

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 August 17, 2009.

Township Clerk, Heidi Brunt, called the meeting to order and read the following notice:

The Notice Requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Asbury Park Press, The Star Ledger, The Independent and 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: Fiore, Scharfenberger, Short, Mayor Brightbill
Absent: Byrnes (arrived late)

PLEDGE OF ALLEGIANCE

Clerk Brunt led the assembly in the Pledge of Allegiance.

Clerk Brunt requested a

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

ADMINISTERING OATH OF OFFICE FOR POLICE OFFICERS

Mayor Brightbill administered the following oath to Michael E. Pinitile, Nicholas T. Fenezia, Stephen G. Greenwood, Richard P. Fulham who were sworn in as new police officers.

I, the officer stated their name, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey and that I will bear true faith and allegiance to the same and to the governments established in the United States and in this state, under the authority of the people, and I do swear to faithfully, impartially and justly perform all the duties of the office of Middletown Township Police Officer according to the best of my ability. So help me God.

Chief Oches provided a background history of each of the officers and congratulated the new patrolmen on their position.

CERTIFICATE OF APPRECIATION/PROCLAMATION

**Proclamation Recognizing the Dedication and Retirement of Lawrence M. Werger,
Director of Public Works**

Mayor Brightbill read the following proclamation:

**Lawrence M. Werger Day
October 1, 2009**

WHEREAS: Lawrence M. Werger brought more than 25 years of experience in engineering and public works administration to Middletown when he joined the Township's Management Team in 1998. His experience included five years as Middletown's Assistant Public Works Director, and

WHEREAS: Mr. Werger's duties as Middletown's Public Works Director included managing approximately 80 employees in five divisions – Clean Communities, Streets, Motor Pool, Building and Grounds, and Recycling. The Department's responsibilities include collecting nearly 30 tons of brush and leaves annually, snow removal along 300 miles of road, and maintenance of 360 motorized vehicles, and

WHEREAS: Mr. Werger skillfully managed the township's second largest department with a consistent can-do attitude, a tight rein on expenses and a keen eye for new technologies that enhanced departmental efficiency, and

WHEREAS: Heated garages that improved the efficiency of diesel trucks in the winter months, spraying salt brine on streets to enhance snow removal efforts, and the use of biofuel in township vehicles are among the innovative ideas that Mr. Werger brought to fruition during his tenure as Public Works Director, and

WHEREAS: The Mayor and Middletown Township Committee wish to take this opportunity to offer a heartfelt thanks to Public Works Director Lawrence M. Werger for his dedication to public service, and his noteworthy contributions to the Public Works Department.

NOW

THEREFORE: I, Mayor Pamela M. Brightbill, and the Middletown Township Committee do hereby proclaim October 1, 2009 as Lawrence M. Werger Day in the Township of Middletown in honor of his dedicated years of outstanding public service.

Congratulations on your well-deserved retirement!

Mr. Werger thanked the committee for their support over the years.

Proclamation for Kaleidoscope of Hope Foundation Turns the Town Teal

Clerk Brunt invited Courtney Mackerel to the podium.

Mayor Brightbill read the following proclamation:

**Kaleidoscope of Hope Foundation
Turn the Towns Teal
September 2009**

WHEREAS: Ovarian cancer is called the “silent disease” because of its symptoms are often vague or subtle, and

WHEREAS: Ovarian cancer is the fifth leading cause of cancer death among women and the leading cause of gynecologic cancer death in the United States. Each year, more than 22,000 women are diagnosed with the disease and approximately 16,000 die from it, and

WHEREAS: If detected in its early stages, survival from ovarian cancers is 90-95 percent. Yet the five-year survival rate for the disease is only 28 percent, because it is so difficult to detect early, and

WHEREAS: The Turn the Towns Teal campaign was launched by Gail MacNeil during her 10-year battle with ovarian cancer; and

WHEREAS: The Kaleidoscope of Hope Foundation (KOH), the Atlantic Health System and the National Ovarian Cancer Coalition-Northern NJ (NOCC) are partnering to promote awareness of ovarian cancer through the Turn the Towns Teal Campaign.

NOW

THEREFORE: I, Mayor Pamela M. Brightbill and the Middletown Township Committee do hereby proclaim on June 15, 2009 that September 2009 is Ovarian Cancer Awareness Month in Middletown Township. Be it further proclaimed that the governing body supports the Turn the Towns Teal Awareness Campaign.

