

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 May 18, 2009.

Deputy Township Clerk, Lauren Kirkman, 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**

Deputy Clerk Kirkman led the assembly in the Pledge of Allegiance.

Deputy Clerk Kirkman 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 the 2008-2009 Middletown Special Olympics Team**

Deputy Clerk Kirkman asked that Coach Jack Saylor of the Team come to the podium.

Mayor Brightbill congratulated the entire Team as well as all the volunteers for all their hard work. Mayor Brightbill presented each one of the volunteers and team members with a certificate of appreciation.

The Team was comprised of the following members: the committee: Bonnie Squicciarini, Judy Saydah, Linda Argiro, Colleen Sunders; Athletes: Vincent Argiro, Jake Chalmers, Blake Ferrell, Patrick Givens, Justin Haggan, Emily Lennon, Loriann Leone, Meghan McGarry, Nishan Patel, Nicholas Pappagallo, Valerie Pedretti, Allie Rech, Andrew Ricci, Ralph Santiago, Ricky Santiago, Michelle Saydah, Heidi Beth Scheer, Brandon Scheines, Meghan Vadon, Gerard Wazeter; Student Volunteers: Gabriella Areimma, Corinne Clark, Kevin Cuddihy, John Dwyer, James Fitzgerald, Kathleen Griffin, Kerry Healy, Clavin Kim, Stephanie Lanza, Brianna Leone, Megan Lepkoski, Rob Maiello, Alex Melore, Stephen Monaghan, Aly Niven, Nicole Quintero, Alex Sarlo, Jessica Saunders, Alyssa Sudman, Nick Squicciarini, Danielle Troccoli, Patrick Weimer, and Ryan Wilton.

**Representation of the New Jersey Planning Officials Achievement in Planning Awards for the Port of Belford Study**

Deputy Clerk Kirkman invited Jason Greenspan, Director of Planning, to the podium. Deputy Mayor Scharfenberger stated that Middletown had recently received the award for the Port of Belford plan. Deputy Mayor Scharfenberger stated the port was an area rich in history and re-presented the award to the Director of Planning.

**Proclamation Commemorating the 75<sup>th</sup> Anniversary of the Middletown Township First Aid and Rescue Squad**

Deputy Clerk Kirkman requested that the members of the Middletown First Aid come to the podium.  
Mayor Brightbill read the following proclamation.

**Proclamation**

Office of the Mayor

**Middletown First Aid and Rescue  
75<sup>th</sup> Anniversary**

**WHEREAS:** The Middletown First Aid and Rescue Squad, originally named East Keansburg First Aid, was organized in October 1933 and officially established with Township Committee approval in 1934, and

**WHEREAS:** The Middletown First Aid and Rescue Squad came to life with a single Cadillac-style ambulance and the humble goal of assisting people in their times of need. Noteworthy calls from the early years include the 1934 Morro Castle sinking in Asbury Park, 1937 Hindenburg airship disaster in Lakehurst and 1953 Army Depot explosion in South Amboy, and

**WHEREAS:** Today's 54-member, volunteer squad includes 10 cadets and 22 EMT-certified members. They operate out of an expanded version of the original building. Today's equipment inventory includes two ambulances, a rescue truck, dive truck, two inflatable boats for the water rescue team, four bicycles for the EMS Bike Team, an EMS command vehicle, and an EMS Safety and Utility Vehicle, and

**WHEREAS:** Noteworthy calls for assistance in recent history include the 9/11/01 World Trade Center Disaster; working structure fires at Kings Row and Daniel Towers, and countless incidents involving trucks, buses and multiple casualties, and

**WHEREAS:** The Middletown Township First Aid and Rescue has had many members who have unselfishly donated their time and talent to help a neighbor in need. It is through their dedication, and the foresight of founding members that the squad stands together to celebrate its 75<sup>th</sup> anniversary. Now

**THEREFORE:** Be it proclaimed on May 18, 2009 that I, Mayor Pamela M. Brightbill, and the Middletown Township Committee do hereby congratulate the Middletown First Aid and Rescue Squad on 75 years of exemplary service and thank every member for their unwavering commitment to the well-being of the community.

Bob Pleger accepted the Proclamation on behalf of the squad, noting they take approximately 25 calls a day.

**Proclamation Declaring May 24 through May 30th as Hurricane Preparedness Week.**

Deputy Clerk Kirkman requested that Chief Ehret of Emergency Management come to the podium. Mayor Brightbill read the following proclamation:

***Proclamation***

Office of the Mayor

**National Hurricane Preparedness Week  
May 24 -- May 30, 2009**

**WHEREAS:** National Hurricane Preparedness Week highlights the vital importance of being prepared when natural disasters strike. Hurricanes can cause destruction over entire regions and claim many lives, and

**WHEREAS:** By working together as a community Middletown can better prepare for, respond to, and recover from a hurricane, and

**WHEREAS:** Middletown Emergency Management works with township, county and state agencies and first responders organizations to develop emergency operation plans that address response to hurricanes and other community hazards, and

**WHEREAS:** Residents can do their part by preparing themselves and their families for emergencies. Residents should maintain emergency supply kits, family communication plans and evacuation plans, and

**WHEREAS:** Hurricane season begins June 1 and ends November 30. Forecasters are predicting near average activity this season with 12 named storms and 6 hurricanes. Now

**THEREFORE:** I, Mayor Pamela M. Brightbill and the Middletown Township Committee do hereby proclaim May 24 through May 30, 2009, as Hurricane Preparedness Week in Middletown Township. We call upon government agencies, private organizations, schools, and the media to share information about hurricane preparedness. We also urge citizens living in vulnerable coastal areas to take appropriate measures and precautions to protect themselves, their homes, and their communities against the effects of hurricanes.

### **Certificate of Recognition for the "Buy Middletown" Logo Contest Winner**

Deputy Clerk Kirkman invited Christine Alvarez to the podium. Mayor Brightbill stated that Christine was one of a dozen people who submitted entries for the Buy Middletown logo contest. Mayor Brightbill stated that the logo would be posted all over town and that a resource list was being created of different business in town. Mayor Brightbill encouraged residents to buy items from in town rather than outside of town.

Below is the award winning entry:



### **APPROVAL OF MINUTES**

Deputy Clerk Kirkman 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.

February 17, 2009	Executive Session
March 9, 2009	Workshop Meeting
March 16, 2009	Executive Session
March 16, 2009	Regular Meeting

March 31, 2009      Special Meeting

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

Deputy Clerk Kirkman stated motion carries to adopt minutes.

**INTRODUCTION OF PROPOSED ORDINANCES**

**Ordinance #2009-2971 Ordinance Authorizing Conveyance To County Of Monmouth Of Utility/Slope Easement Portion Of Block 643, Lot 11 County Reconstruction Of Bridge Mt-12 Park Avenue Over Compton Creek**

It was moved by Committeeman Byrnes, seconded by Mayor Brightbill to pass the ordinance on first reading with the public hearing to be held for the June 15, 2009 Regular Meeting.

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

Deputy Clerk Kirkman stated ordinance passed on first reading with public hearing to be held on June 15, 2009.

