
Block	70	Lot	16	\$14,610.00
Block	869	Lot	98	\$15,000.00
Block	331	Lot	16	\$14,500.00

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

- A. Community Development

RESOLUTION #09-286

**RESOLUTION RELEASING THE PERFORMANCE GUARANTEE
FOR AMBOY BANK (Block 532, Lot 38.01)**

WHEREAS, the developer of the sub-division known as Amboy Bank (Block 532, Lot 38.01) had posted with the Township a Performance Guarantee in the form of a Letter of Credit issued by Amboy National Bank in the amount of \$103,113.00 and 10% cash Bond in the amount of \$11,457.00; and

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

WHEREAS, the Township Engineer, as set forth in his letter of November 16, 2009, indicates he has inspected the premises and has recommended that the performance guarantee in the form of surety bond in the amount of \$103,113.00 and 10% Cash bond in the amount of \$11,457.00 be released and the Maintenance Guarantee waived; 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:

- a. T&M Associates
- b. Planning
- c. Amboy National Bank
3590 Highway 9
Old Bridge, NJ 08857

RESOLUTION 09-287

**RESOLUTION AUTHORIZING CANCELLATION OF UNEXPENDED
BALANCES FOR 2009 TO BE CREDITED TO SURPLUS**

WHEREAS, the following Current Fund 2009 budget appropriations balances remain unexpended:

Account Number	Description	Amount
Current Fund		
9-01-25-275-100-208	Prosecutor O&E	\$300.00
9-01-43-495-100-100	Public Defender S&W	3,000.00
9-01-45-920-200-300	Debt Service Principal	7,000.00
9-01-45-925-200-330	Debt Service Payment on NJDEA	2.80
9-01-45-930-200-300	Debt Service Interest	0.95
9-01-45-950-200-331	Debt Service - MCIA	2,504.39

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	TOTAL	\$12,808.14
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WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Surplus;

WHEREAS, the following Solid Waste District 2009 budget appropriations balances remain unexpended:

Account Number	Description	Amount
Solid Waste District		
9-15-26-305-000-200	SWD O&E	\$350,000.00
	TOTAL	\$350,000.00

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Solid Waste District Surplus;

WHEREAS, the following Swim Club Utility 2009 budget appropriations balances remain unexpended

Account Number	Description	Amount
Swim Utility		
9-27-55-501-000-101	Swim S&W	\$34,809.29
9-27-55-502-000-201	Swim Material & Supplies	\$408.85
9-27-55-502-000-208	Swim Misc. Office	\$239.37
9-27-55-502-000-209	Swim Advertising	634.00
9-27-55-502-000-223	Swim Postage	50.00
9-27-55-502-000-245	Swim Special Programs	688.43
9-27-55-502-000-281	Swim Misc. Contracts	6,007.00
9-27-55-502-000-286	Swim Social Security	3,998.36
9-27-55-502-000-299	Swim First Aid	1,000.00
9-27-55-502-000-402	Swim Insurance Claims	1,000.00
9-27-55-503-000-262	Swim Telephone	700.00
9-27-55-503-000-273	Swim Water	1,500.00
9-27-55-520-000-326	Swim Bond Principal	0.72
	TOTAL	\$51,036.02

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Swim Club Utility Surplus;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middletown, New Jersey, that the above listed unexpended balances of the Current Fund 2009 Budget be cancelled.

Resolution No. 09-288

RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR:
AMBULANCE CHASSIS

WHEREAS, bids were received on September 1, 2009 and;

WHEREAS, three (3) bids were picked up by vendors, and one (1)

Responsive Bid was received as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
1. VCI EMERGENCY VEHICLE SPECIALISTS 43 JEFFERSON AVENUE BERLIN, NJ 08009	\$ 103,035.00

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

VCI EMERGENCY VEHICLE SPECIALISTS, 43 JEFFERSON AVENUE, BERLIN, N.J. 08009, shall Furnish and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated September 1, 2009, said bidder being the Lowest Responsible Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
AMBULANCE CHASSIS FOR THE MIDDLETOWN FIRST AID SQUAD	VCI EMERGENCY VEHICLE SPECIALIST 43 JEFFERSON AVENUE BERLIN, N.J. 08009