Proclamation Declaring September 2009 is National Alcohol and Drug Addiction Recovery Month

Clerk Brunt stated the Township had made a proclamation declaring National Alcohol and Drug Addiction Recovery Month:

**National Alcohol and Drug Addiction Recovery Month
September 2009**

WHEREAS: Treatment and recovery improve the community's welfare and provide renewed outlook on life for those who struggle with substance use disorders and their family and friends; and

WHEREAS: 23.2 million people aged 12 or older in the United States needed treatment for a substance use disorder in 2007, and 5.4 million adults also suffered from a concurrent mental illness; and

WHEREAS: Studies have indicated that 8.9 percent of people who made an effort to get treatment, but did not receive it, were concerned that receiving treatment might cause neighbors or community members to have negative opinions of them. However, most say they would not have a negative opinion of a relative or friend in recovery from an addiction; and

WHEREAS: Resources exist online and in our community to increase people's awareness about how substance use disorders affect children, families, and our society. Such education is essential to overcoming misconceptions and achieving long-term recovery; and

WHEREAS: To help achieve this goal, the U.S. Department of Health and Human Services, the White House Office of National Drug Control Policy, Crossroads at Croydon Hall, and the Middletown Municipal Alliance for the Prevention of Alcoholism and Drug Abuse invite all Middletown residents to participate in the 20th anniversary of National Alcohol and Drug Addiction Recovery Month and the Alliance's annual Community Rally to be held at Middletown Day, September 26, 2009. Now

THEREFORE: I, Mayor Pamela M. Brightbill and the Middletown Township Committee do hereby proclaim on August 17, 2009 that September 2009 is National Alcohol and Drug Addiction Recovery Month in Middletown, New Jersey and call upon the people of Middletown to observe this month supporting this year's theme, "Join the Voices for Recovery: Together We Learn, Together We Heal."

Proclamation Recognizing the Life and Community Dedication of Volunteer of Elaine Anderson

Clerk Brunt requested that Mary Lou Strong approach the podium.

Deputy Mayor Scharfenberger spoke about all of Elaine Anderson's volunteerism and read the following proclamation.

**Elaine Anderson Day
August 17, 2009**

WHEREAS: Elaine DeMet Anderson resided in Middletown Township with her husband Richard for 48 years. She spent her professional life as a chemical engineer working for Bell Telephone Laboratories in Murray Hill, and

WHEREAS: After retiring Mrs. Anderson took on a second career as a dedicated community volunteer. She was a member of the Middletown Township Landmarks Commission since its inception in 1974 and a founding member of the Friends of the Library, established in 1968, and

WHEREAS: Mrs. Anderson was a loyal, dedicated member of the Landmarks Commission who rarely missed a meeting. She was an integral part of the Commission's successful efforts to establish five historic districts. Mrs. Anderson was well-known for taking newcomers under her wing to teach them how to research deeds and translate obsolete land references. She was also responsible for bringing the Stillwell papers to Middletown, and

WHEREAS: Mrs. Anderson, who served on the Friends of the Library's Executive Board for 41 years, worked hard to raise money for the library building and was a fixture at their large annual book sales. She was an advocate of making donations that enabled the library to acquire materials about local history and provide scholarships to study library science, and

WHEREAS: Mrs. Anderson was a dedicated election poll worker, a long-time member of the League of Women Voters and a volunteer at Sandy Hook. She was also a well-known figure at many public meetings including Township Committee meetings, township budget hearings, and Monmouth County Board of Chosen Freeholder Meetings, and

WHEREAS: The Mayor and Middletown Township Committee wish to join the Landmarks Commission and the Library Board of Trustees in recognizing Mrs. Anderson as the quintessential volunteer. We are grateful for her steadfast devotion to local historic preservation and library services. Now

THEREFORE: I, Mayor Pamela M. Brightbill and the Middletown Township Committee do hereby proclaim August 17, 2009 as Elaine Anderson Day

in Middletown Township in memory of a great woman whose boundless energy and love of her community will continue to serve as an inspiration to us all.

Mary Lou Strong said a few words about Elaine's dedication and hard work. Mr. Richard Anderson thanked the Committee for the proclamation.

Proclamation Declaring August 15, 2009 Rich Deikman Day

Mayor Brightbill announced:

**Detective Sergeant Richard F. Deickmann Jr. Day
August 15, 2009**

WHEREAS: Detective Sergeant Richard F. Deickmann, Jr., a hometown boy who graduated from Middletown High School South, joined the Middletown Township Police Department in 1983, and

WHEREAS: Det. Sgt. Deickmann proudly spent nearly half of his 25 years of service to Middletown Township working in the Police Detective Bureau conducting criminal investigations such as robbery, theft, assault, and narcotics, and

WHEREAS: Det. Sgt. Deickmann also skillfully completed assignments in the Community Relations Bureau, Patrol division and a one-year undercover assignment with the Monmouth County Prosecutors Office Narcotics Strike Force, and

WHEREAS: Numerous awards and certificates received by Det. Sgt. Deickmann speak volumes about his caliber as a police officer. He has received 18 medals of merit, 5 Life Saving Awards, 2 distinguished service awards, a combat cross and a unit citation. He has also been recognized by PBA # 124, the state Division of the Veterans of Foreign Wars, the 200 Club and the Township Committee for outstanding service and stellar response to difficult incidents, and

WHEREAS: The Mayor and Middletown Township Committee wish to take this opportunity to offer a heartfelt thanks to Detective Sergeant Richard F. Deickmann, Jr. for his dedication to keeping the community safe and his noteworthy contributions to the Middletown Police Department. Now

THEREFORE: I, Mayor Pamela M. Brightbill, and the Middletown Township Committee do hereby proclaim August 15, 2009 as Detective Sergeant Richard F. Deickmann, Jr. Day in the Township of Middletown in honor of his 25 years of outstanding public service.