**Ordinance #2009-2972 Ordinance Amending Salary Ranges Blue and White Collar Supervisors Unit 2008 and 2009**

It was moved by Deputy Mayor Scharfenberger, seconded by Committeeman Byrnes to pass the ordinance on first reading with the public hearing to be held for the June 15, 2009 Regular Meeting.

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

Deputy Clerk Kirkman stated ordinance passed on first reading with public hearing to be held on June 15, 2009.

**Ordinance #2009-2973 Ordinance Amending §202 of the Township Code Governing Precious Metals and Gems**

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 June 15, 2009 Regular Meeting.

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

Nays: None  
Abstention: None

Deputy Clerk Kirkman stated ordinance passed on first reading with public hearing to be held on June 15, 2009.

**PUBLIC HEARING ON PROPOSED ORDINANCES**

**Ordinance #2009-2965 Ordinance Creating Early Retirement Incentive for Eligible Township Employees**

Mayor Brightbill opened the public hearing:

James Grenefege, 35 Red Coach Lane, Locust questioned the overall costs of the ordinance. The Administrator stated that was to be determined based upon how many employees took advantage of the ordinance however only a small amount of employees were eligible for the benefit. Mayor Brightbill noted that the ordinance had a sunset date of 2010.

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

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

**Ordinance #2009-2966 Ordinance Requiring Disclosure of Political Contributions with Major Planning and Zoning Applications**

Committeeman Byrnes questioned if an attorney was representing an applicant would they need to disclose contributions. The Township Attorney stated they would be required to disclose. Committeeman Short questioned the various definitions in the ordinance. The Township Attorney reviewed the Title 19 definitions stating the ordinance covered all contributions except to Federal campaigns. Committeeman Byrnes questioned if a developer contributed to a state party. The Township Attorney explained the process.

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

Nays: Byrnes w/comment  
Abstentions: None

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

Committeeman Byrnes stated that he did not think all attorneys or professionals should have to disclose any contribution and that perhaps there was a constitutional issue raised by the broadness of the ordinance. Committeeman Byrnes stated that perhaps if there was a dollar limit requiring disclosure. The Township Attorney noted this was covering disclosure for donations that were required to be reported through existing election law of \$300. Committeeman Byrnes stated if the ordinance was consistent with existing election law he would have voted yes.

Committeeman Fiore stated that he favored the ordinance and was happy for its passage because it allowed for more disclosure and greater transparency.

**Ordinance #2009-2967 Amending Chapter 47 of the Township Code Governing the Township of Middletown Sewerage Authority**

Mayor Brightbill opened the public hearing.

Jim Grenefege, 35 Red Coach Lane, Locust, questioned un-appointing the current Sewerage Authority people and re-appointing them. The Township Attorney stated you cannot un-appoint the members.

Committeeman Short questioned the last paragraph of the ordinance regarding health benefits and its application to new officials. The Township Attorney stated under current New Jersey state law the only way new officials could get health benefits is if the Township Committee raised the salary of the members to \$7500. Committeeman Short noted that those who currently have the benefits can still keep them. The Township Attorney confirmed this statement stating that is pursuant to state law.

Richard Hughes of 395 Monmouth Ave, questioned if the current members could continue to get there health benefits. The Township Attorney stated that if they were appointed prior to November 2, 2008 they would continue to receive their benefits. Mr. Hughes questioned if the members were not re-appointed that they would lose everything. Committeeman Byrnes questioned that if the members get re-appointed if they get to keep there benefits, his understanding was that their benefits were terminated. The Township Attorney explained that under the pension law you cannot take the benefits away that have been put in place.

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

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

Committeeman Byrnes commented that he did not think that if members continued on the Authority they should continue to get their benefits. Committeeman Byrnes stated consideration must be given to not re-appointing the current members at reorganization.

**Ordinance #2009-2968 Ordinance Restricting Parking on Patriots & Schindler Way**

Mayor Brightbill opened the public hearing:

Hearing no comments from the public, it was moved by Mayor Brightbill, seconded by Committeeman Short 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.  
Abstention: None

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

AMENDMENT

**Ordinance #2009-2969 Ordinance Authorizing The Township Participation In The Acquisition Of Property For Open Space Pursuant To A Joint Acquisition With Monmouth Conservation Foundation, Ny/Nj Baykeeper And Impact/Oasis , Block 873, Lot 163 (163q), Block 871, Lot 9 – Owner George Coe**

Deputy Clerk Kirkman stated that this was an amendment for this ordinance and asked for a motion to approve this ordinance as amended with a public hearing to be held on June 15, 2009.

It was moved by Mayor Brightbill, seconded by Committeeman Fiore to amend this ordinance with a public hearing to be held on June 15, 2009.

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

Deputy Clerk Kirkman stated motion carried to amend this ordinance with a public hearing to be held on June 15, 2009.



**CONSENT AGENDA**

**RESOLUTION #09-139: Payment of Bills**

Payment of Bills for May 2009 in the amount of \$23,692,775.74

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  
                          Nays: None  
                          Abstentions: None

Deputy Clerk Kirkman stated the motion carried to adopt resolution 09-139.

**RESOLUTION # 09-157 Resolution For Emergency Temporary Budget Appropriations And Cancellation Of Prior Authorized Budget Appropriations**

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  
                          Nays: None  
                          Abstentions: None

Deputy Clerk Kirkman stated the motion carried to adopt resolution 09-157.

**Resolution No. 09-157**

**Township of Middletown**

**RESOLUTION FOR EMERGENCY TEMPORARY BUDGET  
APPROPRIATIONS AND CANCELLATION OF PRIOR AUTHORIZED  
BUDGET APPROPRIATIONS**

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number accounts and no adequate provision has been made in a Year 2009 temporary budget for the aforesaid purposes, and

WHEREAS, NJS 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the Year 2009 for the Township pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:4-20) including this resolution total \$18,101,965 and

NOW, THEREFORE, BE IT RESOLVED (not less than two thirds of all members of the Township Committee of the Township of Middletown, New Jersey affirmatively concurring) that in accordance with the provisions of NJS 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the following purposes:

WHEREAS, the following Current Fund temporary emergency budget appropriation balances remain unexpended:

