

A Swim Club Utility 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 7:00 p.m. on March 16, 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, The Star Ledger, The Independent 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 Vote: Present: Byrnes, Fiore, Scharfenberger, Short, Mayor Brightbill  
Absent: None

The Director of Parks and Recreation, Greg Silva, discussed the timeline of opening protocol of the swim club. Mr. Silva discussed the proposed budget and the snack bar concession as well as negotiations with any vendor. Mr. Silva discussed the award of the CPO Bid Services, and discussed the protocol of chemicals. Mr. Silva discussed the program update and the opening dates and times. Mr. Silva noted the recent job fair held and the receipt of over 200 applications. Mr. Silva reviewed the possibility of a day pass and undercutting the revenue rate. Mr. Silva discussed open membership, not requiring residency and advertising in the Independent. The Administrator discussed opening weekend for the daily passes. Committeeman Short discussed the possible overrun in last year's budget. Mr. Silva discussed reviewing some balances. Committeeman Short discussed bonding payment amounts and the need for the CFO to update the budget numbers. The need for capital improvements for decks, fences and concrete was discussed as well as advertising with the newcomers club and in the welcome packet. The Committee also discussed pictures on the TV channel and distributing information to other municipality buildings. The committee discussed the federal law for vortex suction in preventing drowning. Mr. Silva stated that there were currently 193 people on the wait-list for Cabanas.

It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger and carried to adjourn to executive session at 7:40 p.m.

The Township Attorney read the following resolution for the record:

**RESOLUTION EXECUTIVE SESSION:**

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

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

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

1. Property Acquisition or Sale– N.J.S.A. 10:4-12(b)(5)
  - Open Space Property Acquisition – “ATOD” upon formal action, estimated December 2009.
2. Litigation - N.J.S.A. 10:4-12(b)(7)
  - Global Landfill NRD Settlement- “ATOD” upon formal action, estimated July 2009.
3. Contract Negotiations – N.J.S.A. 10:4-12(b)(4)
  - Township Property Lease Agreement Negotiations “ATOD” upon formal action, estimated July 2009.
  - Collective Bargaining Agreement Negotiations- “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 March 16, 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, The Star Ledger, The Independent 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 Vote: Present: Byrnes, Fiore, Scharfenberger, Short, Mayor Brightbill  
Absent: None

### **PLEDGE OF ALLEGIANCE**

Clerk Abs led the assembly in the Pledge of Allegiance.

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

### **CERTIFICATE OF APPRECIATION/PROCLAMATION**

Mayor Brightbill welcomed the Port Monmouth Boy Scout troop, who are working on their citizenship badges, to the meeting.

**Proclaiming March 2009 as Arc Awareness Month**

Mayor Brightbill read the following proclamation:

***Proclamation***

Office of the Mayor  
**Arc Awareness Month**  
**March 2009**

**WHEREAS:** Intellectual and developmental disabilities are conditions which affect more than 7 million Americans and their families; and

**WHEREAS:** Public awareness and education enhance a community's understanding of the issues affecting people with intellectual and developmental disabilities; and

**WHEREAS:** People with intellectual and developmental disabilities can be vital and vibrant members of our communities, improving the quality of life for all of us; and

**WHEREAS:** The month of March has been designated Arc Awareness Month by the state of New Jersey with 20 chapters of The Arc undertaking public awareness, educational and fundraising initiatives; and

**WHEREAS:** The Arc of Monmouth serves over 1,200 individuals with intellectual disabilities throughout Monmouth County and advocates for and with people with intellectual and developmental disabilities and their families; and

**WHEREAS:** The Arc of Monmouth is celebrating 60 years of service to families and individuals throughout Monmouth County. Now,

**THEREFORE:** I, Mayor Pamela M. Brightbill, and the Middletown Township Committee do hereby proclaim on March 16, 2009 that March 2009 is ARC Awareness Month in Middletown Township. We urge the all citizens to give full support to efforts towards enabling people with intellectual and developmental disabilities to live full and productive lives of inclusion in our communities.

**Proclaiming April 12-18, 2009 as Library Week in Middletown Township**

Clerk Abs requested Susan O'Neal, the Library Director to the podium.

Mayor Brightbill read the following proclamation and presented it to Susan O'Neal of the Library.

***Proclamation***

Office of the Mayor

**Library Week  
April 12-18, 2009**

**WHEREAS:** Our nation's libraries make a difference in the lives of millions of Americans, today, more than ever; and

**WHEREAS:** Librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy; and

**WHEREAS:** Libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning; and

**WHEREAS:** Library use is up nationwide and in Middletown Township, continuing a decade-long trend; and

**WHEREAS:** Libraries play a vital role in supporting the quality of life in their communities; and

**WHEREAS:** Libraries can help you discover a world of knowledge, both in person and online, as well as personal service and assistance in finding what you need, when you need it; and

**WHEREAS:** Libraries are a key player in the national discourse on intellectual freedom, equity of access, and narrowing the "digital divide." Now

**THEREFORE:** I, Mayor Pamela M. Brightbill and the Middletown Township Committee do hereby proclaim on March 16, 2009 that National Library Week is April 12-18, 2009 in Middletown Township. We encourage all residents to visit the library this week to take advantage of the wonderful library resources available and thank their librarians and library workers for making information accessible to all who walk through the library's doors. Worlds connect @ your library.

Susan O'Neal thanked the committee for the proclamation and stated that the library would be doing different activities during that week including acknowledging all their volunteers.

**APPROVAL OF MINUTES**

Clerk Abs requested a motion to approve the minutes.

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

January 14, 2009	Executive Session
January 14, 2009	Special Meeting
January 20 2009	Executive Session
January 20, 2009	Regular Meeting
February 2, 2009	Executive Session
February 2, 2009	Workshop Meeting
February 28, 2008	Special Meeting
March 6, 2008	Executive Session and Special Meeting
March 10, 2008	Executive Session and Special Meeting
March 14, 2008	Special Executive Meeting
March 18, 2008	Special Executive Meeting
March 24, 2008	Special Executive Meeting

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

Clerk Abs stated motion carries to adopt minutes.