WHEREAS, bids have been reviewed by the Purchasing Agent and Paul Kennedy, Middletown First Aid Squad, and it is their recommendation that the contract be awarded to VCI EMERGENCY VEHICLE SPECIALIST, 43 JEFFERSON AVENUE, BERLIN, N.J. 08009, in the amount of: \$ 103,035.00

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

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1. It hereby awards the contract for "Chassis" to VCI Emergency Vehicle Specialists, 43 Jefferson Avenue, Berlin, N.J. 08009. for a total of: \$ 103,035.00

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 for such contract are available, and are designated to 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.

WHEREAS, the Township of Middletown is in receipt of a check in the amount of \$ 13,130.35 from the Middletown First Aid and Rescue Squad.

2009 M.C.I.A. - \$ 89,904.65

Cash Reserve - \$ 13,130.35

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) Comptroller
- C) Paul Kennedy, Middletown First Aid
- D) All of the above bidders

RESOLUTION NO. 09-289

RESOLUTION AUTHORIZING AWARD OF CONTRACT

FOR:

CASE FRONT END LOADER

WHEREAS, bids were received on September 22, 2009; and

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WHEREAS, three (3) bids were picked up by vendors, and one (1) Responsive Bid was received as follows.

<u>VENDOR</u>	<u>AMOUNT</u>
1. TRICO EQUIPMENT SERVICES, LLC. 551 N. HARDING HIGHWAY VINELAND, N.J. 08360	\$ 117,900.00

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

TRICO EQUIPMENT SERVICES, LLC., 551 N. HARDING HIGHWAY, VINELAND, N.J. 08360, shall Furnish and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated September 22, 2009, said bidder being the Lowest Responsible Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
FRONT END LOADER FOR THE DEPARTMENT OF PUBLIC WORKS	TRICO EQUIPMENT SERVICES, LLC 551 N. HARDING HIGHWAY VINELAND, N.J. 08360

WHEREAS, bids have been reviewed by Ted Maloney, Township Engineer and it is his recommendation that the contract be awarded to **TRICO EQUIPMENT SERVICES, LLC., 551 N. HARDING HIGHWAY, VINELAND, N.J. 08360** in the amount of: \$117,900.00

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 "Front End Loader" to Trico Equipment Services, LLC., 551 N. Harding Highway, Vineland, N.J. 08360. in the amount of:

\$ 117,900.00.

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. **MCIA**. 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. **MCIA**. 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 tile concerning said resolution and appointment.

2009 MCIA · \$117,900.00

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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) Ted Maloney, Township Engineer
- C) Chief Financial Officer
- D) All of the above bidders

RESOLUTION NO. 09-290

RESOLUTION AUTHORIZING AWARD OF CONTRACT

FOR:

THREE (3) MATERIAL SPREADERS

WHEREAS, bids were received on September 22, 2009, and;

WHEREAS, two (2) bids were picked up by vendors, and one (1) Responsive Bid was received as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
1. BRISTOL - DONALD COMPANY 50 ROANOKE AVENUE NEWARK, N.J. 07105	\$ 45,706.53

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

BRISTOL DONALD COMPANY, 50 ROANOKE AVENUE, NEWARK, N.J. 07105 shall Furnish and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated September 22, 2009, said bidder being the Lowest Responsible Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
THREE (3) MATERIAL SPREADERS FOR THE DEPARTMENT OF PUBLIC WORKS	BRISTOL - DONALD COMPANY 50 ROANOKE AVENUE NEWARK, N.J. 07105

WHEREAS, bids have been reviewed by the Purchasing Agent and Ted Maloney, Township Engineer and it is their recommendation that the contract be awarded to BRISTOL - DONALD COMPANY, 50 ROANOKE AVENUE, NEWARK, N.J. 07105. in the amount of: \$45,706.53

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

It hereby awards the contract for "Material Spreaders" to Bristol-Donald Company, 50 Roanoke Avenue, Newark, N.J. 07105. for a total of: \$ 45,706.53

BE IT FURTHER RESOLVED, this contract is awarded pursuant to a Fair And Open Process in accordance with 19:44A-20.5 et seq.