Account Number	Description	Amount
<b>Current Fund</b>		
9-01-20-100-100-100	A&E S&W	\$8,000
9-01-20-100-100-200	A&E O/E	4,000
9-01-20-120-100-100	TOWNSHIP CLERK S&W	5,000
9-01-20-120-100-200	CLERK O/E	11,000
9-01-20-130-100-100	FINANCE S&W	20,000
9-01-20-130-100-200	FINANCE O/E	9,700
9-01-20-140-100-100	MIS S&W	10,000
9-01-20-140-100-200	MIS/ O/E	9,500
9-01-20-145-100-100	TAX COLLECTOR S&W	20,000
9-01-20-150-100-100	TAX ASSESSOR S&W	35,000
9-01-20-165-100-200	ENGINEER O/E	\$10,000
9-01-21-180-100-100	PLANNING S&W	30,000
9-01-21-185-100-100	ZONING BOARD S&W	500
9-01-22-195-100-100	INSPECTIONS S&W	10,000
9-01-23-220-100-200	INSURANCE O/E	150,000
9-01-25-240-100-100	POLICE S&W	275,000
9-01-25-240-100-200	POLICE O/E	32,000
9-01-25-252-100-101	EMERGENCY MGMT S&W	5,000
9-01-25-260-100-200	FIRST AID O/E	5,000
9-01-25-265-101-101	UNIFORM FIRE SAFETY S&W	25,000
9-01-26-290-100-112	CLEAN COMMUNITY S&W	15,000
9-01-26-290-100-200	DPW O/E	2,000
9-01-26-305-100-100	RECYCLING S&W	15,000
9-01-26-310-100-259	PBG - MAINTENANCE OF TWP PROPERTIES	10,000
9-01-26-315-100-200	VEHICLE MAINTENANCE O/E	16,000
9-01-26-325-100-250	DPW CONDOMINIUM MAINTENANCE	15,000
9-01-27-330-100-100	HEALTH S&W	2,000
9-01-27-330-100-200	HEALTH O/E	5,000
9-01-27-330-101-100	ALLIANCE S&W	15,000
9-01-27-340-100-624	DOG CONTROL O/E	5,000
9-01-28-370-100-100	PARKS & RECREATION S&W	60,000
9-01-28-370-100-200	PARKS O/E	87,250
9-01-28-380-100-200	PARKS - BEACH MAINTENANCE	8,000
9-01-30-410-205-291	RAILROAD PARKING LOT LEASE	12,500
9-01-30-420-200-208	CELEBRATION OF PUBLIC EVENTS	25,000
9-01-31-400-200-200	UTILITIES O/E	135,000

Account Number	Description	Amount
<b>Current Fund</b>		
9-01-36-472-200-285	STATUTORY SOCIAL SECURITY	150,000
9-01-40-240-100-529	CROSSROADS - DEDR MUNI MATCH GRANT	6,709
9-01-40-330-100-521	CROSSROADS COMM BASED MUNI MATCH GRANT	6,916
9-01-40-899-470-208	MATCH FOR INDETERMEDIATE GRANTS	10,000
9-01-41-240-100-524	CROSSROADS - COMMUNITY BASED GRANT	26,200
9-01-41-330-100-520	HEALTH- PUBLIC HEALTH PRIORITY FUNDING GRANT	23,000
9-01-41-700-108-521	CROSSROADS - DEDR GRANT	26,836
9-01-42-101-202-101	INTER LOCAL AGREEMENT MONMOUTH COUNTY SHUTTLE BUS S&W	10,000
9-01-43-490-100-100	COURT S&W	10,000
9-01-45-930-200-300	DEBT SERVICE INTEREST	500,000
		\$1,872,111

Account Number	Description	Amount
<b>SWIM UTILITY</b>		
9-27-55-500-000-100	SWIM UTILITY S&W	75,000
9-27-55-500-000-200	SWIM UTILITY O/E	26,500
		101,500

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be removed from the 2009 Township budget.

Account Number	Description	Amount
<b>Current Fund</b>		
9-01-20-145-101-260	COLLECTOR TAX TITLE LIENS	\$1,150
9-01-20-175-100-208	HISTORY PRESERVATION OTHER EXPENSE	800
9-01-21-180-101-100	PLANNING BOARD S&W	2,928
9-01-26-290-101-200	SNOW OTHER EXPENSE	444,000
		\$ 448,878

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 be cancelled.

2. That said emergency temporary appropriations will be provided for in the 2009 budget under the appropriate titles.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Deputy Clerk Kirkman requested the adoption of the consent agenda including Resolution 09-140 through 09-158 and Bingo and Raffle Application but excluding resolution 09-157 for separate vote.

The Township Administrator noted that there was a resolution for the appointment of an acting CFO. The Administrator stated that this was because the CFO was unavailable due to health

issues and the Township was involved in the middle of the budget process so an acting CFO was necessary.

It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger and carried to adopt Resolution 09-140 through 09-158 and Bingo and Raffle Application but excluding resolution 09-157 for separate vote.

Roll Call Vote:           Ayes: Byrnes w/abstention, Fiore w/ abstention, Scharfenberger, Short, Mayor Brightbill  
                              Nays: None  
                              Abstention: Fiore on Resolution 09-142 only, Byrnes on Resolution 09-150 only

Deputy Clerk Kirkman stated the motion carried to adopt the consent agenda with abstentions noted including Resolutions 09-140 through 09-158 and Bingo and Raffle Application but excluding resolution 09-157.

**RESOLUTION 09-140  
GRANTING A PERMIT FOR THE DISPLAY OF FIREWORKS**

**WHEREAS**, N.J.S.A. 21:3-3 requires that a permit be issued for the public display of fireworks; and

**WHEREAS**, The Navesink Country Club has requested that such a permit be issued regarding the public display of fireworks to be held on May 25, 2009 on the grounds of the Navesink Country Club Golf Course; and

**WHEREAS**, said display shall be handled by a competent operator; and

**WHEREAS**, the Township of Middletown will be named as a co-insured on a certain Certificate of Insurance in the amount of \$1,000,000.00(one million dollars); and

**WHEREAS**, approvals and/or permits will be obtained from the Bureau of Fire Prevention.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLETOWN, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY** as follows:

1. The Bureau of Fire Prevention is hereby authorized to issue a permit regarding the aforementioned display of fireworks and is further authorized to obtain any other documentation which may be required for the fireworks display.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a. Bureau of fire Prevention
  - b. Police Department
  - c. Navesink Country Club

**Resolution 09-141**

**Township of Middletown**

**Resolution Authorizing Application for Open Space Funds  
Block 276, Lot 75.01 (Fisler Tract)**

**MUNICIPAL RESOLUTION LANGUAGE**

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

**WHEREAS**, the Governing Body of the Township of Middletown desires to obtain County Open Space Trust Funds in the amount of \$203,000 to fund the acquisition of the Fisler property also known as Block 276 Lot 75.01 with frontage on Cedar Street; and

**WHEREAS**, the total cost of the project including all matching funds is \$415,000; and

**WHEREAS**, the Township of Middletown will be holder of any interest acquired with County Open Space Trust Funds.

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

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

**Resolution No. 09-142**

**Township of Middletown**

**Authorizing Execution of Agreement Between The Township of Middletown and  
PMA Management Corp. Providing for Claims Administration of Workers  
Compensation, General Liability and Automobile Liability**

**WHEREAS**, PMA Management Corp. (“PMA”) of Mount Laurel, New Jersey, has been the provider of claims administration services for the Township for the past several years and is experienced and skilled in claims administration, including but not limited to workers compensation, general liability, automobile liability, automobile property damage and police liability, including medical provider network services related to claims administration of the above, and the existing Contract for such services expires on May 31, 2009;

**WHEREAS**, it is necessary that such claims administration services be available and provided related to employees and property owned and utilized by the Township, and PMA has provided such services satisfactorily for the past several years; and

**WHEREAS**, the services authorized by this Resolution are not subject to public bidding under the Local Public Contracts Law, N.J.S.A. 40A:11-5, such services being extraordinary and unspecifiable; and

**WHEREAS**, nevertheless, quotations from other firms doing such services were solicited by a request for proposals publicly advertised pursuant to the Fair and Open Process as per N.J.S.A. 19:44A-20.5, and the proposal submitted by PMA has been reviewed by the Administrator and it is recommended that PMA be continued as their services and quotations are the most satisfactory and economical.