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

January 4, 2009	Re-organization meeting- Revised
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Roll Call Vote:       Ayes: Byrnes, Fiore, Scharfenberger, Mayor Brightbill  
                              Nays: Short  
                              Abstention: None

Clerk Abs stated motion carries to adopt minutes.

## **PUBLIC HEARING ON PROPOSED ORDINANCES**

### **Ordinance #2009-2953**

#### **Ordinance Establishing New Application, Escrow and Other Allowable Fees For Planning and Zoning Board Applicants**

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 w/comment, Fiore, Scharfenberger, Short, Mayor  
Brightbill  
Nays: None

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

Committeeman Byrnes commented that he had spoke with the Administrator regarding the fees. Committeeman Byrnes stated he recommended that the new engineer should be reviewing our engineering bills and the attorney reviewing the attorney bills. The Township Attorney discussed the billing procedures under municipal land use laws as related to the ordinance. Committeeman Byrnes stated he would like to insert into the process the engineer reviewing. Mayor Brightbill objected that this issue was being raised at this time rather than over the past month while the ordinance was in review. Mayor Brightbill questioned if this issue can be solved through a policy change rather than having to re-write and re-do advertising of the ordinance. The Administrator stated a policy change could be implemented. Committeeman Byrnes requested further clarification of the policy. The Township Administrator discussed the policy.

**Ordinance #2009-2954**

**Ordinance Regulating the Placement and Use Of Charitable Clothing Bins**

Mayor Brightbill opened the public hearing:

Kyle Barrick stated that he believed that charitable clothing bins should be placed in all populated areas because of the high visibility. Mayor Brightbill stated this ordinance stated that this was to regulate were they are and if they are legitimate charities.

Hearing no further comments from the public, it was moved by Mayor Brightbill, seconded by Committeeman Fiore 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

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

**Ordinance #2009-2955**

**Ordinance Establishing the Position of Municipal Housing Liaison**

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

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

**Ordinance #2009-2956**

**Ordinance Establishing Policy Regarding the Video Recording Of Open Public Meetings**

Committeeman Byrnes stated he had objected the ordinance as introduced and had suggested that it be softened. Committeeman Byrnes stated he suggested that it not apply to hand-held cameras or if we have less than fifty people they must sit in the designated area. Committeeman Byrnes would like to see an amendment to the ordinance. Mayor Brightbill stated she would like to amend the ordinance to allow family members to tape when their family is getting an award or proclamation. The Township Attorney stated an amendment would be required for these changes. Deputy Mayor Scharfenberger stated he did not see a distinction between a tripod and a hand-held camera. Committeeman Short stated he felt the hand-held was less intrusive and felt the issue should be further discussed.

Mayor Brightbill opened the public hearing:

Robert Saperdi, Leonard, stated that the videoing should be allowed and then if the Committee did not like it they could change the ordinance.

Art Miceli, North Middletown, stated that this is a small room so with zoom features there should be no problem. Mr. Miceli stated he did not feel that there was a lot to worry about but noted tripods are a tripping hazard.

Jim Grenefege, Locust, stated that he would like to see the high-school students do the video-taping and it could be aired on the Township channel. Mr. Grenefege stated he saw no difference between the proclamation portion and the rest of the meeting. Mr. Grenefege stated that cameras are smaller now so it should not be an issue and thought tripods could be used. Mr. Grenefege questioned the difference between ceremony and the rest of the meeting. Mr. Grenefege stated he felt there was no distinction.

Pat Walsh, River Plaza, stated she did not feel this ordinance promoted open government. Ms. Walsh questioned who is going to enforce the policy and noted people come and go from the meeting so how do you enforce the rule. The Township Attorney discussed the status of the law and the constitutionality of the law as well as keeping the recording from distracting from the meeting. Mayor Brightbill discussed the Middletown Board of Education policy.

Don Watson, 10 Collison, New Monmouth, noted that people have complained that is why the policy was created. Mr. Watson suggested mounting a camera to cover the whole room.

William Stevens, 940 West Front St., questioned why there is an ordinance on a problem that does not exist. Mr. Stevens stated he does not feel that video-taping causes a disruption and he felt it should be withdrawn.

Phil Nicolaus, 35 Turner Drive, Belford stated that he felt that the best government is one that governs the least and that the ordinance should be rejected.

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: Fiore, Scharfenberger, Mayor Brightbill  
                              Nays: Byrnes, Short w/comment

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

Committeeman Short stated that the Committee made a law only speculating that this is a problem and he didn't feel that this was a problem currently. Committeeman Short stated he only had seen one person video-taping. Committeeman Short didn't see someone with a hand-held taping the meeting as being intrusive. Deputy Mayor Scharfenberger stated that he has received complaints from residents regarding the video cameras and the distractions.

**Ordinance #2009-2957**

**Ordinance Suspending Township Committee Salaries for 2009**

Mayor Brightbill opened the public hearing.

Phil Nicolaus, 35 Turner Drive, questioned how much our tax revenue was down that the Township has to pass a measure such as this. Mr. Nicolaus said he did not see a need for the Committee to cut their salaries, he said for an example the Committee could cut their salaries by 5%. Mr. Nicolaus urged the ordinance not be passed.

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

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

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

Deputy Mayor Scharfenberger stated that although this was a small amount that this was a demonstration of leading by example. Deputy Mayor Scharfenberger stated that he

hoped that this would symbolize to other employees, the sacrifice that the committee has made.

Committeeman Short stated that the committee passed a temporary budget of fourteen million and he had said he had proposed limits on discretionary spending and overtime. Committeeman Short stated that his proposal would have saved significantly more money than this ordinance was going to save. Committeeman Short stated this would save more than fifteen thousand dollars.