Congratulations on your well-deserved retirement

APPROVAL OF MINUTES

Clerk Brunt requested a motion to approve the minutes.

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

June 1, 2009	Executive Session
June 1, 2009	Workshop Meeting
June 15, 2009	Executive Session
June 15, 2009	Regular Meeting

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

Clerk Brunt stated motion carries to adopt minutes.

PUBLIC HEARING (NPP):

Neighborhood Preservation Program (NPP) Grant Public Hearing

Mayor Brightbill opened the public hearing:

The Director of Planning discussed the time-line of the program as well as the target area and the leveraging of the Community Development Block Grant. The Director noted that there had previously been two other public meetings regarding the plan. Assistant Planner, Amy Sarrinikolaou discussed the budget list of the Neighborhood Preservation Program and summarized the results of the surveys received.

Phil Nicolaus, 35 Turner Drive, Belford, stated that state funds are involved at a time where we are getting a sales tax increase. Mr. Nicolaus stated that was only for a select area in town. Mr. Nicolaus stated this should project should be a privately funded matter not using state funds. The Township Planner stated that this was a \$150,000 grant with a municipal match of approximately \$17,000. Mr. Nicolaus stated the private homeowners should pay for their own property not taxpayers.

Richard Hughes, 395 Monmouth Ave, stated that private businesses should not be helped with tax payer money. The Committee explained the money was to help private owners not businesses.

Lisa Fuchs, Hudson Ave, stated that she was a member of the NPP Planning Committee and supports the plan. The concern is safety issues and this is a step in the right direction. The plan she stated is not for private business but to fix up the area and secure public areas.

WHEREAS, final approval of said work plan and budget will permit the Township of Middletown to proceed with the required activities to fulfill the stipulations of the Department of Community Affairs Neighborhood Preservation Program grant.

NOW THEREFORE, BE IT RESOLVED, by the Township of Middletown Committee that they reviewed the particulars of the work plan of said grant; and,

BE IT FURTHER RESOLVED that the said work plan is approved to be enacted by the Township Committee of the Township of Middletown, New Jersey.

PUBLIC HEARING ON PROPOSED ORDINANCES

Ordinance 2009-2981 An Ordinance Authorizing The Vacation Of A Paper Road Located On Block 785, Lots 12, 13 & 14 Adjacent To Hartshorne Road, Middletown, Monmouth County, New Jersey

Mayor Brightbill opened the public hearing:

Arthur Sorenson, Middletown, questioned who was the attorney for both of the property owners and stated he was here to answer any questions.

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

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

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

Ordinance 2009-2982 An Ordinance Of The Township Of Middletown Authorizing The Sale Of Surplus Land No Longer Needed For Public Use To Adjoining Property Owners Pursuant to N.J.S.A. 40A:12-13(B)(5)

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

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

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

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

Ordinance 2009-2985 Bond Ordinance Providing An Appropriation Of \$4,645,250 For Various Capital Improvements By And For The Township Of Middletown In The County Of Monmouth, New Jersey And Authorizing The Issuance Of \$4,231,878 In Bonds Or Notes Of The Township For Financing Part Of The Appropriation

Mayor Brightbill opened the public hearing:

Phil Nicolaus, 35 Turner Drive, Belford questioned the debt statement. The Township Attorney reviewed the statement with Mr. Nicolaus. Mr. Nicolaus stated that he objects to bonding for maintenance equipment.

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 w/comment, Mayor Brightbill
Nays: none

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

Committeeman Byrnes stated he had the same comments as the previous ordinance. Committeeman Short commented that he is in favor of reducing our bonding and purchasing equipment outright.

Ordinance 2009-2986 Bond Ordinance Providing An Appropriation Of \$1,405,000 For Various Park Improvements By And For The Township Of Middletown In The County Of Monmouth, New Jersey And Authorizing The Issuance Of \$1,334,750 In Bonds Or Notes Of The Township For Financing Part Of The Appropriation

Mayor Brightbill opened the public hearing:

Phil Nicolaus, 35 Turner Drive, Belford stated that he objects to the bond being issued, for the same reasons as the previous bond and it raises attorney's fees and provides for tax free income for others. Mr. Nicolaus stated solar lighting and ball fields are not needs, he did not think so.

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

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

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

Committeeman Short stated this ordinance talks in generalities and requested an itemized list of the purchases.

Committeeman Short requested during his committee comments to re-open the vote on Ordinance 2009-2986.

It was moved by Committeeman Short, seconded by Committeeman Byrnes to re-open the vote for Bond Ordinance 2009-2986.

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

Clerk Brunt stated motion carries to re-open vote for 2009-2986.

It was moved by Committeeman Byrnes, seconded by Mayor Brightbill to adopt Ordinance 2009-2986.

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

Clerk Brunt stated motion to adopt ordinance 2009-2986.