**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 proposed Contract between the Township of Middletown and PMA for claims administration services is approved, and the Mayor, Township Clerk and appropriate officials are authorized to execute this Contract, in a form to be finalized and approved by the Township Attorney provided the following terms are met:

1. Nature of Services. Professional claims administrative services involving workers compensation, general liability, automobile liability, automobile property damage and police liability, and medical provider services related to such claims administration.
2. Duration. The Contract term is from June 1, 2009 through May 31, 2012. The Contract is terminable on ninety (90) days notice.

3. Estimated Amount of Contract. The Contract provides for a flat annual fee for basic claims administration at \$41,500 for year one, \$41,500 for year two, and \$41,500 for year three. In addition, there are certain rates or fees specified for additional medical review services at the per hour or per bill rate to be specified in the contract, along with a percentage of savings on medical services of 20% to be received by the claims administration company.
4. Reason for Awarding the Contract. It is both reasonable and required that the Township maintain adequate claims administrative services affecting its property and personnel and that such services be properly managed respecting its administration, process of claims, and like obligations. PMA is a well established and skilled claims administrator. The Contract is in a form substantially similar as between PMA and many other public agencies. The Township Administrator recommends approval of the said claims administrative agreement as the most cost effective available to continue to provide the necessary services and to provide savings in the engagement and providing of medical services required to address such claims.
5. This Contract is awarded pursuant to a request for proposals without competitive bidding, as it involves the providing of extraordinary and unspecifiable services, in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law and was nevertheless advertised pursuant to the Fair and Open Process as per N.J.S.A. 19:44A-20.5.
6. The Contract shall be in conformance with and include a copy of the Mandatory Affirmative Action Language Applicable to Goods, Services and Professional Services Contracts required by N.J.A.C. 17:27.
7. The Contract shall include a Business Registration Certificate as required pursuant to Section 1 of P.L. 2001, c 134 (N.J.S.A. 52:32-44 et al) or subsection e. or f. of section 91 of P.L. 1977, c. 110 (N.J.S.A. 5:12-92).
8. Attached is the proposed form of Contract authorized by this Resolution, to be finalized and approved by the Township Attorney subject to certification of the availability of funds by the Township's Acting Chief Financial Officer.
9. A copy of this Resolution and the Contract will be available for inspection at the office of the Middletown Township Clerk, Town Hall, One Kings Highway, Middletown, New Jersey during regular business hours.

### **RESOLUTION 09-143**

#### **RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR: ROAD SALT**

**WHEREAS,** bids were received on May 5, 2009, and;

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

Responsive Bids were received as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
1. INTERNATIONAL SALT COMPANY 655 NORTHERN BOULEVARD CLARKS SUMMIT, PA. 18411	\$ 78.65 PER TON
2. ATLANTIC SALT, INC 134 MIDDLE STREET, SUITE 210 LOWELL, MA. 01852	\$ 78.65 PER TON

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

INTERNATIONAL SALT COMPANY, 655 NORTHERN BOULEVARD, CLARKS SUUMMIT, PA. 18411, shall Furnish and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated May 5, 2009, said bidder being the Lowest Responsible Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
SUPPLY AND DELIVER HIGH QUALITY ROCK SALT (SODIUM CHLORIDE) FOR A TWELVE (12) MONTH PERIOD	INTERNATIONAL SALT COMPANY 655 NORTHERN BOULEVARD CLARKS SUMMIT, PA. 18411

**WHEREAS**, bids have been reviewed by the Purchasing Agent and Lawrence M. Werger, Director of Public Works, and it is their recommendation that the contract be awarded to INTERNATIONAL SALT COMPANY, 655 NORTHERN BOULEVARD, CLARKS SUMMIT, PA. 18411.

**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 "Road Salt's to International Salt

Company, 655 Northern Boulevard, Clarks Summit, Pa. 18411.

2. **BE IT FURTHER RESOLVED**, that International Salt Company is being awarded the contract due to the excellent service they have provided the Township during snow events for the past two years.

3. **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.

**BE IT FURTHER RESOLVED**, this contract is open-ended pursuant to N.J.A.C. 5:30-11-10 with a guarantee of Two Hundred and Fifty (250) Tons. Funds will be certified and encumbered by individual purchase orders prior to each request for service contingent upon their availability during the appropriate Municipal budget year.

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) Lawrence M. Werger, Public Works
- D) All of the above bidders

**Resolution 09-144**

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

**WHEREAS**, bids were received on May 5, 2009; and

**WHEREAS**, two (2) bids were picked up by vendors, and one (1)

Responsive Bid was received as follows:

VENDOR

1. ALL AMERICAN PRINT & COPY  
518 HIGHWAY 35  
RED BANK, N.J. 07701

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

ALL AMERICAN PRINT & COPY, 518 HIGHWAY 35, RED BANK, N.J. 07701. shall Furnish and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated May 5, 2009. said bidder being the Lowest Responsible Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
PROVIDE PRINTING SERVICES FOR A TWENTY FOUR (24) MONTH PERIOD	ALL AMERICAN PRINT & COPY 518 HIGHWAY 35 RED BANK, N.J. 07701

**WHEREAS**, bids have been reviewed by the Purchasing Agent and it is his recommendation that the contract be awarded to ALL AMERICAN PRINT & COPY, 518 HIGHWAY 35, MIDDLETOWN, N.J. 07701.

**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 "Printing Services" to All American Print & Copy, 518 Highway 35, Middletown, N.J. 07701.
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 order prior to each request for service.
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) Chief Financial Officer

C) Vendor

**Resolution No. 09-145**

**Township of Middletown**

**Resolution Authorizing Submittal of Grant Application and Execution  
of Grant Agreement With the New Jersey Department of Transportation  
for the Kings Highway East Rehabilitation Project - Phase III**

**WHEREAS**, the New Jersey Department of Transportation (“NJDOT”) is accepting applications for FY2010 requests for grant funding; and

**WHEREAS**, the Township of Middletown is seeking municipal aid to rehabilitate Kings Highway East from Windy Hill Lane to Stillwell Road; and

**WHEREAS**, the Township Administrator and Township Engineer recommends the filing and execution of a application and agreement for grant funding for roadway rehabilitation projects, whenever available, to offset such expenses from being born by Middletown Taxpayers.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Middletown in the County of Monmouth formally approves the submittal of a grant application and execution of an agreement for the same for funds for the rehabilitation of Kings Highway East from Windy Hill Lane to Stillwell Road.

**BE IT FURTHER RESOLVED** that the Township Administrator and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2010-Middletown Township-00250 to the NJDOT on behalf of The Township of Middletown.

**BE IT FURTHER RESOLVED** that the Township Administrator and Township Clerk are hereby authorized to execute the grant agreement on behalf of The Township of Middletown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement to the NJDOT for funding for the rehabilitation of Kings Highway East from Windy Hill Lane to Stillwell Road.