### **INTRODUCTION OF PROPOSED ORDINANCES**

#### **Ordinance #2009-2958 Ordinance Amending the Code of the Township of Middletown (1996) Ch 116 Drug Free Zones**

It was moved by Deputy Mayor Scharfenberger, seconded by Mayor Brightbill to pass the ordinance on first reading with the public hearing to be held for the April 20, 2009 Regular Meeting.

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

Clerk Abs stated ordinance passed on first reading with public hearing to be held on April 20, 2009.

#### **Ordinance #2009-2959 Ordinance Amending the Township Code (1996) Ch 65-27 Repealing the Public Intoxication Ordinance**

It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger to pass the ordinance on first reading with the public hearing to be held for the April 20, 2009 Regular Meeting.

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

Clerk Abs stated ordinance passed on first reading with public hearing to be held on April 20, 2009.

#### **Ordinance #2009-2960 Ordinance Amending Township Ordinance 2003-2751 to Amend Wage Ranges in Various Titles and Add New Titles**

It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger to pass the ordinance on first reading with the public hearing to be held for the April 20, 2009 Regular Meeting.

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

Clerk Abs stated ordinance passed on first reading with public hearing to be held on April 20, 2009.

**Ordinance #2009-2961 Ordinance Amending §127-19 of the Township Code  
Relating to Parking Permit Fees at Middletown**

It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger to pass the ordinance on first reading with the public hearing to be held for the April 20, 2009 Regular Meeting.

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

Clerk Abs stated ordinance passed on first reading with public hearing to be held on April 20, 2009.

**CONSENT AGENDA**

**Resolution 09-108**

Clerk Abs stated that resolution 09-108 was being withdrawn from the agenda.

**RESOLUTION #09-073**

**Resolution Authorizing Award of Contract for Toro Groundmaster Mowers**

Mayor Brightbill questioned the funding for the mowers. The Administrator explained that this was an item in a prior MCLIA bond program from 2007. The CFO stated that this is finishing the purchasers of the items. Committeeman Byrnes questioned can the money be used for operating expenses. The Township Attorney explained that per case law bond money cannot be used for operating expenditures but only capital purchases.

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

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

Clerks Abs stated the motion carried to adopt resolution 09-073.

**Resolution No. 09-073**

**RESOLUTION AUTHORIZING AWARD OF CONTRACT  
FOR:  
TORO GROUNDMASTER MOWERS**

WHEREAS, bids were received on January 21, 2009 and;

WHEREAS, six (6) bids were picked up by vendors, and one (1)

Responsive Bid was received as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
1. STORR TRACTOR COMPANY 3191 ROUTE 22 BRANCHBURG, N.J. 08876	\$ 78,784.00

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

STORR TRACTOR COMPANY, 3191 ROUTE 22, BRANCHBURG, N.J. 08876, shall Furnish and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated January 21, 2009, said bidder being the Lowest Responsible Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
TWO ((2) TORO GROUNDMASTER MOWERS FOR THE DEPARTMENT OF PARKS AND RECREATION	STORR TRACTOR COMPANY 3191 ROUTE 22 BRANCHBURG, N.J. 08876

WHEREAS, bids have been reviewed by the Purchasing Agent and Gregg A. Silva, Director of Parks and Recreation and it is their recommendation that the contract be awarded to STORR TRACTOR COMPANY, 3191 ROUTE 22, BRANCHBURG, N.J. 08876 in the amount of: \$ 78,784.00

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

1. It hereby awards the contract for "Toro Mowers" to Storr Tractor Company, 3191 Route 22, Branchburg, N.J. 08876. at a cost of: \$ 78,784.00

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.

2008 M.C.I.A. - \$ 69,489.00  
T-03-56-802-200-001- \$ 9,295.00

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) Gregg A. Silva, Director of Parks & Recreation
- D) All of the above bidders

Clerk Abs requested the approval to adopt Resolution 09-094 resolution authorizing payment of bills for March 2009.

Clerk Abs stated that by recommendation of the Township Administrator item on Page 32 of the payment of bills identified by PO 09-00988 vendor Middletown MIDD-08541 description was Banfield Prem- Ass \$9133.33 was to be removed from the payment of bills. Committeeman Byrnes stated there was another line item for a similar purchase. The Township Administrator stated that item on page 33, PO# 09-00989, Middletown MIDD-08541 \$1290.27 Banfield Prelim Assessment should also be pulled.

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

**RESOLUTION #09-094: Payment of Bills**

Payment of Bills for March 2009 in the amount of \$12,048,198.43 subtracting \$10,423.60 as noted above. Total of resolution is for \$12,037,774.83

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

Clerks Abs stated the motion carried to adopt resolution 09-094.

Committeeman Byrnes stated he voted yes because bills need to be paid however he is concerned that the continuous buying makes it difficult to cut reductions for the year.

**RESOLUTION #09-0104**

Clerk Abs requested the approval to approve Resolution 09-104, Resolution of the Township Committee requesting contract professionals to reduce fees and accept payment on a retainer basis.

The Township Attorney stated that the percentage amount was not in the ordinance and stated that either a % amount could be assessed or it could be left as open ended. Committeeman Byrnes suggested 10% reduction, the committee concurred and the resolution was amended to a 10% reduction.

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

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

Clerks Abs stated the motion carried to table resolution 09-0104.

Committeeman Byrnes stated that he recommended this resolution and stated they cannot force resolutions to take less than what they agreed to take but they were asking them to take a 10% reduction for the rest of the year.

Committeeman Fiore stated he felt it was something good to ask for but was not sure of its effectiveness. Committeeman Fiore stated however he felt the time to ask for these things was last December when the township received the RFP's (request for proposal) and had the ability to negotiate.

Deputy Mayor Scharfenberger stated this was more of a wouldn't be nice, these contractors can come back and say no. Deputy Mayor Scharfenberger stated this could have been ask for in December and noted the time to do this is when you are at the bargaining table and not after the contracts are signed.