Committeeman Short stated he was too quick in his vote earlier and thanked the committee for allowing him to change his vote. Committeeman Short stated he felt the ordinance was too general.

Mayor Brightbill stated there are certain procedures put in place with two meetings a month to discuss issues. Mayor Brightbill stated that many of the questions asked she had asked previously. Mayor Brightbill stated that after three months of speaking about the ordinance, she did not want a perception that the information was not supplied or was being hidden. Mayor Brightbill questioned why issues were not addressed previously rather than waiting till after a public hearing and vote.

INTRODUCTION OF PROPOSED ORDINANCES

Re-Introduction Ordinance 2009-2980 Ordinance Amending Chapter 127 of the Code of the Township Of Middletown to Address Imposition of Fees for Township-Sponsored Marketplaces

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 September 21, 2009 Regular Meeting.

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

Clerk Brunt stated ordinance passed on first reading with public hearing to be held on September 21, 2009.

Ordinance 2009-2987 Amending § 4-32 of Code of the Township of Middletown Governing the Duties of the Township Attorney

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 September 21, 2009 Regular Meeting.

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

Clerk Brunt stated ordinance passed on first reading with public hearing to be held on September 21, 2009.

Ordinance 2009-2988 Ordinance Repealing Ordinance No. 2007-2937 and Restoring Ordinance No. 2006-2859, as Amended by Ordinance No. 2006-2889, Governing the Middletown Township Police Department Under Chapter 44 of the Code of the Township of Middletown (1996)

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 September 21, 2009 Regular Meeting.

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

Clerk Brunt stated ordinance passed on first reading with public hearing to be held on September 21, 2009.

Ordinance 2009-2989 Ordinance Amending Chapter 16 (Planning And Development Regulations) of the General Ordinances the Township Of Middletown as it Applies to Flood Damage Control

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 September 21, 2009 Regular Meeting.

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

Clerk Brunt stated ordinance passed on first reading with public hearing to be held on September 21, 2009.

CONSENT AGENDA

Clerk Brunt stated resolution 09-214 was removed from the agenda.

RESOLUTION 09-207: Payment of Bills

Payment of Bills for August 2009 in the amount of \$31,458,587.15

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

Clerk Brunt stated the motion carried to adopt resolution 09-207.

RESOLUTION 09-208: Resolution of Township of Middletown Rejecting Bids and Reauthorizing Acceptance of Bids for the Vehicle Wash Facility

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

Committeeman Byrnes questioned if this was discussed at the workshop meeting. The Township Administrator indicated that it had been discussed. Committeeman Byrnes questioned why the bids were rejected. The Township Attorney and Township Administrator explained the various issues with the bids.

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

Clerk Brunt stated the motion carried to adopt resolution 09-208.

Deputy Mayor Scharfenberger stated that this bid represents one of the unfunded mandates, which is an expense the Township has to absorb with an estimated cost of \$440,000. Deputy Mayor Scharfenberger stated expenses like this totally disrupts the Township's ability to plan and budget. Deputy Mayor Scharfenberger questioned what was the compelling reason that this needed to be built.

RESOLUTION NO. 09-208

**RESOLUTION OF THE TOWNSHIP OF MIDDLETOWN REJECTING
BIDS AND REAUTHORIZING BID FOR A TRUCK WASH**

WHEREAS, the Township of Middletown authorized the receipt of bids for the Middletown Vehicle Wash Facility; and

WHEREAS, six Non-Responsive bids were received on July 14, 2009; and

WHEREAS, it is the desire of the Township Committee to authorize the receipt of new bids for the Middletown Vehicle Wash Facility.

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 authorize the receipt of new bids for the Middletown Truck Wash Facility. That the Township Engineer shall determine the time, date and place for the receipt of bids.
2. That a Notice to Bidders shall be published in regard to the receipt of bids for the Middletown Truck Wash Facility in accordance with the specifications prepared by the Township Engineer.
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) Township Engineer
 - C) Comptroller
 - D) All Bidders "See Attached"

Clerk Brunt requested the adoption of the consent agenda including Resolution 09-209 through 09-213 and 09-217 as well as including Bingo and Raffle Application and Volunteer Firefighter Applications.

It was moved by Mayor Brightbill, seconded by Committeeman Short and carried to adopt Resolution 09-209 through 09-213 and 09-217 as well as including Bingo and Raffle Application and Volunteer Firefighter Applications.

Roll Call Vote: Ayes: Byrnes w/abstention on 09-210, Fiore, Scharfenberger, Short, Mayor Brightbill
 Nays: None
 Abstention: Byrnes on 09-210 only

Clerk Brunt stated the motion carried to adopt the consent agenda including Resolution 09-209 through 09-213 and 09-217 as well as including Bingo and Raffle Application and Volunteer Firefighter Applications.