**Resolution 09-146**

**Township of Middletown**

**RESOLUTION AUTHORIZING  
COLLECTIVE BARGAINING AGREEMENT  
WITH CWA LOCAL 1034  
(BLUE AND WHITE COLLAR SUPERVISORS UNIT)  
FOR 2008 AND 2009**

**WHEREAS**, the Collective Bargaining Agreement with CWA Local 1034, representing the Township Blue and White Collar Supervisors, expired as of December 31, 2007 and negotiations have been ongoing toward a new Collective Bargaining Agreement, and

**WHEREAS**, the negotiations became more protracted due to the substantial economic and financial issues that arose during the latter portion of 2008, and

**WHEREAS**, the other Bargaining Units representing the other Township employees (except for the PBA) had in place Collective Bargaining Agreements negotiated in approximately 2005 that ran through the end of 2008 and under those agreements the other Township employees, including the Blue Collar and White Collar employees supervised by the Supervisors in this Unit, had received salary increases of approximately 3.85% for the year 2008, and

**WHEREAS**, due to the fiscal uncertainties and issues now facing and effecting the Township and other public entities, the negotiations of a long term Collective Bargaining Agreement could not be secured, and the negotiations centered on a shorter term agreement providing a salary increase for 2008 comparable to other employees and for a salary freeze for 2009 so as to assist in addressing the current ongoing fiscal/budget requirements, and

**WHEREAS**, to that end, a Memorandum of Agreement has been secured basically providing for a continuation of the terms of the former Collective Bargaining Agreement that expired on 12/31/07, with the only changes being a 3.85% salary increase retroactive and effective 1/1/08 and no increase in salaries for the year 2009, and the ratification of that Memorandum of Agreement is recommended by the Township Administrator.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Middletown that the Collective Bargaining Agreement with CWA Local 1034 representing the Blue and White Collar Supervisors for the year 2008 and 2009, as detailed in the Memorandum of Agreement dated May 4, 2009 providing for the continuation of the terms of the prior Collective Bargaining Agreement that expired 12/31/07 with a 3.85% salary increase effective and retroactive to 1/1/08 and no salary increase for the year 2009, is ratified and approved.

**RESOLUTION No. 09-147**

**Township of Middletown**

**Resolution Authorizing Application for Green Acres  
Funds for Banfield Park Development**

**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GREEN ACRES  
ENABLING RESOLUTION**

**WHEREAS**, the New Jersey Department Of Environmental Protection, Green Acres Program (“State”), provided loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Township of Middletown desires to further the public interest by obtaining a loan of \$326, 250 and/or grant of \$108,750 from the State to fund the following project(s): Banfield Park development to include construction of a parking lot, landscaping and pathways.

**NOW, THEREFORE**, the governing body/board resolves that Pamela Brightbill or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such loan and/or such a grant
- (b) provide additional application information and furnish such documents as may be required
- (c) act as the authorized correspondent of the above named applicant, and

**WHEREAS**, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

**WHEREAS**, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

**NOW, THEREFORE, BE IT RESOLVED BY THE** Middletown Township Township Committee

1. That the Mayor is hereby authorized to execute an agreement and any amendment thereto with the State known as Banfield Park Dev. and;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$0.
3. That , in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all the applicable federal, state, and local laws, rules and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

**RESOLUTION NO. 09-148**  
**TOWNSHIP OF MIDDLETOWN**  
**LOCAL GOVERNMENT ENERGY AUDIT**

WHEREAS, the New Jersey Board of Public Utilities, Office of Clean Energy administers the Local Government Energy Audit Program (Program), an incentive program to assist local government agencies to conduct energy audits and to encourage implementation of energy conservation measures; and,

WHEREAS, the Governing Body of the Township of Middletown has decided to apply to participate in the Local Government Energy Audit Program; and,

WHEREAS, the facilities to be audited are in New Jersey, are owned by the Township of Middletown, are served by a New Jersey regulated public utility, and that the Township of Middletown has not already reserved \$100,000 in the Program this year as of this application; and,

WHEREAS, it is acknowledged that acceptance into the Program is dependent on the Scope of Work and cost proposal, and that Program rules will have to be met in order to receive incentive funds; and,

WHEREAS, upon acceptance into the Program, the Township of Middletown will prepare Facility Data Forms and Scopes of Work for each facility to be audited, solicit quotations from the authorized contractors, and submit the Part B application; and,

WHEREAS, the Township of Middletown understands that energy audit work cannot proceed until an Application Approval Notice is received from the Program; and,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Middletown, approves the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities; and,

**Resolution No. 09-149**

**Township of Middletown**

**Authorizing Execution of Agreement for Professional  
Services for Financial Consultant Robert A. Roth**

**WHEREAS**, an unanticipated absence has occurred requiring the Township to retain the services of an individual to temporarily serve as a professional financial consultant to the Township; and

**WHEREAS**, Robert A. Roth is a qualified and experienced Certified Municipal Finance Officer licensed pursuant to N.J.S.A. 40A:9-140.2 and recently retired as the Township's Chief Financial Officer after many years of dutiful service; and

**WHEREAS**, Robert Roth is immediately available to provide such services on an emergent and temporary basis; and

**WHEREAS**, the said professional services being procured are not subject to the public bidding requirements of the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5 and have not been pursued pursuant to Middletown's Fair and Open Process

due to the emergent need being exempt pursuant to N.J.S.A. 40A:11-6, the temporary nature and the estimated value of the contract of \$15,000; and

**WHEREAS**, it is recommended by the Township Administrator and Township Attorney that Robert A. Roth be retained on an emergent and temporary basis as a professional financial consultant to the Township.

**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 is hereby authorized to execute the attached Agreement pursuant to the terms included therein subject to the certification of funds by the Township's Acting Chief Financial Officer.

**Resolution No. 09-150**

**Township of Middletown  
Authorizing Agreement for Professional Services  
for Expert Real Estate Appraisal and Consulting Services**

**WHEREAS**, the Township of Middletown is in immediate need of the professional services of an expert real estate appraiser for the evaluation of current settlement offers and litigation relating to certain commercial tax appeals; and

**WHEREAS**, the Township's Tax Assessor and Attorney in consultation with the Township Administrator has recommended Gagliano & Company to provide expert real estate valuation services such as strategic market analysis, due diligence, litigation strategy and support; and

**WHEREAS**, Gagliano & Company has significant experience and primarily represents municipalities in defense of tax appeals and is readily available to provide the services immediately required; and

**WHEREAS**, the said professional services being procured are not subject to the public bidding requirements of the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5 and have not been pursued pursuant to Middletown's Fair and Open Process due to the emergent need for such services and the estimated value of the contract being \$17,500 or less at this time; and

**WHEREAS**, it is in the best interest of the taxpayers of the Township of Middletown to carefully evaluate and conduct appropriate due diligence in relation to settlement offers and litigation options in relation to certain tax appeals that could potentially have a significant impact on the Township's future municipal budgets.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, that the Mayor is hereby authorized to execute an Agreement for professional services for Expert Real Estate Appraisal and Consulting Services with Gagliano & Company for the

provision of such services herein described to assist the Township of Middletown in its defense of certain commercial tax appeals for an hourly rate of \$110 to 160 per hour for a sum not to exceed \$17,500 subject to the certification of availability of funds by the Township's Acting Chief Financial Officer.