**Resolution No. 09-104  
RESOLUTION OF THE TOWNSHIP COMMITTEE REQUESTING  
CONTRACT PROFESSIONALS TO REDUCE FEES AND ACCEPT PAYMENT  
ON A RETAINER BASIS**

WHEREAS, WHEREAS, the current economic climate requires Middletown Township to take extraordinary measures to find cost savings to keep taxes low while maintaining essential services;

WHEREAS, Middletown Township will likely face another significant decrease in State aide;

WHEREAS, mandated statutorily-imposed costs imposed by the State continue to escalate;

WHEREAS, municipalities are bound by strict fiscal controls set forth by the State under the Local Government Cap Law (N.J.S.A 40A:4-45.1 et. seq.);

WHEREAS, the Township Committee is studying all aspects of government spending to achieve savings and reduce the tax burden on the citizens of Middletown given the current financial hardships faced by many of these citizens; and

WHEREAS, the Township Committee believes that paying its professionals on firm monthly retainer basis will achieve budget savings and financial predictability; and

WHEREAS, existing resolutions identify the total estimated budget expense for each of the professional working on behalf of the Township;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown that the Committee hereby requests that the Township professionals agree to accept payment on a fixed monthly retainer basis for the balance of 2009 with the monthly retainer based on ten percent (10%) of the yearly estimates set forth in the resolution approving the appointment of said professional for 2009.

Clerk Abs requested the adoption of the consent agenda including Resolution 09-095 through 09-107 but not including Resolution 09-104.

It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger and carried to adopt Resolution 09-095 through 09-107 not including Resolution 09-104.

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

Clerks Abs stated the motion carried to adopt the consent agenda including Resolution 09-095 through 09-107 not including Resolution 09-104.

Clerk Abs requested a motion to approve the Bingo and Raffle applications.

It was moved by Committeeman Byrnes, seconded by Mayor Brightbill to approve the Bingo and Raffle applications.

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

Clerks Abs stated the motion carried to approve Bingo and Raffle applications.

**Resolution No. 09-095**

**RESOLUTION AUTHORIZING AWARD OF CONTRACT  
FOR:  
FERTILIZATION AND CHEMICAL TREATMENT AT VARIOUS LOCATIONS**

WHEREAS, bids were received on March 10, 2009; and

WHEREAS, five (5) bids were picked up by vendors, and two (2)

Responsive Bids were received as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
1. CENTRAL JERSEY WEEDMAN 265 WOODWARD ROAD MANALAPAN, N.J. 07726	\$ 17,990.00
2. TRUGREEN L.P  P.O. BOX 877 FARMINGDALE, N.J. 07727	\$ 22,289.00

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

CENTRAL JERSEY WEEDMAN, 265 WOODWARD ROAD, MANALAPAN, N.J. 07726. shall Furnish & Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated March 10, 2009. said bidder being the Lowest Responsible Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
PROVIDE FERTILIZATION AND CHEMICAL TREATMENT AT VARIOUS TOWNSHIP PARK LOCATIONS FOR A TWELVE (12) MONTH PERIOD	CENTRAL JERSEY WEEDMAN 265 WOODWARD ROAD MANALAPAN, N.J. 07726

WHEREAS, bids have been reviewed by the Purchasing Agent, and Gregg A.

Silva, Director of Parks and Recreation and it is their recommendation that the contract

be awarded to CENTRAL JERSEY WEEDMAN, 265 WOODWARD ROAD,

MANALAPAN, N.J. 07726. in the amount of: \$ 17,990.00

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

1. It hereby awards the contract for "Fertilization and Chemical Treatment to Central Jersey Weedman, 265 Woodward Road, Manalapan, N.J. 07726. for a total of: \$ 17,990.00

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. 9-01-28-370-100. 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. 256. 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.

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) Gregg A. Silva, Director of Parks & Recreation
- D) All of the above bidders

**Resolution No. 09-096**

**RESOLUTION OF THE TOWNSHIP OF MIDDLETOWN  
COUNTY OF MONMOUTH STATE OF NEW JERSEY  
REJECTING BIDS FOR JANITORIAL SERVICES**

WHEREAS, the Township of Middletown authorized the receipt of bids for Janitorial Services; and

WHEREAS, bids were received on January 21, 2009; and

WHEREAS, thirteen (13) bids were distributed and three (3) bids were received on January 21, 2009; and

WHEREAS, bids have been reviewed by the Purchasing Agent and it is his recommendation to reject all bids and to utilize the State Contract for Janitorial Services; and

WHEREAS, New Jersey Local Public Contracts Law 40A11-13.2 (f) states said rejection is just cause to reject all bids received for Janitorial Service; and

WHEREAS, it is the desire of the Township Committee to reject all bids and to utilize the State Contract for Janitorial Services.

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

1. That the Township Committee does hereby reject all bids received for Janitorial Services for the reasons set forth in this resolution.
2. That the Township Committee authorizes the use of the State Contract for Janitorial Services.
3. 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) Department Heads
- C) All Rejected Bidders (Attached)

**Resolution No 09-097**

**RESOLUTION AUTHORIZING AWARD OF CONTRACT  
TO VENDOR(S) WITH STATE CONTRACTS  
FOR JANITORIAL SERVICES**

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 Contract Law N.J.S.A.  
40:11-12 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

ACCSES OF NJ INC. CNA SERVICES  
150 WEST STATE STREET  
SUITE 120  
TRENTON, N.J. 08608

STATE CONTRACT # A89099

AMOUNT \$ 46,400.00

DESCRIPTION

PROVIDE JANITORIAL SERVICES  
TO TOWNSHIP BUILDINGS FOR  
A THREE (3) MONTH PERIOD

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. 9-01-26-310-100. 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. 259. 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:

- A) Purchasing Agent
- B) Comptroller
- C) Lawrence M. Werger, Director of Public Works
- D) Vendor

**Resolution No. 09-098**

**RESOLUTION AUTHORIZING AWARD OF CONTRACT  
FOR:  
CPO SERVICES**

WHEREAS, bids were received on March 10, 2009; and

WHEREAS, one (1) bid was picked up by a vendor and one (1)

Responsive Bid was received as follows:

VENDOR

- 1. ADD-ON-POOLS  
1400 HIGHWAY 35  
MIDDLETOWN, N.J. 07748

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

ADD-ON-POOLS, 1400 HIGHWAY 35, MIDDLETOWN, N.J. 07748. shall  
Furnish, and Deliver the following as per Bid Proposal & Specifications & Covenants  
thereof dated March 10, 2009 said bidder being the Lowest Responsible Bidder.