WHEREAS, the Chief Financial Officer of the Township of Middletown has certified that adequate funds for such contract are available, and are designated to line item appropriation of the official budget no. MCLA. 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. MCLA. 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 tile within resolution shall be made a part of tile file concerning said resolution and appointment.

2009 MCLA • \$ 45,706.53

3. 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) Comptroller
 - C) Ted Maloney, Township Engineer
 - D) All of the above bidders

RESOLUTION NO. 09-291

**RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO VENDOR(S) WITH STATE CONTRACTS
FOR PROTECTIVE CLOTHING**

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

1. In accordance with the requirements of the Local Public Contracts Law N.J.S.A. 40A:11-12 et seq., and the regulations promulgated thereunder, the following purchase without competitive bids from vendor(s) with State Contract is hereby approved:

ITEM # 1

VENDOR
TOTAL FIRE GROUP
C/O SAFE-T
1 INNOVATION COURT
DAYTON, OHIO 45414

STATE CONTRACT # A71050
AMOUNT \$ 24,008.25

DESCRIPTION

Swim Club Utility and Regular Meeting

PROTECTIVE CLOTHING
FOR FIRE DEPARTMENT

WHEREAS, the Acting Chief Financial Officer of the Township of Middletown has certified that adequate funds for such contract are available, and are designated to line item appropriation of the official budget no. 9.01.25.265.100. 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. 268. A copy of the within resolution and certification shall be certified by the Township Clerk.

1. The Township Attorney is satisfied that the 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.
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. Comptroller
- C. Vendor

RESOLUTION NO. 09-292

**RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO VENDOR(S) WITH STATE CONTRACTS
FOR EMERGENCY STANDBY PARTS**

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

1. In accordance with the requirements of the Local Public Contracts Law N.J.S.A. 40A:11-12 et seq., and the regulations promulgated thereunder, the following purchase without competitive bids from vendor(s) with State Contract is hereby approved:

ITEM # 1

VENDOR

MOTOROLA
C/O ALLCOM TECHNOLOGIES
5105 ROUTE 34
FARMINGDALE, NJ 07727

STATE CONTRACT # A53804

Swim Club Utility and Regular Meeting

AMOUNT \$ 40,661.60

DESCRIPTION

EMERGENCY STANDBY PARTS
TO MAINTAIN RADIO COMMUNICATION SYSTEM
FOR POLICE DEPARTMENT

WHEREAS, the Acting Chief Financial Officer of the Township of Middletown has certified that adequate funds for such contract are available, and are designated to line item appropriation of the official budget no. 9.01.25.240.100. 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. 277. A copy of the within resolution and certification shall be certified by the Township Clerk. The Township Attorney is satisfied that the 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.

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

- D. Purchasing Agent
- E. Comptroller
- F. Eugene Hannafey, Deputy Chief
- G. Vendor

RESOLUTION NO. 09-293

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF MIDDLETOWN, COUNTY OF MONMOUTH STATE OF NEW JERSEY
REJECTING ALL BIDS RECEIVED FOR DASHER BOARDS AT KUNKEL
ROLLER HOCKEY RINK
CONTRACT 09-06**

WHEREAS, the Township of Middletown authorized the receipt of bids for Dasher Boards at Kunkel Roller Hockey Rink; and

Swim Club Utility and Regular Meeting

WHEREAS, bids were received on December 15, 2009 and were rejected: and

WHEREAS, seven (7) bids were distributed, and four (4) bids were received on December 15, 2009; and

WHEREAS, said bids were reviewed by Robert R. Keady, Jr., Consulting Engineer and the Purchasing Agent for the Township of Middletown and it has been determined that all bids received failed to be within the cost estimates of the Township; and

WHEREAS, New Jersey Local Public Contracts Law 40A 11-13.2 states said rejection is just cause to reject all bids received for Dasher Boards at Kunkel Roller Hockey Rink and to re-bid the project; and

WHEREAS, it is the desire of the Township Committee to reject all bids and to authorize the receipt of new bids for the Dasher Boards at Kunkel Roller Hockey Rink.