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, that the Agreement for the said professional services shall:

- (a) be in conformance with and include a copy of the Mandatory Affirmative Action Language Applicable to Goods, Services and Professional Services Contracts required by N.J.A.C. 17:27; and
- (b) include a Business Registration Certificate as required pursuant to Section 1 of P.L. 2001, c 134 (N.J.S.A. 52:32-44 et al) or subsection e. or f. of section 91 of P.L. 1977, c. 110 (N.J.S.A. 5:12-92); and
- (c) be made available for public inspection at the office of the Middletown Township Clerk, Town Hall, One Kings Highway, Middletown, New Jersey during regular business hours.

**Resolution No. 09-151**  
**Township of Middletown**  
**Authorizing Negotiation and Execution of an Agreement for**  
**Sponsorship of Open Air Marketplace at the Middletown Train Station**

**WHEREAS**, the Township of Middletown solicited Requests for Proposals ("RFP")s pursuant to Middletown's Fair and Open Process for prospective qualified sponsors to have the exclusive right to manage an open air marketplace at the Middletown Township Train Station on Saturdays from on or about May 2009 through December 12, 2009; and

**WHEREAS**, one proposal was received from JC Promotions, which appears to be a highly experienced and qualified vendor in the promotion and management of open air marketplaces throughout the State of New Jersey; and

**WHEREAS**, the RFP sought proposals for profit sharing arrangements in consideration for the Township's sponsorship and exclusive use of Township owned and/or controlled property at the Middletown Township Train Station; and

**WHEREAS**, JC Promotions has provided the Township with two payment options as provided in its proposal: (a) a \$1,000 per day rental fee, plus 22.5% of the net proceeds; or (b) 35% of the net proceeds with no rental fee, either arrangement of which appears to be reasonable; and

**WHEREAS**, the Township Administrator recommends that an Agreement be authorized to be negotiated and executed with JC Promotions incorporating the terms

required to be addressed by the Township's RFP, including but not limited to, the time in which the market may be open, health, fire and safety inspections, police coverage, and the clean-up and maintenance of the site to be used; and

**WHEREAS**, it is in the best interest of the taxpayers of the Township of Middletown to find unique ways in which to generate new sources of revenue to decrease the burden on Middletown's property taxpayers.

**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 Attorney are hereby authorized to negotiate, and the Mayor is hereby authorized to execute an agreement with J.C. Promotions for the Township's sponsorship and exclusive right to manage an open air marketplace on Township owned and/or controlled property for 2009 pursuant to the terms of the Township's RFP and proposal submitted by J.C. Promotions that will be incorporated therewith.

**RESOLUTION 09-152**

**Township of Middletown**

**RESOLUTION ACCEPTING CONVEYANCE  
OF PARCEL BLOCK 818 LOT 10**

**WHEREAS**, the owners of Block 818 Lot 10 (Dominick Laurino and Estate of Edward Laurino Jr.) has offered to donate and convey that parcel --- a rectangular vacant lot 125' by 197' with certain wetlands thereon --- to the Township, and

**WHEREAS**, the Township Administrator recommends acceptance of that parcel, as it can either be retained as open space or in the future conveyed by sale pursuant to N.J.S.A. 40A:12-13(b)(5) to adjoining owners to be incorporated into an adjoining residential lot, and will avoid the expense of a tax foreclosure or the possibility of a house being attempted to be developed on this lot with significant wetlands, and

**WHEREAS**, the Township Committee has determined it is appropriate to accept the conveyance of Block 818 Lot 10 to the Township, and expresses the Township's gratitude to the owners for that conveyance.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Middletown that the Township hereby accepts the donation and conveyance by deed of Block 818 Lot 10 from Dominick Laurino and Estate of Edward Laurino, Jr.

**Resolution No. 09-153**

**Township of Middletown**

**Appointing Acting Chief Financial Officer**

**WHEREAS**, an unanticipated absence has occurred requiring the Township to appoint an Acting Chief Financial Officer (“CFO”) to perform the statutory and regulatory duties of the CFO in his absence; and

**WHEREAS**, the Township’s Deputy Finance Director, Debbie Ball, is a Certified Municipal Finance Officer licensed pursuant to N.J.S.A. 40A:9-140.2 and a Certified Public Accountant (“CPA”) qualified to perform the statutory and regulatory duties of a municipal CFO as required by law; and

**WHEREAS**, in consideration for compensation provided to the CFO within the range provided for in the Township’s salary ordinance to be determined by the Township Administrator, Debbie Ball has temporarily agreed to serve as the Township’s Acting CFO until such time the Township Administrator determines her additional duty is no longer required; and

**WHEREAS**, it is recommended by the Township Administrator and Township Attorney that Debbie Ball be appointed Acting CFO to carry out the statutory and regulatory duties of the CFO in his absence as required for Township government to properly function.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, that Deputy Finance Director Debbie Ball be appointed as Acting CFO for the Township of Middletown to perform all the statutory and regulatory duties required to be performed in the CFO’s absence.

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, that as Acting CFO, Debbie Ball shall be compensated within the salary range for the CFO while performing such duties until such time the Township Administrator determines her additional duty is no longer required.

**Resolution No. 09-154**

**Township of Middletown**

**Authorizing Execution of Agreement With Monmouth County  
LINCS Agency To Assist With Provision of Mass Prophylaxis  
and/or Vaccinations In Case of Public Health Emergency**

**WHEREAS**, the Monmouth County Health Department’s LINCS Agency, Local Health Departments, Offices of Emergency Management and other private parties have requested to coordinate efforts with the Township of Middletown in the case of a public health emergency requiring implementation of a Public Health Emergency Response Plan requiring the mass distribution of prophylaxis and/or vaccinations; and

**WHEREAS**, in the case of such a public health emergency requiring the mass distribution of prophylaxis and/or vaccinations, the Township of Middletown may be called upon to provide security and other public services to help facilitate a mass emergency distribution of such items; and

**WHEREAS**, the Township of Middletown's Office of Emergency Management, Township Administrator and Police Chief recommend that that Township participate to protect the public health, safety and welfare in case of a public health emergency.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, that the Mayor is hereby authorized to execute an Agreement with the Monmouth County Health Department's LINC'S Agency and other parties to provide assistance to help facilitate the mass distribution of prophylaxis and/or vaccinations in the case of a public health emergency.

**Resolution No. 09-155**

**Township of Middletown**

**Resolution in Support of County of Monmouth's Application for Funds for Provision of Beachfront Public Access at Bayshore Ferry Terminal**

**WHEREAS**, the County of Monmouth has requested that the Township of Middletown support its application to the New Jersey Department of Transportation ("NJDOT") to secure funding to provide public beachfront access at the site of the Bayshore Ferry Terminal located in Belford in the Township of Middletown; and

**WHEREAS**, it is the understanding of the Township of Middletown that this project would provide public beachfront access through the construction of walkways, gazebos and benches along the shoreline that is not currently easily accessible; and

**WHEREAS**, it is the understanding of the Township of Middletown that these facilities have been planned since the completion of the construction of the Bayshore Ferry Terminal in 2002; and

**WHEREAS**, the Township of Middletown believes that the provision of such improved public beachfront access would greatly benefit residents and visitors in the County of Monmouth and the Township of Middletown.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, that the Mayor and Township Committee of the Township of Middletown endorse and support the County of Monmouth's application to the NJDOT for the provision of improved

public beachfront access at the site of the Bayshore Ferry Terminal in the Township of Middletown.