DESCRIPTION

VENDOR

PROVIDE CPO SERVICES AT THE  
MIDDLETOWN SWIM CLUB FOR

ADD-ON-POOLS  
1400 HIGHWAY 35

A TWELVE (12) MONTH PERIOD

MIDDLETOWN, N.J. 07748

WHEREAS, bids have been reviewed by the Purchasing Agent and Gregg A. Silva, Director of Parks and Recreation and it is their recommendation that the contract be awarded to ADD-ON-POOLS, 1400 HIGHWAY 35, MIDDLETOWN, N.J. 07748. in the amount not to exceed \$ 100,000.00

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 "CPO Services" to Add-On-Pools, 1400 Highway 35, Middletown, N.J. 07748. for a total not to exceed \$ 100,000.00

2. 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.
3. BE IT FURTHER RESOLVED, this contract is open-ended pursuant to N.J.A.C. 5:30-11-10 with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase orders prior to each request for service but not to exceed a total of: \$ 100,000.00
4. 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) Gregg A. Silva, Director of Parks & Recreation
- D) All of the above bidders

**RESOLUTION NO. 09-099**

**MIDDLETOWN TOWNSHIP**

**ESTABLISHING POLICIES REGARDING PLACEMENT OF  
CERTAIN PUBLIC MATERIALS ON THE TOWNSHIP WEBSITE**

WHEREAS, Middletown Township is committed to open and accessible government, making its operations transparent as possible for its citizens within the boundaries of existing laws and regulations;

WHEREAS, Middletown Township believes that transparency in government better enables its citizens to participate and contribute to the affairs and activities of the Township;

WHEREAS, citizens would be better-informed at meetings of the Township Committee if draft copies of Resolutions, Ordinances and related materials are made available, as possible, prior to such meetings;

WHEREAS, the Township Committee seeks to take advantage of existing technology utilizing the Township's website to make Resolutions, Ordinances and related materials available to the residents of Middletown prior to Township Committee meetings;

WHEREAS, extraordinary economic conditions currently inhibit the Township from hiring additional personnel to ensure that all Resolutions, Ordinances and related materials are regularly made available on the Township's website prior to Township Committee meetings; and

WHEREAS, the Township Clerk is willing to make her best efforts to coordinate the posting of Resolutions, Ordinances and related materials on the Township website with pre-existing personnel, volunteers or others after ensuring the completion of her statutory responsibilities until personnel can be hired, retained and/or designated as being entirely responsible for the posting of such materials.

WHEREAS, the Township Clerk will not be held responsible or disciplined for consent agenda material that is received after 3 pm Thursday prior to the meeting and not posted on the website; and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown that the following documents will be posted to the Township's website as follows:

1. **Meeting Agendas** are to be posted on the Township website on the same day as they are provided to the members of the Township Committee.
2. **Draft Resolutions** are to be posted on the Township website if provided to the Township Clerk's Office by 3pm the Thursday before Township Committee meetings.
3. **Ordinances** are to be posted on the Township website within 48 hours after introduction by the Township Committee.
4. **Minutes** of Township Committee meetings are to be posted on the Township website within 30 days of approval by the Township Committee.

5. **Adopted Resolutions and Ordinances** are to be posted on the Township website within one week after adoption by the Township Committee.
6. As best as practically possible, copies of any draft Resolutions, Ordinances or related materials shall be placed in a binder or other implement available to citizens for review within an hour before meetings of the Township Committee, including those items not posted on the website, if they are on the agenda for discussion or consideration.
7. No materials determined to be privileged by the Township Attorney shall be disclosed pursuant to applicable exceptions provided for under the Open Public Records Act.

**Resolution No. 09-100**  
**RESOLUTION ADOPTING THE MONMOUTH COUNTY**  
**PRE-DISASTER HAZARD MITIGATION PLAN**

WHEREAS the Municipality of Middletown, NJ, has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

WHEREAS the New Jersey Office of Emergency Management provided federal mitigation funds to support development of the Monmouth County Multi-jurisdictional All Natural Hazards Pre-Disaster Mitigation Plan;

WHEREAS this *Hazard Mitigation Plan* has been developed by the Mitigation Planning Committee;

WHEREAS this *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS two public meetings were held on, July 17, 2007 and April 28, 2008, to introduce the planning concept and to solicit questions and comment; and to present the Plan and request comments, as required by law,

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

1. The *Hazard Mitigation Plan* is hereby adopted as an official plan of Middletown Township; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Municipal Office of Emergency Management and the various Municipal Departments identified in the Plan are hereby encouraged to pursue implementation of the recommended high priority activities that are applicable to their departments
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Middletown Township Committee, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Municipal Office of Emergency Management is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Monmouth County Office of Emergency Management. The status reports shall be submitted by September 15<sup>th</sup> of each year.

#### **RESOLUTION #09-101**

#### **RESOLUTION AUTHORIZING EXECUTION OF THE 2009 FOOD SHOPPING AGREEMENT WITH THE COUNTY OF MONMOUTH (SCAT)**

WHEREAS, the Township of Middletown has heretofore entered into an agreement with the Monmouth County Board of Chosen Freeholders, specifically, the Office of Senior Citizens Area Transportation (SCAT), to provide certain services to senior citizens and handicapped individuals, among others, residing within the Township of Middletown and the Board of Chosen Freeholders of Monmouth County; and

WHEREAS, the Township Committee of the Township of Middletown wishes to continue said service.