RESOLUTION NO. 09-209

**RESOLUTION AUTHORIZING AWARD PF CONTRACT
FOR:
LEAF COLLECTION**

WHEREAS, bids were received on July 14, 2009; and
WHEREAS, two (2) bids were picked up by vendors and one (1)

Responsive Bid was received as follows:

<u>VENDOR</u>	<u>ONE YEAR</u>	<u>TWO YEARS</u>
1. BENNETT LANDSCAPING 32 KANES LANE MIDDLETOWN, N.J. 07748	\$ 58,050.00	\$ 116,100.00

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

BENNETT LANDSCAPING, 32 KANES LANE, MIDDLETOWN, N.J. 07748. shall Furnish and Deliver the following services as per Bid Proposal & specifications & Covenants thereof dated July 14, 2009. said bidder being the Lowest Responsive Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
PROVIDE LABOR AND EQUIPMENT FOR A TWENTY FOUR (24) MONTH PERIOD FOR LEAF COLLECTION SERVICES	BENNETT LANDSCAPING 32 LANES LANE MIDDLETOWN, N.J. 07748

<u>DESCRIPTION</u>	<u>COST</u>
FRONT END LOADER WITH 3/4 CUBIC YARD CLAW ATTACHMENT	\$ 495.00
TWO (2) TWENTY FIVE (25) CUBIC YARD COMPACTOR TRUCKS WITH THREE (3) OPERATORS	\$ 990.00
TWO (2) LABORERS RAKERS	\$ 450.00
FOR A TOTAL OF	\$ 1,935.00
\$ 1,935.00 PER DAY X 30 DAYS	\$ 58,050.00

NO FIRM QUANTITY IS GUARANTEED - THE TOWNSHIP RESERVES THE RIGHT TO ADD OR DECREASE TOTAL QUANTITY.

WHEREAS, bids have been reviewed by the Purchasing Agent and it is his recommendation that the contract be awarded to BENNETT LANDSCAPING, 32 KANES LANE, MIDDLETOWN, N.J. 07748, in the amount of: \$ 58,050.00

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 "Leaf Collection" to Bennett Landscaping, 32 Kanes Lane, Middletown, N.J. 07748. for a total of: \$ 58,050.00

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 for 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. 9-01-26-290-100.208 A copy of the said certification is attached hereto and made a part hereof. 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.

1. Funds for the second year of this contract will be certified, contingent upon their availability during the appropriate municipal budget year.
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) Bidder

RESOLUTION NO. 09-210

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH
AUTHORIZING EXECUTION OF AMENDMENT TO GROUND
LEASE AT MIDDLETOWN TOWNSHIP FIRE ACADEMY FOR
ADDITIONAL COMMUNICATIONS FACILITIES AND EQUIPMENT**

WHEREAS, in 1999, the Township entered into a Ground Lease Agreement (“Agreement”) covering an area of approximately 3,600 square feet for the construction, maintenance and operations of certain communications facilities and related equipment on the grounds of the Middletown Township Fire Academy; and

WHEREAS, the Township is now being asked to expand the area leased under the Agreement to facilitate the placement of additional communications facilities and related equipment and to consent to the Lessee’s subleasing, licensing and granting of rights permitted under the Agreement to Verizon Wireless; and

WHEREAS, the MW Cell REIT 1 LLC, which has an interest in the pre-existing leased premises described in the Agreement, has already consented to amending the Agreement; and

WHEREAS, the Township Administrator and Attorney recommend authorizing the execution of the amendment to the Agreement being sought that could result in the generation of additional revenue for the Township to help offset property taxes.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey, that the Mayor is hereby authorized to execute the First Amendment to the Ground Lease Agreement attached hereto as “Exhibit A” with the Lessee, STC Five LLC, to be attested to be the Township Clerk upon receipt of the final survey and review by the Township Attorney

RESOLUTION NO. 09-211

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH
AUTHORIZING EXECUTION OF NEW PILOT AGREEMENT
WITH LINCROFT SENIOR CITIZENS HOUSING CORPORATION**

WHEREAS, the Township currently maintains a Payment In Lieu of Taxes (“PILOT”) Agreement with the Lincroft Senior Citizen’s Housing Corporation (“LSCHC”) that is anticipated to expire in September 2009; and

WHEREAS, the LSCHC will be obtaining new financing for capital improvements for the 30 year old facility from the New Jersey Housing Mortgage and Finance Agency (“HMFA”) that requires the entry of a new PILOT Agreement with the Township; and

WHEREAS, the current PILOT Agreement provides for a payment in an amount equal to 6.28% of the LSCHC's gross adjusted revenues through a formula generally defined by the HMFA, which has been negotiated by the Township Administrator and Attorney to be increased to 8% for the duration of any new HMFA financing; and

WHEREAS, the LSCHC provides significant quality affordable housing to independent individuals of 62 years of age or older in the Township of Middletown; and

WHEREAS, the entry of a new PILOT Agreement with the LSCHC will continue to ensure the provision of significant quality affordable housing to seniors in the Township of Middletown while resulting in the generation of additional revenue for the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey, that the Mayor is hereby authorized to execute a new PILOT Agreement as attached hereto as "Exhibit A" with the LSCHC to be attested to be the Township Clerk upon final review by the Township Attorney.

