

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 September 21, 2009.

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

The Notice Requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Asbury Park Press, The Star Ledger, The Independent and Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 8, 2009.

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

PLEDGE OF ALLEGIANCE

Clerk Brunt led the assembly in the Pledge of Allegiance.

Clerk Brunt requested a

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

CERTIFICATE OF APPRECIATION/PROCLAMATION

Presentation of the 2009 Planning Merit Award for the Port of Belford Feasibility Study and Conceptual Plan

Clerk Brunt asked that the Director of Planning, Jason Greenspan, approach the podium. Mayor Brightbill congratulated Mr. Greenspan on the award. Mr. Greenspan reviewed some of the history and highlights of the plan:

The study examines existing conditions at the port, and provides a master plan for the future. The Planning Board commended the plan's 'emphasis on enhancing the commercial and economic viability of an industry that represents the maritime heritage of Monmouth County,' according to the award letter.

Development of the plan included input from township staff, Seafood Co-op members, and professionals from Rutgers University and Brookdale Community College.

The port, which fronts the Raritan Bay and is accessible from Port Monmouth Road, has existed since colonial times. The Co-op established in 1952, sells the fish; participating fisherman catch, retaining a portion of the profit to continue running the docks. The plan includes set of implementation strategies for commercial development that would complement and support local fishing industry.

The Port of Belford Feasibility plan offers viable options that could be employed to revitalize the port.

Proclamation Declaring September 26, 2009 as Middletown Day

Clerk Brunt asked that the Director of Parks and Recreation, Greg Silva, approach the podium. Deputy Mayor Scharfenberger read the following proclamation:

**Middletown Day
September 26, 2009**

WHEREAS: Middletown Township is a 42-square mile community that some 68,000 neighbors call home, and

WHEREAS: Middletown Township is a unique collection of neighborhoods, each with its own geographic flavor and historic personality. Together, we form a dynamic community with a strong volunteer spirit, and

WHEREAS: Middletown Township began to hold an annual fall festival over a decade ago to offer residents the opportunity to meet friends and neighbors from Middletown Village, Leonardo, River Plaza, Lincroft and everywhere in-between, and

WHEREAS: Middletown Day has blossomed into an exciting day dedicated to family fun. The festival is attended by more than 10,000 people annually. The day includes free concerts, a classic car show, a craft fair and flea market, carnival games, a petting zoo and hayrides, demonstrations by firefighters and first aiders, activities to support the troops, a food court, and many exhibits highlighting township facilities and services, and

WHEREAS: Middletown Day 2009 will be held on Saturday, September 26, 2009 from 11 a.m. to 6 p.m. on the Great Lawn at Croydon Hall.

NOW

THEREFORE: Be it proclaimed that I, Mayor Pamela M Brightbill and the Middletown Township Committee, do hereby proclaim September 26, 2009 as Middletown Day. We encourage all our residents to celebrate Middletown on this special day.

Proclamation Declaring September 25 through October 3 as Dollar Wise Week in Middletown

Clerk Brunt announced for the US Conference of Mayors a declaration for:

**Dollar Wi\$e Week
September 26 – October 3, 2009**

WHEREAS: In the year 2009, The U.S. Conference of Mayors' National Dollar Wi\$e Campaign has declared September 26–October 3 Dollar Wi\$e Week; and

WHEREAS: The theme of Dollar Wi\$e Week 2009, “Preparing Youth for a Dollar Wi\$e Future”, emphasizes the importance of instilling in our youth healthy attitudes and skills relating to wise personal financial management; and

WHEREAS: Financial illiteracy threatens to stunt economic recovery and delay the nation's exit from recession; The average score among the more than 46,000 high-school students who took the first-ever National Financial Literacy Challenge, conducted by the Office of Financial Education of the United States Department of the Treasury and endorsed by the President's Advisory Council on Financial Literacy, was 56%—a failing grade; and

WHEREAS: Only 51% of teenagers know how to write a check, 34% can balance a checkbook, 26% understand credit-card fees, and 24% know the consequences of using check cashers; and

WHEREAS: The National Council on Economic Education reports that only 28 states require that their personal-finance curriculum standards be implemented; only 9 require that a personal-finance course be offered, and of those only 7 require that the course be taken; and only 17 states mandate an economics course as a graduation requirement; and

WHEREAS: Our youth are at a teachable moment in their lives; the habits they form and the decisions they make now will help determine a lifelong attitude toward personal finances; and as parents, teachers, and leaders we are in a trusted position to teach these youth the skills they need to make wise financial decisions now and in the future; and

WHEREAS: Our nation's cities and municipal governments, with the support of federal and state governments and national and local organizations, are uniquely qualified to help young Americans become more financially literate and thereby build a solid foundation for their future. Now

THEREFORE: I, Mayor Pamela M. Brightbill, and the Middletown Township Committee do hereby proclaim the week of September 26–October 3, 2009, as Dollar Wi\$e Week in Middletown Township, and urge all citizens in our community and throughout the country to join together in a national movement to help our youth become financially literate.