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

2. That the Township Committee does hereby reject all bids received for the Dasher Boards at Kunkel Roller Hockey Rink for the Township of Middletown for the reasons set forth in this resolution.
3. That the Township Committee does hereby authorize the receipt of new bids for the Dasher Boards at Kunkel Roller Hockey Rink. The Consulting Engineer shall determine the time, date and place for the receipt of bids.
4. That 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) Comptroller
- C) Robert R. Keady, Jr., Consulting Engineer
- D) All rejected bidders as follows:

1. Gavan General Contracting Inc.
1500 N. Apple Street
Lakewood, N.J. 08701
2. Whirl Construction
P.O. Box 110
Pt. Monmouth, N.J. 07758
3. Sub-Level Installations Inc.
P.O. Box 698
Mt. Laurel, N.J. 08054

RESOLUTION No. 09-294

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

Change Order – Groundwater Monitoring Well Installation at Municipal Complex

DESCRIPTION OF CHANGE:

REDUCTION:

Item 2 Police Traffic Directors was reduced to reflect the invoiced hours from the Middletown Special Duty
 Item A1 was adjusted to reflect the actual well depth installation in accordance with the Contract Documents

ADDITIONAL

REDUCTION

A. Total Reductions this C.O.	XXXXXXXXXXXXXXXXXXXX	\$3,598.80
B. Total Extras this C.O.	0.00	XXXXXXXXXXXX
C. Total Supplementary this C.O.	\$0.00	XXXXXXXXXXXX
Totals this C.O.	\$0.00	\$3,598.80
Net Change This Change Order	\$0.00	\$3,598.80
Previous Change Orders	\$0.00	\$0.00
Total Change Orders to Date	\$0.00	\$3,598.80
Net Change in Contract	\$0.00	\$3,598.80
Original Contract Bid Price		\$26,310.00
Change Orders to Date		-\$3,598.80
Revised Contract Price		\$22,711.20

be and the same is hereby ratified and confirmed.

2. The Township Clerk shall send a certified copy of this resolution to the following:

- A) Comptroller
- B) Purchasing
- C) T&M Associates
- D) Craig Geotechnical Drilling Company

RESOLUTION 09-295

**RESOLUTION APPROVING PARTICIPATION IN
STATE BLOCK GRANT PROGRAM WITH THE
STATE OF NEW JERSEY DIVISION OF
ALCOHOLIC BEVERAGE CONTROL PROGRAM
PROJECT PERIOD 06/01/09 thru 05/31/10**

WHEREAS, the Division of Alcoholic Beverage Control (ABC) is responsible for administering the Office of Juvenile Justice Delinquency Prevention (OJJDP) State Block Grant Program Enforcing the Underage Drinking laws,

WHEREAS, the Township of Middletown wishes to apply to ABC for Grant funds in connection with a project entitled "Cops in Shops", and

WHEREAS, the Township Committee of the Township of Middletown has reviewed said application and finds approval to be in the best interest of the municipality, and

WHEREAS, this project is a joint project between the State of New Jersey (ABC) and the Township of Middletown for the purpose therein described.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middletown (1) that as a matter of public policy the Township wished to participate with the State of New Jersey (ABC) to the greatest extent possible; (2) that the Division of Alcoholic Beverage Control (ABC) is requested to accept said application on behalf of the Township; and (3) that the appropriate fiscal officer will accept the funds in connection with said project from the ABC and make disbursements in accordance with said application.

RESOLUTION NO. 09-297

**RESOLUTION AUTHORIZING THE TOWNSHIP
ADMINISTRATOR AND/OR ACTING CFO TO
CONDUCT FINANCIAL MATTERS UNTIL JANUARY 15, 2010**

WHEREAS, the Township Committee will not be convening any regular business meetings until mid-January 2010; and

WHEREAS, bills will need to be authorized for payment prior to the next regular business meeting of the Township Committee; and

WHEREAS, outstanding bills may only be paid with funds that have already been budgeted for and encumbered by purchase orders.