RESOLUTION NO. 09-212

**TOWNSHIP OF MIDDLETOWN
RESOLUTION OF NEED
E&N CONSTRUCTION/EMAD ELGOHAIL
VANDERBILT AVE & LEONARD AVE**

WHEREAS, Emad Elgohail/E&N Construction (hereinafter referred to as the "Sponsor") proposes to construct a multifamily housing project (hereinafter referred to as the "project") consisting of twelve low-and-moderate income family-rental units pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") within the Township of Middletown (hereinafter referred to as the "Municipality") on a site described as Lot 4.01, Block 386 as shown on the Official Assessment Map of the Township of Middletown, Monmouth County, New Jersey, and commonly known as Emad Elgohail/E&N Construction, located at Vanderbilt Ave. and Leonard Ave.; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown (the "Committee") that:

- (1) The Committee finds and determines that the Emad Elgohail/E&N Construction multifamily housing project consisting of twelve low-and-moderate income family-rental units located at Vanderbilt Ave. and Leonard Ave. meets or will meet an existing housing need;
- (2) The Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor's application for Agency funding to finance the Project.

RESOLUTION NO. 09-213

**RESOLUTION APPROVING FUNDING FOR
MIDDLETOWN TOWNSHIP**

**OVER THE LIMIT UNDER ARREST 2009 STATEWIDE CRACKDOWN
GRANT**

WHEREAS, the New Jersey Division of Highway Traffic Safety provides funds for various programs to increase highway safety, and

WHEREAS, a \$6,000.00 grant application for the OVER THE LIMIT UNDER ARREST 2009 STATEWIDE CRACKDOWN GRANT to reimburse the Township for salaries incurred in this program in the amount of \$6,000.00 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:

The Township Police Department is authorized to implement the OVER THE LIMIT UNDER ARREST 2009 STATEWIDE CRACKDOWN GRANT

1. 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. 09-217

**FOR COMMUNITY BASED GRANT APPLICATION FOR
DRUG AND ALCOHOL COUNSELING (TREATMENT) SERVICES**

WHEREAS, the Township of Middletown desires to submit a Request for Application (RFA) for the 2010 round of grant funding, renewable annually, from the Monmouth County Board of Alcohol and Drug Abuse Services, for calendar year 2010 funding. The RFA must be submitted reflective of the minimum; the approved award is

subject to variation of funding not to be less than five (5%) of the maximum award, as follows:

	<u>Minimum Award</u>	<u>Maximum Award</u>
Community Based Grant Funds:	\$24,890	\$26,200
Municipal Cash Match 25%:	\$ 6,225	\$ 6,550
<u>Municipal In-Kind Match 75%:</u>	<u>\$18,670</u>	<u>\$19,650</u>
Total Community Based Grant Application	\$49,785	\$52,400

Funding will provide a continuum services at Crossroads at Croydon Hall by three (3) specifically licensed consultants making available free and confidential short term outpatient drug and alcohol counseling services to the residents of Middletown.

BE IT THEREFORE RESOLVED that the Township of Middletown does hereby authorize the application for and the execution of a contract for the receipt of such a grant from the Monmouth county Board of Alcohol and Drug Abuse Services, and does further, upon the execution of such a contract, authorize the expenditure of such funds pursuant to the terms of said contract between The Township of Middletown and the Monmouth County Board of Alcohol and Drug Abuse Services.

BE IT FURTHER RESOLVED that the Mayor of Middletown, the Township Administrator, and the Township Chief Financial Officer are hereby authorized to sign the application, the contract, and any other documents necessary in connection herewith.

BINGO AND RAFFLES

CHRIST EPISCOPAL CHURCH	09-111
ST. MARYS CATHOLIC CHURCH	09-114
BAND PARENTS OF MIDDLETOWN HS NORTH	09-115
BREVENT PARK & LEONARDO FIRE CO.	09-116
HABCORE, INC	09-117
I.M.P.A.C.T. OASIS	09-118
AMERICAN LEGION POST 338, LEONARDO	09-119
ST. MARY SCHOOL PTA	09-120
SPECIAL PEOPLE UNITED TO RIDE	09-121

VOLUNTEER FIREFIGHTERS

Robert J. Chenoweth	Belford Engine Fire Company
Jack V. Randazzo	Brevent Park Fire Company
Chrisitan E. Pedersen	Port Monmouth Fire Company
Michael J. Shine	Navesink Hook & Ladder Company

ACKNOWLEDGEMENT OF REPORT OF ACTING CFO AS TO SALE OF NOTES-Record Notice of Tax Anticipation Notes Sales.

Clerk Brunt read into the record the following statement from the acting CFO as required by N.J.S.A. 40A:4-72:

REPORT OF TOWNSHIP ACTING CHIEF FINANCIAL OFFICER AS TO SALE OF NOTES

In accordance with N.J.S.A. 40A:4-72 of the Local Budget Law relating to the sale of tax anticipation notes, I hereby report to the Township committee of The Township of Middletown (the "Committee") at the Committee's first meeting subsequent to the sale of the hereinafter described Notes the result of the sale by the Township of Middletown, County of Monmouth, New Jersey of its Tax Anticipation Notes of 2009 (the "Notes") as follows:

Date of Notes:	August 12, 2009
Sale Date of Notes:	August 4, 2009
Date of Issuance of Notes:	August 12, 2009
Aggregate Principal Amount of Notes:	\$10,000,000
Interest Rate Per Annum:	1.65%
Date of Maturity:	December 4, 2009
Purchase Price Received for Notes:	\$10,000,000
Name of Purchaser:	TD Bank, N. A.