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

1. The Mayor is hereby authorized to execute, and the Township Clerk to attest, to an agreement between Monmouth County and the Township of Middletown to provide SCAT for 2009.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a. CFO
  - b. Gregg Silva, Director of Parks & Recreation
  - c. Henry R. Nicholson, Director  
Department of Transportation  
250 Center Street  
Freehold, NJ 07728

**Resolution No. 09-102**

**RESOLUTION AUTHROZING THE TOWNSHIP OF MIDDLETOWN TO EXECUTE THE JOINT MEETING AGREEMENT FOR THE FORMATION AND OPERATION OF THE JOINT MEETING KNOWN AS THE CENTRAL JERSEY COUNCIL OF GOVERNMENTS**

Whereas in 2007, the State Legislature enacted the Uniform Shared Services and Consolidation Act, NJSA 40A:65-1 et seq., which seeks to encourage the financial accountability of local units of government through empowering citizens, reducing waste and duplicative services, and clearing legal hurdles to shared services;

Whereas, the problem of high property taxes paid by New Jersey residents is not easilyt solved, but can be ameliorated through government action designed to encourage efficiency through shared services; and

Whereas Marlboro Township has hosted several "Shared Services Summits" which have consisted of meetings between local, county, and statewide representatives looking for new ways to sane taxpayer money in each participants respective community; and

Whereas, as a result of these "Shared Services Summits" a consensus of government leaders has been reached indicating that it would be in the best interests of the participating government entities that a Joint Meeting, as that term is defined and described in NJSA 40A:65-14, et seq., be formed which shall be known as the "Central Jersey Council of Governments"; and

Whereas the Joint Meeting known as the Central Jersey Council of Governments is a public body corporate and political constituting a political subdivision of the State for the exercise of public and essential governmental functions to provide for the public health and welfare as provided in NJSA 40A:65-15; and

Whereas the Municipal Council of the Township of Middletown believes that it is in the best interest of the citizens and taxpayers of the Township of Middletown to join the Joint Meeting known as the Central Jersey Council of Governments ; and

Whereas, it has been requested that each government entity that joins the Central Jersey Council of Governments pay the sum of three hundred dollars (\$300) to the joint meeting as an initial membership fee to join the Central Jersey Council of Governments.

Now therefore be it resolved that the Township Committee of the Township of Middletown, County of Monmouth, and State of New Jersey hereby authorizes the Mayor to execute the joint meeting agreement for the formation of the public body corporate and politic known as the Central Jersey Council of Governments for the purpose of facilitating and promoting the joint operation of public services, public improvements, works, facilities, or undertakings as permitted by NJSA 40A:65-14; and

Be it further resolved, that the Township Administrator (or designee) is designated as the representative to the Management Committee of the joint meeting known as Central Jersey Council of Governments and that he/she will provide the Township Committee with periodic updates of the activities and initiatives of the Central Jersey Council of Governments ; and

Be it further resolved, that the Township of Middletown is authorized to expend an amount not to exceed three hundred dollars (\$300) payable to the Central Jersey Council of Governments; and

Be it further resolved that:

1. This Resolution shall be effective to the extent that it does not conflict with any applicable laws or regulations.
2. A certified copy of this Resolution shall be provided to each of the following:
  - a. Central Jersey Council of Governments
  - b. Township Committee
  - c. Administrator
  - d. CFO
  - e. Township Attorney

**Resolution No. 09-103**

**RESOLUTION AUTHORIZING EXECUTION OF  
THE MONMOUTH COUNTY OFFICE ON AGING 2009  
GRANT AGREEMENT 13-014 FOR SENIOR SERVICES**

**WHEREAS**, the Monmouth County Board of Chosen Freeholders has authorized Grants in the amount of \$32,500.00 during the year 2009 for the funding of certain programs at the Middletown Senior Center as detailed in a Letter of Intent; and

**WHEREAS**, the receipt of the grant requires a resolution accepting this funding and authorizing the execution of the 2009 Grant Agreement with the County of Monmouth providing for the use of the funds in accordance with the terms of the grant; and

**WHEREAS**, this authorization will provide funding for certain health, fitness, education and transportation programs providing benefits to senior citizens utilizing the Senior Center and is appropriate for execution.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Middletown that the Township of Middletown accepts the Grants in the amount of \$32,500.00 for the purpose as set forth in the Letter of Intent from the Monmouth County Office on Aging and the Mayor, Chief Financial Officer, and Township Clerk are authorized to execute the 2009 Grant Agreement with the County required for such funding and grants.

**RESOLUTION No. 09-105**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, The Annual Report of Audit for the year 2007 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - AA local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.@

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Middletown, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**Resolution No. 09-106**

**RESOLUTION APPROVING FUNDING FOR  
MIDDLETOWN TOWNSHIP RUDE AWAKENING GRANT**

Whereas, the New Jersey Division of Highway traffic Safety Provides funds for various programs to increase Highway safety; and

Whereas, a \$15,000 grant application for the 2009 Rude Awakening Grant to reimburse the Township for salaries incurred in this program in the approximate amount of \$9,900.00, including \$5,100 for commodities has been applied for and the implementation of the Project by the Police Department will increase Traffic safety in the Township.

Now therefore be it resolved, by the Township Committee of the Township of Middletown that:

1. The Township Police Department is authorized to implement the RODE AWAKENING GRANT and accept the grant funds for reimbursement of salaries incurred.
2. The Municipal Finance Officer and appropriate Township Officials are authorized to establish the appropriate account for funding said program.