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 Township Administrator and/or Acting Chief Financial Officer is hereby authorized to pay bills budgeted for and encumbered until January 15, 2010.

BE IT FURTHER RESOLVED that the Township Committee shall be provided with its regular report relating to any bills authorized for payment during this period by the Township Administrator and/or Acting Chief Financial Officer.

BINGO AND RAFFLES

AMER. LEGION POST #515 MIDDLETOWN	09-161
CHRISTIAN BROTHERS ACADEMY	09-162
BROOKDALE C.C. FOUNDATION	09-163
NEW MONMOUTH SCHOOL PTA	09-164
NEW MONMOUTH SCHOOL PTA	09-165
CHRISTIAN BROTHERS ACADEMY	09-166
FRIENDS OF AMER. CANCER SOC. OF NJ	09-167
LIONS CLUB MIDDLETOWN TWP.	09-168
MATER DEI H.S. PTA	09-169
MATER DEI H.S. PTA	09-170
PORT MONMOUTH ELEM. SCHOOL	09-171
PORT MONMOUTH ELEM. SCHOOL	09-172

VOLUNTEER FIREFIGHTERS

None

TOWNSHIP COMMITTEE COMMENTS

Committeeman Fiore thanked Committeeman Short for his service and thanked the Department of Public Works for their efforts during the snow storm and snow removal. Committeeman Fiore discussed the budget and insurance projections. Committeeman Fiore stated there is budget planning. Committeeman Fiore discussed the cost increase due to the hold on insurance funding and the increase in claims over what was projected. Committeeman Fiore stated the Township is in need of a CFO and that there were going to be significant challenges this year. Committeeman Fiore stated he was confident in planning for the budget and looks forward to the insurance audit. Committeeman Fiore wished the residents a happy holiday.

Committeeman Byrnes thanked Mayor Brightbill for the Buy Middletown campaign. Committeeman Byrnes recommended mulching and recycling for residents. Committeeman Byrnes discussed the budget. Committeeman Byrnes stated that the Township Committee form of government was not organized properly for financial planning. Committeeman Byrnes stated the Township needs a group that is focused on finances only to deal with the decrease of revenue and cuts from the State. Committeeman Byrnes discussed the layoff plan time line stating it would be April if

Swim Club Utility and Regular Meeting

they started in January. Committeeman Byrnes expressed concern of pension contributions. Committeeman Byrnes expressed concern over the tax waiver and a plan for the future. Committeeman Byrnes discussed consolidating the school districts. Committeeman Byrnes thanked Committeeman Short for serving with the best intentions.

Committeeman Short discussed taking the business approach to the budget. Committeeman Short expressed concern that Committeeman Byrnes suggestions would not be heard or considered. Committeeman Short stated it was an honor to serve.

Deputy Mayor Scharfenberger stated the budget is a very important issue and a yearlong process. Deputy Mayor Scharfenberger stated the administrator has clear innovative steps to address the budget. Deputy Mayor Scharfenberger stated that Middletown is at the forefront of shared services. Deputy Mayor Scharfenberger stated that the Township is looking into removing impediments to consolidating. Deputy Mayor Scharfenberger stated the payments being funded by 09-283 are health claims it was not optional to pay them. Deputy Mayor Scharfenberger stated the insurance audit was being done and thanked the Department of Public Works for the snow removal. Deputy Mayor Scharfenberger thanked Committeeman Short for his service.

Mayor Brightbill discussed the beginning of 2009 and spoke about leaf pick-up delay complaints. Mayor Brightbill said there was 200-300 calls complaining about the cut-back in pick ups. Mayor Brightbill thanked Township Engineer, Ted Maloney, for his efforts regarding the snow removal and commended his efforts. Mayor Brightbill announced the Human Rights Commission pet food drive. Mayor Brightbill wished everyone a Merry Christmas and a Happy New Year.