I hereby respectfully request that in accordance with N.J.S.A. 40A:4-72 of the Local Budget Law, the Committee enter in full this report in the minutes of the Committee recorded with respect to such meeting.

IN WITNESS WHEREOF, I hereunto set my hand this 12th day of August 2009.

Debra Ball, Acting CFO

Committeeman Byrnes questioned the amount of interest. The Township Attorney reviewed the interest information.

**TOWNSHIP COMMITTEE ACTING AS THE LOCAL ABC ISSUING
AUTHORITY**

Clerk Brunt asked for a motion to adopt Resolutions 09-215 to 09-216.

It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger to adopt resolutions 09-215 to 09-216.

Committeeman Byrnes requested if the applications for the licenses would be placed in the packet to prevent any conflicts where a committee member knows an owner.

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

Clerk Brunt stated the motion carried to adopt Resolution 09-215 through 09-216.

RESOLUTION NO. 09-215

**RESOLUTION AUTHORIZING RENEWAL OF INACTIVE PLENARY RETAIL
CONSUMPTION LICENSE 1331-33-023-004**

WHEREAS, application has been made to the Middletown Township Committee for a PLENARY RETAIL CONSUMPTION LICENSE Renewal for Hard Dock Liquor, LLC. 1331-33-023-004 in a timely manner, for the year beginning July 1, 2009 and ending June 30, 2010 accompanied by a statutory fee of \$1,900.00.

WHEREAS, the premise where the license application has been duly investigated by the Office of the Chief of Police of the Township of Middletown, and it appearing that the application is in due form and that all legal formalities have been met.

WHEREAS, The License has been inactive and the license holder has submitted a verified petition to the State of NJ Department of Public Safety, Division of Alcoholic Beverage Control for a Special Ruling under NJSA 33:1-12.39; and

WHEREAS, The Township has received a copy of the Special Ruling Granted by the Director of the Division of Alcoholic Beverage Control permitting the license be reviewed by the Township for renewal, terms of 2009-2010 and 2010-2011; and

NOW, THEREFORE, BE IT RESOLVED that PLENARY RETAIL CONSUMPTION LICENSE be granted to Hard Dock Liquor, LLC. 1331-33-023-004 as an inactive license for the year beginning July 1, 2009 and ending June 30, 2010; and

BE IT FURTHER RESOLVED that the Township Clerk issue the necessary licenses pursuant to this resolution and that a certified copy of this resolution be forwarded to the Director of Alcoholic Beverage Control of the State of New Jersey, provided that in each case payment of \$200.00 filing fee of licensee has been made to the Division of Alcoholic Beverage Control in accordance with P.L. 1970, Chapter 77.

RESOLUTION NO. 09-216

**RESOLUTION AUTHORIZING RENEWAL OF INACTIVE PLENARY RETAIL
CONSUMPTION LICENSE 1331-33-013-009**

WHEREAS, application has been made to the Middletown Township Committee for a PLENARY RETAIL CONSUMPTION LICENSE Renewal for La Bella Vita Corporation 1331-33-013-009 in a timely manner, for the year beginning July 1, 2009 and ending June 30, 2010 accompanied by a statutory fee of \$1,900.00.

WHEREAS, the premise where the license application has been duly investigated by the Office of the Chief of Police of the Township of Middletown, and it appearing that the application is in due form and that all legal formalities have been met.

WHEREAS, The License has been inactive and the license holder has submitted a verified petition to the State of NJ Department of Public Safety, Division of Alcoholic Beverage Control for a Special Ruling under NJSA 33:1-12.39; and

WHEREAS, The Township has received a copy of the Special Ruling Granted by the Director of the Division of Alcoholic Beverage Control permitting the license be reviewed by the Township for renewal, terms of 2009-2010 and 2010-2011; and

NOW, THEREFORE, BE IT RESOLVED that PLENARY RETAIL CONSUMPTION LICENSE be granted to La Bella Vita Corporation 1331-33-013-009 as an inactive license for the year beginning July 1, 2009 and ending June 30, 2010; and

BE IT FURTHER RESOLVED that the Township Clerk issue the necessary licenses pursuant to this resolution and that a certified copy of this resolution be forwarded to the Director of Alcoholic Beverage Control of the State of New Jersey, provided that in each case payment of \$200.00 filing fee of licensee has been made to the Division of Alcoholic Beverage Control in accordance with P.L. 1970, Chapter 77.