**Resolution No. 09-107**

**RESOLUTION AUTHORIZING EXPENDITURES AND AUTHORIZING  
PAYMENT OF SAME TO INTERNATIONAL SALT CO, LLC FOR GOODS  
RECEIVED**

WHEREAS, the Township of Middletown had a need to acquire road salt in connection with inclement weather during the months of January and February 2009; and

WHEREAS, it is necessary to authorize payment in accordance with the terms of the contract awarded by bid to International Salt Co, LLC for goods received during this period; and

WHEREAS, pursuant to the directive of the Division of Local Government Services, a certification of funds has been attached hereto which certifies that the funds for this expenditure are available and appropriated under line item "T-03-56-802-470-000", and said certification has been signed by the Chief Financial Officer and approved to form by the Township Attorney; now, therefore,

BE IT RESOLVED, by the Township Committee of the Township of Middletown, New Jersey, that it hereby authorizes the payment of 77,874.26 to International Salt Co, LLC for goods received.

**BINGO AND RAFFLES**

PTSA M.A.S.T. GATEWAY NATL PARK	09-25
MON. CONSERV. FOUNDATION,	09-26
JERSEY SHORE PARTNERSHIP FNDTN	09-27
JERSEY SHORE PARTNERSHIP FNDTN	09-28
ALL SAINTS' MEMORIAL CHURCH	09-29
ST. CATHERINE CHURCH	09-30
ST. CATHERINE CHURCH	09-31
ST. MARYS SCHOOL PTA	09-32
ST. MARYS SCHOOL PTA	09-33
ST. MARYS SCHOOL PTA	09-34
ST. MARYS SCHOOL PTA	09-35
ST. MARYS SCHOOL PTA	09-36
ST. MARYS R.C. CHURCH	09-37
ST. MARYS R.C. CHURCH	09-38
ST. MARYS R.C. CHURCH	09-39
MOVIN' ON CRUISERS, INC.	09-40



negotiations by the Director of Parks and Recreation for an acceptable price to occupy and operate such Concession at the Middletown Swim Club.

2. 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. Gregg A. Silva, Director of Parks & Recreation

### **TOWNSHIP COMMITTEE COMMENTS**

Committeeman Fiore stated he and Committeeman Byrnes had met with Parks and received insightful information and clarity on their budget requests for this year. Committeeman Fiore stated that the Governor has just announced his budget and Middletown is going to receive another cut. Committeeman Fiore stated that this money is actually not aid but money that the tax payers of Middletown have sent to the State and are getting back. Committeeman Fiore stated that in the past two years the cut in aid by his calculation is approximately one million dollars. Committeeman Fiore discussed that the committee can only make so many cuts and these cuts affect everyone. Committeeman Fiore discussed the budget and the various state levels.

Committeeman Byrnes stated that the Township has had some victories and losses on open government. Committeeman Byrnes stated he was happy about the web-site resolution. Committeeman Byrnes stated he did not want to see the restriction of the use of video cameras. Committeeman Byrnes commented on an editorial in the Asbury Park Press regarding the budget. Committeeman Byrnes stated he agreed with Committeeman Fiore regarding the informative sessions they have had on the budget. Committeeman Byrnes stated he was working on the committee for the recreational master plan and was looking forward to working on that. Committeeman Byrnes stated he did not want the public to think that he waits to the last minute on issues but he is busy and receives a lot of information and if he sees something at the last minute that needs to be tweaked he will suggest it. Committeeman Byrnes wished everyone a Happy Saint Patrick's Day.

Committeeman Short stated he knew the Committee was working hard on the budget. Committeeman Short stated he would like to see the final budget numbers. Committeeman Short stated he would like a freeze on new hires and overtime and stated he would like more limits on discretionary spending and a reduction of 10 vehicles from our fleet. Committeeman Short stated he is going to be reviewing the costs for Parks and Recreation's trip to ensure they were cost neutral. Committeeman Short would like to review the balance sheet at the Arts Center. Committeeman Short stated he had a great time with the Lions Club and New Jersey National Guard readiness center at their luncheon. Committeeman Short asked for more local volunteers. Committeeman Short stated he went to the library for their activities and complemented them on their pamphlet. Committeeman Short thanked his fellow members for passing the web-site resolution. Committeeman Short discussed the implications of the web-site resolution.

Deputy Mayor Scharfenberger stated he recently went on the NJ Devils trip sponsored by Parks and Recreation. Deputy Mayor Scharfenberger commented on the success of the

program. Deputy Mayor Scharfenberger stated how much he enjoyed the volunteer night at the Arts Center and his pleasure at seeing a lot of younger volunteers. Deputy Mayor Scharfenberger commented on the funds raised for the troops at the Lions Club luncheon and how wonderful the event was. Deputy Mayor Scharfenberger stated the Governor's budget cuts to Middletown were a disaster. The Governor takes away the property tax deduction for those families earning over seventy-thousand dollars which with two working people was not difficult to do. Deputy Mayor Scharfenberger commented on the Governor's cut in tax rebates after the one percent sales tax increase last year was supposed to be ear-marked for that purpose. Deputy Mayor Scharfenberger commented on the fact that the aid to distressed cities has not been cut at all yet Middletown is taking another huge cut.

Mayor Brightbill discussed the stimulus money and opportunities. Mayor Brightbill stated our government affairs firm, administrator, attorney and engineer worked diligently to meet short deadlines for various different funds for different projects. Mayor Brightbill stated she had breakfast with Congressman Holt and she was able to discuss some different fund applications. Congressman Holt stated Middletown did just receive an extra seventy-seven thousand for the community development block grant. Mayor Brightbill discussed the Middletown Elks ball and the Port Monmouth First Aid Squad's new stretcher donated by the Elks. Mayor Brightbill commented that the overtime is essential. Mayor Brightbill discussed the township's kennel ordinance and complaints from residents.

### **PUBLIC COMMENTS**

Andrew Busco, Main Street, Port Monmouth discussed the intersection of Harmony Road and Cherry Tree Farm Road and the volume of traffic and timing of the traffic lights. Mr. Busco requested that this be looked at by the Township and the County. The Administrator stated it appears that the County has looked at this intersection.