Proclamation Declaring American on the Move Week as Part of the Wellness Campaign.

Clerk Brunt asked Joyce Ferejohn and Andrea Plaza, representatives of the YMCA to approach the podium. Mayor Brightbill read the following proclamation:

AMERICA ON THE MOVE WEEK WITH THE YMCA
September 20-27, 2009

WHEREAS: More than 60 percent of American adults do not get the recommended 30 minutes of physical activity a day, and 25 percent of American adults are not physically active at all, and

WHEREAS: The Mayor's Wellness Campaign is a local initiative that encourages implementation of new programs that promote active living and healthier lifestyles for the men, women and children of Middletown, and

WHEREAS: American On the Move is a national initiative dedicated to helping individuals and communities across the nation make positive changes to improve health and quality of life by supporting healthy eating and active living habits, and

WHEREAS: September 20-27, 2009 is America on the Move Week with the YMCA, and

WHEREAS: Poricy Park Conservancy, in support of the township's commitment to the Mayor's Wellness Campaign, has partnered with the Community YMCA to encourage families to take steps toward a healthier lifestyle. Research shows that making small changes each day really does make a difference, and

WHEREAS: America on the Move, a free day of fun and fitness for the whole family, will be held at Poricy Park on Sunday, September 27, 2009. The day includes nature walks, yoga, and activities for children. Local event supporters include the Middletown Arts Council, Whole Foods Market, and State Farm Insurance. Now

THEREFORE: I, Mayor Pamela M. Brightbill, and the Middletown Township Committee do hereby proclaim September 20-27, 2009 as America on the Move Week in Middletown Township and urge all citizens to take active steps toward achieving healthier living habits.

Proclamation Declaring September 20-26, 2009 as National Adult Services Week in Middletown Township

Clerk Brunt asked representatives from Dawn Johnson and Tracy Wolfman of We Care Adult Care to approach the podium. Mayor Brightbill read the following proclamation:

NATIONAL ADULT DAY SERVICES WEEK
September 20-26, 2009

WHEREAS: Adult Day Service Centers in Middletown are providing professional and compassionate services for adults, and

WHEREAS: Through this service, they enable functionality and cognitively impaired adults to receive needed care and services in a community setting, and

WHEREAS: Adult Day Service Centers provide a coordinated program of services including restorative and functional maintenance, rehabilitation, skilled and preventative care, and individual and group activities, and

WHEREAS: Adult Day Service Centers offer participants an opportunity for enriching educational, therapeutic, and social experiences outside the home, and

WHEREAS: These centers provide much-needed assistance and counseling for caregivers and involved others, and

WHEREAS: We Care Adult Care and the National Adult Day Services Association have designated September 20 – 26, 2009, as National Adult Day Services Week. The theme of this week is *Adult Day Services: Enriching Lives through Wellness and Creativity*. Now

THEREFORE: I, Mayor Pamela M. Brightbill, and the Middletown Township Committee do hereby proclaim September 20 – 26, 2009 as National Adult Day Services Week in Middletown, New Jersey and urge all citizens to honor and celebrate this special week.

Proclamation for the Governor's office Declaring September 11, 2009 as Remembrance Day.

Clerk Brunt announced that the proclamation below had been made by the Governor declaring September 11, 2009 as national remembrance day:

State of New Jersey
Executive Department

Proclamation

WHEREAS, on September 11, 2001, terrorists ruthlessly attacked the United States, killing thousands of innocent United States citizens and other citizens of more than 90 different countries and territories; and

WHEREAS, the entire nation witnessed and shared in the tragedy of 9/11, and in the immediate aftermath of these horrific attacks, became unified under a remarkable spirit of service and compassion that inspired and helped heal the nation; and

WHEREAS, that spirit of service and volunteerism, which has defined America's character since we became a nation, remains vibrant today and is a tribute to the men and women who lost their lives on 9/11 and whose memory continues to inspire and unite us in a common bond of humanity; and

WHEREAS, in tribute to Senator Edward M. Kennedy's extraordinary commitment to service and to country, on March 31, 2009, Congress passed the Edward M. Kennedy Serve America Act, signed into law by President Barack Obama on April 21, 2009, which included the first authorization and federal recognition of September 11 as a "National Day of Service Remembrance," and

WHEREAS, September 11, 2009, will mark the culmination of the summer phase of United We Serve, President Obama's nationwide initiative to create a sustained, collaborative, and focused effort to meet community needs and make service a way of life for all Americans, and also will mark an opportunity for Americans to recommit to service;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, do hereby proclaim

September 11, 2009

As

REMEMBERANCE DAY

in New Jersey, and urge all, through their commitment to service, to join in honoring those heroes whose own service and sacrifice exemplify the proudest traditions of our country.

GIVEN, under my hand and the Great Seal of the State of New Jersey, this eleventh day of September in the year two thousand Nine, the two hundred thirty fourth Year of the Independence of the United States.