TOWNSHIP COMMITTEE COMMENTS

Committeeman Fiore recognized Elaine Anderson for her volunteerism. Committeeman Fiore stated that volunteerism is an asset to the Township. Committeeman Fiore stated that he supports the Neighborhood Preservation Plan and was pleased to be able to adopt it. Committeeman Fiore commended the Township Planner and the Assistant Planner and the residents for their work and putting the quality of life issues at the forefront.

Committeeman Byrnes stated he liked to see the type of work that went into the Neighborhood Preservation Program stating solutions to the state/county rests with community involvement. Committeeman Byrnes stated the government is open for getting involved and promoted transparency in government and getting members of the community involved. Committeeman Byrnes stated the check register should be available to the public any time to promote getting people involved. Committeeman

Byrnes stated there were opportunities with hiring a new CFO and a new Director of Public Works in getting more dynamic people with new ideas.

Committeeman Short requested to change his vote on 2986. Committeeman Short stated he objects to the generality of the ordinance. The Township Administrator stated the specifics were discussed during previous meetings, the generality was purposefully done because it depended on how the bids come in and if each field is specified the Township may be boxing themselves in and limiting what can be built. The Administrator stated that however, before projects were awarded a very detailed list would be created. The Township Attorney stated that ordinance was formerly introduced a month ago and was advertised and introduced as well as posted on the web-site, this was not something that just happened. Committeeman Byrnes commented that Committeeman Short could make a motion to re-open the vote. The Township Attorney stated a motion could be made.

Committeeman Short made a motion to re-open the vote on 2009-2986. The motion and re-voting of Ordinance 2009-2986 is listed above under ordinance 2009-2986.

After the re-vote, Committeeman Short continued his comments. Committeeman Short stated he was not implying anything was hidden with the re-vote or that there was an error with the ordinance. Committeeman Short stated he reserved the right to change his mind and he felt that he moved to quickly on his initial vote and wanted to abstain. Committeeman Short stated he was a supporter of the long term strategic plan and wanted to avoid single emotional plans. Committeeman Short congratulated the new Police Officers and commended Larry Werger for his years of hard work.

Deputy Mayor Scharfenberger noted that ordinances were introduced weeks before and he found that when there was information he needed he asked questions about it before coming to the vote. Deputy Mayor Scharfenberger reminded residents of Congressman Rush Holt's meeting on August 26 regarding health care reform. Deputy Mayor Scharfenberger pointed out to residents who would like to volunteer to submit a resume to the talent bank which was utilized to place volunteers on various boards and groups. Deputy Mayor Scharfenberger congratulated Mayor Brightbill on being recognized in Woman's Monthly Magazine.

Mayor Brightbill reminded residents of the neighborhood concerts as well as the Buy Middletown campaign. Mayor Brightbill stated that Community Affairs Council is hosting a business networking event. Mayor Brightbill read a letter of commendation regarding the DPW and their recent repair/replacement of sign fixtures.

PUBLIC COMMENTS

Jim Grenefege, 5 Red Coach Lane, Locust, commented on the re-vote by Committeeman Short. Mr. Grenefege commented on the spending projects as well as articles written in the press about different projects including the flooding. Committeeman Short commented on his interest in the projects in regards to flooding.

Jean Morgenstern, 12 Cream Ridge, commented on ordinance 2009-2986 asking how will the work be bid. The Administrator explained that the pricing will be an open bid process.

Phil Nicolaus, 35 Turner Drive, requested information on 09-212. The Administrator explained financing for the developer to show need for development. Committeeman Fiore responded regarding the investments. Mr. Nicolaus stated that he objected to the partiality of the NPP in giving money to private citizens. The Administrator explained the State requirements.

Lisa Reilly, 103 Bayside, questioned the FEMA insurance and requested more information. The Township Administrator discussed the program and the rating process. Ms. Reilly, requested information on drainage on Bayside Parkway and stated she objected to the design of the plan for drainage. The Township Engineer stated that road would be raised and redirected.

Don Watson, 10 Collison Drive, New Monmouth stated that Broadway is like driving on a washboard. Mr. Watson asked for an explanation of Ordinance 2009-2989. The Township Administrator discussed the flood damage that is township wide. The Attorney stated the ordinance must be adopted by September 25, 2009 and the DEP comments were just received on Friday. Mr. Watson stated he would like the bill list summary on line. The Administrator stated that wells are still being worked on for ordinance 2009-2986 that was introduced on August 3, 2009. The Administrator stated that 2986 was worked on in the capital budget meetings.

Frank Self, 450 Everett Road, Holmdel stated that there are 8 houses on Everett Road that have a Holmdel mailing address but are part of Middletown. Mr. Self stated they do not receive Middletown Matters, no garbage pick-up and no recycling.

ADJOURNMENT

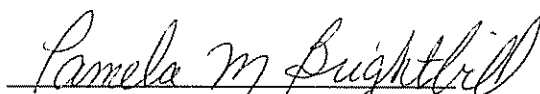
It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger and carried to adjourn the meeting at 10:45 P.M.

Respectfully submitted,



Heidi R. Brunt
Township Clerk

Approved:



Pamela M. Brightbill
Mayor, Township of Middletown