PUBLIC COMMENTS

Jim Grenefege, 5 Red Coach Lane, Locust, thanked Committeeman Short for his service. Mr. Grenefege expressed concern over unfulfilled expectations by the Township Committee and that the committee lives in denial. Mr. Grenefege expressed concern over the lack of a CFO.

Jeannette Ronka, Monmouth Ave, thanked Committeeman Patrick Short for not taking a pay check, pension or health benefits and thanked him for his attention to the Port Monmouth flooding issues.

Janet Mascuzzo, Middletown, thanked Committeeman Short for his service. Ms. Mascuzzo stated she was upset over Deputy Mayor Scharfenberger's plan for the budget. Ms. Mascuzzo requested that the budget plan be placed on the web-site. Ms. Mascuzzo stated that no corporation could function like Middletown. The Township Attorney stated that Administration is responsible for the preparation of the budget. Committeeman Byrnes discussed documents he had reviewed upon request from the Acting CFO. Committeeman Byrnes discussed non-recurring revenue and expenses for 2010 as well as the Administrators submitted recommendations.

Swim Club Utility and Regular Meeting

Donna Kuntz, 10 Leonard Ave., complained about flooding to her property. Ms. Kuntz discussed storm-water flooding. Ms. Kuntz thanked Ted Maloney for addressing cracks in the drainage lines. Ms. Kuntz then provided photos of the flooding for the committee.

Mr. Gilbaldo, Middletown, expressed concern over turf fields being built and medical bills not being paid. Mr. Gilbaldo stated there is no excuse for lack of controls for expenses. Mr. Gibadlo expressed concern that there was no budget presentation. Mr. Gibadlo thanked Committeeman Short for his service.

Don Watson, 1 Collison Drive, questioned the balance of \$800,000 from the last meeting. Mr. Watson also expressed concern that he was unable to download 09-284 from the web-site, he received error messages. Mr. Watson stated he was concerned about flooding on Ms. Kuntz's property. Mr. Watson stated that he felt mulching was a great idea and not very expensive. Mr. Watson thanked Mr. Skrivanek for his efforts in helping Middletown residents.

Bob Supurdi, Oakwood Road, Leonardo, commented on the CFO position, the website and suggested that a finance committee be considered. Mr. Supurdi commented on the leaves and pick up. Mr. Supurdi stated that the DPW did a great job in leaf clean up. Mr. Supurdi stated a neighbor put his leaves out late and now they were all over his lawn. Mr. Supurbi thanked Committeeman Short for his service stating he took a dramatic stance on the pension and insurance.

Deputy Mayor Scharfenberger stated that the committee considers every suggestion but not every suggestion is legal, some items are in place and some are implemented and fail.

Paul Jansen, 152 Chestnut Ave., thanked Committeeman Short for his service and noted that he was concerned about the increase in taxes.

ADJOURNMENT

It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger and carried to reconvene in executive session at 9:55 P.M.

The Township Attorney read the following resolution:

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.

Swim Club Utility and Regular Meeting

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:

4. Litigation - NJSA 10:4-12(b)(7)

- Tax Appeal (AT&T v Middletown) – “ATOD” upon formal action, estimated December 2009.

5. Contract Negotiations – N.J.S.A. 10:4-12(b)(4)

- Professional Services Contracts – “ATOD” upon formal action, estimated January 2010.
- Turf Field Engineering Services Contract Negotiation- “ATOD” upon formal action, estimated December 2009.

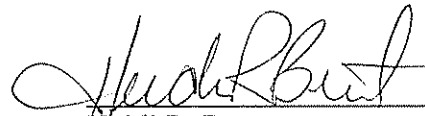
6. Personnel - NJSA 10:4-12(b)(8)

- Acting CFO Appointment/CFO Vacancy – “ATOD” upon formal action, estimated January 2010.
- Boyle v. Middletown Twp. Appeal – “ATOD” upon formal action, estimated December 2009.

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


Clerk Brunt stated the motion carried to reconvene into executive session.

Respectfully submitted,



Heidi R. Brunt
Township Clerk

Approved:



Gerard P. Scharfenberger, Mayor
Township of Middletown