**Resolution No. 09-156**

**Township of Middletown**

**Resolution in Support of County of Monmouth's Application for Funds  
for Provision of Educational Interpretive Center at Bayshore Ferry Terminal**

**WHEREAS**, the County of Monmouth has requested that the Township of Middletown support its application to the New Jersey Department of Transportation ("NJDOT") to secure funding to develop an educational interpretive center at the site of the Bayshore Ferry Terminal located in Belford in the Township of Middletown; and

**WHEREAS**, it is the understanding of the Township of Middletown that this project would highlight the region's history and provide the public with water-related educational outreach programs and activities; and

**WHEREAS**, it is the understanding of the Township of Middletown that these proposed facilities are a condition of the original United States Army Corp of Engineers, New Jersey Department of Environmental Protection and Coastal Area Facility Review Act permits for the overall development of the Bayshore Ferry Terminal; and

**WHEREAS**, the Township of Middletown believes that the provision of such educational interpretive facilities would greatly benefit residents and visitors in the County of Monmouth and the Township of Middletown.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, that the Mayor and Township Committee of the Township of Middletown endorse and support the County of Monmouth's application to the NJDOT for the provision of an educational interpretive center to be developed at the site of the Bayshore Ferry Terminal in the Township of Middletown.

**Resolution No. 09-158**

**A RESOLUTION SUPPORTING THE NEW JERSEY SENATE BILL NO. S-1622  
AND URGING THE PASSAGE OF SAME BY THE NEW JERSEY  
LEGISLATURE AND GOVERNOR JON S. CORZINE**

Whereas the Honorable Senator Ronald L. Rice on or about May 15, 2008 introduced Senate Bill No. S-1622 concerning affordability controls on Affordable

Housing Units ("Affordable Housing Units") under the jurisdiction of the Council on Affordable Housing ("COAH") for adoption by the New Jersey Legislature; and

Whereas, Senate Bill No S-1622 is currently pending before the New Jersey Legislature; and

Whereas, Senate Bill No. S-1622 is designed to safeguard the affordability controls for affordable housing units in the event of a foreclosure proceeding and the entrance of a judgment of foreclosure against an affordable housing unit by : (1) prohibiting or greatly reducing a lender's ability to remove affordable controls from Affordable Housing Units; (2) in cases where properties may be removed as Affordable Housing Units, providing for procedures allowing State or municipal governments to keep such properties as Affordable Housing Units; (3) providing that deed restrictions recorded in connection with a property for which a credit against the fair share obligation was granted shall not expire, extinguish or be removed prior to the period of termination for such restriction, as a result of such property's sale through foreclosure proceedings by any creditor; (4) providing that the New Jersey Housing and Mortgage Finance Agency shall adopt or modify its regulations to provide that any housing unit financed in whole or part through the allocation of low income tax credits by COAH shall have in place affordability controls that me not be extinguished prior to the stated period of termination for such controls, as a result of the sale of any unit through foreclosure proceedings by any creditor; and (5) providing that a thirty (30) day notice of intent to foreclose to be sent to the Clerk of a municipality wherein such affected Affordable Housing Unit is located; and

Whereas, throughout the State of New Jersey and the nation, there is economic strife and turmoil resulting in a great number of foreclosure filings, including filings against designated Affordable Housing Units under the provisions of COAH; and

Whereas, every municipality within the State of New Jersey has a constitutional obligation to provide its fair share of affordable housing; and

Whereas, considerable municipal resources are regularly spent to meet each municipality's constitutional obligation to provide affordable housing; and

Whereas, the Township Committee of the Township of Middletown finds that, in light of the tremendous resources that the Township of Middletown has spent and will continue to spend to meet its affordable housing obligations, that an injustice would result if affordable housing pertaining to affordable housing under COAH's jurisdiction were terminated due to a foreclosure proceeding and the entrance of a judgment of foreclosure; and

Whereas, the Township Committee of the Township of Middletown finds that it is in the best interest of the residents of the Township of Middletown, that Senate Bill No S-1622 be adopted into law as soon as possible in order to prevent the loss of affordable housing under the jurisdiction of COAH.

Now Therefore be it resolved, by the Township Committee of the Township of Middletown County of Monmouth and State of New Jersey, that the Township Committee of the Township of Middletown strongly urges the New Jersey State Legislature and Governor Jon S. Corzine to pass and adopt into law, Senate Bill No. S-1622, as soon as possible to prevent the loss of affordable housing under the jurisdiction of COAH and

Be it further resolved that a certified copy of this Resolution be provided to each of the following:

1. The Honorable Governor Jon S. Corzine
2. The Honorable Senator Joseph Kyriillos, Jr.
3. The Honorable Assemblyman Samuel Thompson
4. The Honorable Assemblywoman Amy Handlin
5. The Honorable Ronald L. Rice
6. The Honorable Jennifer Beck
7. The Honorable Assemblywoman Caroline Casagrande
8. The Honorable Assemblyman Declan O' Scanlon
9. The New Jersey State League of Municipalities
10. The Clerks of all Monmouth County Municipalities

**BINGO AND RAFFLES**

CHRISTIAN BROTHERS ACADEMY	09-67
MONMOUTH CONSERVATION FNDTN	09-68
FAMILY RESOURCE ASSOCIATES INC	09-69
BREVENT PARK & LEONARDO FIRE CO.,	09-70
THE COMMUNITY YMCA	09-71
THE COMMUNITY YMCA	09-72
THE COMMUNITY YMCA	09-73
MERCY CENTER CORP. INC	09-74
MERCY CENTER CORP. INC.	09-75
MATER DEI BOOSTER CLUB,	09-76
NJ LEATHERNECKS MON. CTY	09-77
KEYPORT SENIOR CITIZENS ADVISORY COMMITTEE	09-78

**VOLUNTEER FIREFIGHTERS**

None

**TOWNSHIP COMMITTEE COMMENTS**

Committeeman Fiore stated it was great to see all the Special Olympians, noting he had a family member who participated in the Special Olympics. Committeeman Fiore stated he had the privilege of attending the reaching out program. Committeeman Fiore also wanted to comment on the many 5<sup>th</sup> graders from project plus and continuing to promote anti-drug awareness. Committeeman Fiore stated he had a lot of residents coming to him

with questions regarding county roads like Cherry Tree and New Monmouth. Committeeman Fiore stated it would be a good idea to meet with the County to discuss this. Committeeman Fiore commented that Monday, May 25 was Memorial Day and that he hoped to see everyone at the parade at 10:00 am.

Committeeman Byrnes stated he was happy to see the passage of the Sewerage Authority ordinance but that he was somewhat disappointed that those with renewed terms still get benefits. Committeeman Byrnes stated that he still thinks there is a need for a finance committee not just the Township Committee examining the finances. Committeeman Byrnes stated that all the surrounding towns had a finance committee. Committeeman Byrnes stated he was concerned with the budget. Committeeman Byrnes stated he was looking forward to the Memorial Day parade.