Pat Walsh, River Plaza, thanked the members of the Committee for the resolution to allow the resolutions to be posted on the web-site prior to meetings.

Rob Hinkey, Middletown discussed the issue of the road on Church Lane. Mr. Hinkey stated he felt the road was being neglected and that it needed to be repaired. The Township Engineer stated he has looked at the road, it has been tended to in regards to repairs. The Engineer stated it is on the list for repairs. Mr. Hinkey stated he has been informed that it was on the list for the past several years with no improvement. Mr. Hinkey said DPW's use of cold patches were unsuccessful and not working. The Township Administrator discussed the process for choosing streets for repairs.

Doug Yale, Church Lane, Middletown stated the condition this year of the street is worse than it has ever been. Mr. Yale stated there is a water main that is at one end of the street and there is pothole around it which creates a tripping hazard. The Township Engineer stated many roads this year developed holes due to the weather.

Robert Saperdi, Leonardo expressed concern over the snowstorm and the failure to pick up his garbage. Mr. Saperdi stated he felt that the Township was entitled to a credit for

the failure of the garbage company to pick up the trash. Mr. Saperdi stated he spoke with the Township Administrator in regards to the issue as well. The Administrator discussed the issue and complaints regarding the garbage company. The Committee discussed sending a letter of complaint to the company or calling them into the Township's offices.

Sean Stone, 813 Church Lane, Middletown discussed the effects of the damage to Church Lane and the issues for the children being unable to ride their bicycles due to pot-holes. Mr. Stone stated that the cold patch was ineffective. Mr. Stone stated that he has been promised the road would be repaired for the past three years. Mr. Stone stated that other roads in town are not in as bad a state as Church Lane.

Andrew Bane, Leonardo, questioned if the clothing bin ordinance passed. Mr. Bane questioned the mechanics of the ordinance. The Township Administrator discussed the ordinance. Mr. Bane questioned stimulus money and Middletown's allocation. The Committee discussed the different projects. Mr. Bane thanked the Committee for the volunteer appreciation night. Mr. Bane questioned how the information was going to be posted on the web-site. Mr. Bane stated his concerns with less and less funds from the state.

Robert Burke, 1 Oakhurst Drive, stated that he lived on an "s" turn. Mr. Burke stated he is concerned because of the speed of cars flying through the corners. Mr. Burke stated that the residents on the block want a stop sign. Mr. Burke stated a bus has had an accident on the corner. The Committee requested that Traffic and Safety review the issue.

James Grenefege, Red Coach Lane, Locust, requested that the sewerage commission be reviewed to reduce the number of members. Mr. Grenefege also discussed the personnel of the sewerage commission. Mr. Grenefege discussed the budget process and suggested furloughing employees and staggered schedules for staff. Mr. Grenefege stated he supported capping sick, vacation and compensatory time. Mr. Grenefege stated he would like to see employees take their vacation time in blocks of time. Mr. Grenefege stated he would like the budget to be cut and that planning for next year should be done now. Mr. Grenefege suggested merging the Arts Center and Library. Mr. Grenefege stated he would like to see innovation.

Art Miceli, Morningside Ave., North Middletown, stated he very much appreciated the resolutions going on the web-site. Mr. Miceli stated his area was also skipped for the garbage pick-up as well. Mr. Miceli thanked the individuals who plowed out his neighborhood. Mr. Miceli stated they did a phenomenal job.

Jerry Nastead, Church Lane questioned how long it would be before they were aware of when Church Lane would be plowed. The Township Administrator stated the capital budget should be adopted by May and then they will choose the streets. The Administrator stated if the road needs to be reconstructed means it requires an engineering project so it does not guarantee that it will get paved this year, it may get designed this year and repaired next year. Ms. Nastead stated that at one time it was on the list and then they ran out of money. The Administrator stated more likely it was on the list but was not chosen to be funded. The Administrator stated level of deterioration,

completion of an area are some of the factors that go into the decision for paving. Mayor Brightbill stated she will remember their request.

Don Watson, 10 Collinson Drive, New Monmouth stated he read that there is a list of construction projects that bids were being opened for at T&M. Mr. Watson wanted to know when the Engineer would be reviewing this information. The Engineer explained the process, noting these were for projects designed last year. Mr. Watson questioned why the Township did not negotiate lower fees for professionals in December. Committeeman Byrnes stated that the Township was going to try to negotiate further. Mr. Watson questioned the Dock and Roll program funding. The Administrator stated the Township funded part of the project and the town funded the other part. The Administrator noted the rider-ship was fairly high particularly in the commuter area. The Administrator discussed the service.

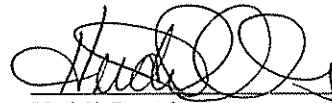
Heather Kimball-Zweller, Lincroft thanked the committee for the resolution to put resolutions on the web-site. Ms. Zweller questioned where the Township stood with COAH. The Planner stated that COAH is in receipt with the housing plan and that some additional items were needed by April 4 and those items were being provided. The Planner stated that within the next two-three weeks everything would be provided.

Matt Rimler, 857 Church Lane, questioned the list process for the streets. Mr. Rimler stated if he could review the list and find other streets that are in worse shape with higher volume. Mayor Brightbill stated the Engineer will be providing the list to the counsel. The Engineer discussed the list process and how streets were reviewed and prioritized.

### ADJOURNMENT

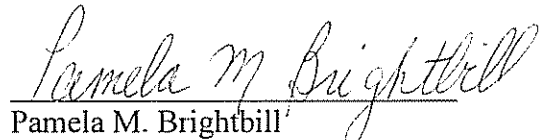
It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger and carried to adjourn the meeting at 10:25 P.M.

Respectfully submitted,



Heidi R. Abs  
Township Clerk

Approved:



Pamela M. Brightbill  
Mayor, Township of Middletown