Committeeman Short stated that he was honored to give a proclamation on behalf of the Township Committee and the Elks to Marine John Hinkle. Committeeman Short stated he was pleased the Sewerage Authority resolution was passed but that he did not think that it went far enough. Committeeman Short stated he did not think that current members should be grandfathered. Committeeman Short reminded residents that many of the local fairs were starting for St. Kathryn, St. Mary's and St. Leo's. Committeeman Short asked residents to get out and support their local fairs. Committeeman Short stated he would like to see steps taken to introduce an ordinance for a finance committee.

Deputy Mayor Scharfenberger stated that many may have read about the Governor's \$150,000,000 in cuts. Deputy Mayor Scharfenberger noted however that the cuts were for deferring debt and services and school aid while in the meantime nothing was done to cut universal pre-school a billion dollar program and nothing was cut in aid to distressed cities. Deputy Mayor Scharfenberger stated that the cuts were token and would not help the suburbs. Deputy Mayor Scharfenberger stated he attended the Police Memorial last week and was sad to see that two more names were added to the monument. Deputy Mayor Scharfenberger thanked the Police who's quick thinking saved the life of a young woman who was medi-vacced after an serious accident near town hall. Deputy Mayor Scharfenberger stated that Detective Slover would like the committee to review the ordinance regarding breaking up of private parties. Deputy Mayor Scharfenberger stated he supported the Sewerage Authority ordinance and stated that it was carefully crafted to be within the State law parameters. Deputy Mayor Scharfenberger stated it was based on what the law would allow. Deputy Mayor Scharfenberger stated the Township currently has a finance committee it is the five members of the Township Committee. Deputy Mayor Scharfenberger stated he would like to maintain that position and look at the budget every step of the way.

Mayor Brightbill stated she was out of town for the college graduation of her son. Mayor Brightbill stated how pleased she was at the passage of the Open Air Market, stating they had been working on this for more than two years. Mayor Brightbill stated the market was due to open on July 11 at the Middletown Train Station and will be open every Saturday from 8 a.m. to 4 p.m. except Middletown Day. Deputy Mayor Brightbill encouraged residents to check out the web-site with the FEMA flood maps and reminded residents of the need to get flood insurance. Mayor Brightbill stated that the Oceanic Bridge was going to be closed starting on May 19, 2009 for 4 days for repairs. Mayor

Brightbill also stated that Sergeant Mike Shaffrey had visited the Senior Center to remind them how to report problems in their complex and pass out a brochure of safety tips for seniors. Mayor Brightbill pointed out that while other towns may have a finance committee, they also have a different form of government than Middletown. Mayor Brightbill stated she wanted to commend the Township Administrator on getting the information for the audits. Mayor Brightbill stated that there was an in house group to look at finances. Mayor Brightbill stated that recently at neighborhood meetings she was given the opportunity to hear from residents on property issues and enforcement. Mayor Brightbill stated there is a group of individuals in code enforcement that looks at current ordinances and provides the information to the township officials. Mayor Brightbill reminded residents that the Friends of the McCleod Rice House were having a barbeque fund raiser on May 30.

### **PUBLIC COMMENTS**

Mia Cleary, Chapel Hill Road, of IMPACT thanked the committee for amending the property acquisition ordinance. Ms. Cleary stated she was upset that the initial funding was incorrect. Ms. Cleary stated the funding situation was very complicated but she was looking forward to having the ordinance adopted. Ms. Cleary stated IMPACT has negotiated 2.9 million for the property. Ms. Cleary stated she felt the Township was getting a good deal in being able to preserve open space. Ms. Cleary stated the increase in autism was very high. Ms. Cleary stated IMPACT appreciated the support on this matter and felt there were many advantages, including creating jobs. Ms. Cleary stated that for every autistic child working on the farm two people would be working with them.

James Grenefege, 5 Red Coach Lane, stated that he was extremely discouraged when the majority of members on the board allowed increases in taxes over the last two years. Mr. Grenefege stated he started his career working with the emotionally disturbed so he understand what Ms. Cleary was saying but he was concerned about the Township's involvement in the IMPACT project which he thought was better suited for the Board of Education or the State to handle. Mr. Grenefege stated he did not think it was a wise choice to approve this ordinance. Mr. Grenefege stated in regards to the Sewerage Authority that the Township was responsible to keep the costs low and really encouraged new appointments. Mr. Grenefege stated it boggled the mind to say that the Township Committee thought they were qualified enough to be members of the finance committee. Mr. Grenefege stated he thought there should be a finance committee.

Richard Hughes, 395 Monmouth Ave., stated that he thought the IMPACT project was a great idea. Mr. Hughes stated a finance advisory committee might be ok but not an oversight committee. Mr. Hughes stated that everybody voted for the Township Committee not a finance committee. Mr. Hughes reminded everyone of the upcoming Memorial Day parade from the Bayshore to Leonardo.

Andrew Bane, 8 Raritan Ave., stated he would like to attend a meeting and give input regarding the finances. Mr. Bane questioned when the Committee started looking at the budget and questioned the new FEMA flood maps. The Township Administrator stated that the Township had tried to appeal the map but was unsuccessful. The Township Administrator urged residents not to wait until the last minute to obtain flood insurance. Mr. Bane stated he hoped to see everyone at the Memorial Day Parade.

Cynthia Bianchi, 216 Beach Ave., stated she was trying to preserve the life guards at the beach and stated the beaches are well used. Ms. Bianchi brought photos of the beach in use. Ms. Bianchi expressed concern over the jet ski's coming to close to the shore and requested markers to be placed in the water similar to those on private beaches.

Stephen Massell, Joyce Lane, stated he would like to see a similar tree clearing ordinance to that of Jackson Township which had recently been upheld by the New Jersey Supreme Court. Mayor Brightbill stated she had requested that for a discussion item for the June 1<sup>st</sup> meeting. Deputy Mayor Scharfenberger stated the concern is that the ordinance must be able to target specific entities without penalizing homeowners.

Don Watson, 10 Collison Drive, questioned the Verizon contract. The Township Administrator stated that our facility had been inspected and they were waiting on availability for FIOS. Mr. Watson stated it would be good if meetings could be posted on the TV channel. Mr. Watson stated that the meetings could be recorded by high-school students. Mayor Brightbill stated she had spoken with the Superintendent of Schools and that would not be possible because students cannot stay out as late as meetings are held, the school cannot lend out equipment and school is closed for part of the year. Mr. Watson questioned how much funds were left in the bond ordinance 2009-2970 and the reallocation of these funds to the purchase of other property.

#### **ADJOURNMENT**

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

The Township Attorney read the following executive session 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.

**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.

- Township Property Acquisition- "ATOD" upon formal action, estimated December 2009.
- 2. Litigation – N.J.S.A. 10:4-12(b)(7)
  - Circus Liquors v. Middletown. "ATOD" upon formal action estimated December 2009.
  - Tax Appeals "ATOD" upon formal action estimated December 2009.
- 3. Contract Negotiations – N.J.S.A. 10:4-12(b)(4)
  - Collective Bargaining Agreements: "ATOD" upon formal action, estimated December 2009.
- 4. Personnel - NJSA 10:4-12(b)(8)
  - Status of CFO -"ATOD" upon formal action, estimated July 2009.

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

Deputy Clerk Kirkman stated motion carries to move to executive session.

Respectfully submitted,



Heidi R. Brunt  
Township Clerk

Approved:



Pamela M. Brightbill  
Mayor, Township of Middletown