Jon Corzine, Governor

**Proclamation Encouraging Community Support of the American Cancer Society's
Making Strides Across America Walk in Point Pleasant**

Clerk Brunt requested that representative, Kathleen Gelchon, from the American Cancer Society approach the podium.

Mayor Brightbill read the following proclamation:

**Making Strides Against Breast Cancer
October 18, 2009**

WHEREAS: Breast cancer is the most common cancer among women in the United States, other than skin cancer. The chance of a woman having invasive breast cancer some time during her life is 1 in 8. The chance of dying from breast cancer is 1 in 35. In 2009, an estimated 192,370 new cases of invasive breast cancer will be diagnosed among women in the United States, and

WHEREAS: The American Cancer Society Making Strides Against Breast Cancer walk is a non-competitive walk to raise awareness and funds to fight breast cancer. In 2008, nearly 600,000 walkers nationwide raised more than \$60 million, and

WHEREAS: This inspiring event unites communities to honor and celebrate breast cancer survivors, educate woman about the importance of early detection, raise money to fund lifesaving research and support programs to further progress against this disease, and

WHEREAS: A Making Strides Against Breast Cancer walk will be held in Point Pleasant on Sunday, October 18, 2009, and now

THEREFORE: Be it proclaimed on September 21, 2009 that I, Mayor Pamela M. Brightbill, and the Middletown Township Committee, do hereby encourage all residents in the Township of Middletown to help raise awareness about breast cancer by supporting the American Cancer Society's Making Strides Across America walk in Point Pleasant.

PRESENTATIONS:

Health Department Presentation Regarding H1N1

The Township Administrator stated that while there was a lot of information in the public, the amount of work going on behind the scenes is tremendous. Richard Debenedetto of the Health Department presented the following information:

Mr. Debenedetto stated that the H1N1 virus is new, it was discovered in Mexico in early April and spread to California. H1N1 was classified a pandemic influenza in June

because of how easily it may be passed from person to person. There are currently cases throughout all 50 states. H1N1 has been mild but there have been 43,000 confirmed cases in the United States and 17 deaths in New Jersey mostly for persons with chronic underlying conditions. The age groups most affected are those from age 5-24, then children under 5, then people age 25-49, then people age 50-64 and then the elderly; with the seasonal flu the age demographic is reversed. Seasonal flu and H1N1 symptoms are very similar. A H1N1 vaccine hopefully will be available by mid October, currently two doses are needed and immunity begins within 10 days of receiving the shot for adults. The production of the H1N1 vaccine is taking longer than usual; the Federal government is purchasing the vaccine so there will be no charge to people going through the Township's program. However, private doctors may not carry it because there is a lot of administrative paperwork and they cannot charge for the shot, only an administration fee. There will be plenty of public access. The shot is not mandated. There will be a target for the groups most likely to contract the virus and then it will be disbursed to everyone. Mr. Debenedetto stated administration will coordinate them throughout the county; this will be a large undertaking because not many outlets will be available to get the shots. Mr. Debenedetto stated wash your hands, use tissues and throw them away, if you are sick go home and stay home until you have been fever free for twenty-four hours. Mr. Debenedetto stated the season flu shot would be provided on Oct. 21. Mr. Debenedetto stated that seniors would not be the target for the H1N1 vaccine. The Township Committee thanked Mr. Debenedetto for his presentation.

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.

July 6, 2009	Executive Session
July 6, 2009	Workshop Meeting
July 13, 2009	Executive Session
July 13, 2009	Special Meeting
July 20, 2009	Executive Session
July 20, 2009	Regular Meeting

Roll Call Vote: Ayes: Byrnes, Fiore, Scharfenberger, Short
 Nays: None
 Abstention: Mayor Brightbill for July 6, 2009 minutes only
 Absent: None

Clerk Brunt stated motion carries to adopt minutes.

PUBLIC HEARING ON PROPOSED ORDINANCES

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

Mayor Brightbill opened the public hearing:

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

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

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

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

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.

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)

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.

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

Mayor Brightbill opened the public hearing:

Hearing 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 w/comment, Scharfenberger, Short, Mayor Brightbill
 Nays: none

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

Committeeman Fiore stated that he voted for the ordinance but it does not imply that he supports the new flood maps. Committeeman Fiore stated the ordinance needed to be passed to provide cost savings but he was hopeful something could be done regarding the maps.

INTRODUCTION OF PROPOSED ORDINANCES

Ordinance 2009-2990 Ordinance Adopting a Form Requires to be Used for the Filing of Notices of Tort Claim Against the Township in Accordance with the Tort Claims Act

It was moved by Mayor Brightbill, seconded by Committeeman Short to pass the ordinance on first reading with the public hearing to be held for the October 19, 2009 Regular Meeting.

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

Clerk Brunt stated ordinance passed on first reading with public hearing to be held on October 19, 2009.

Committeeman Byrnes stated that the document had a lot of detailed questions but he did not know if any other towns had a notice with this much information. Committeeman Byrnes stated he was concerned that someone may say that under the statute they were not required to file such an extensive notice of claim. The Township Attorney stated he would accept recommendations and the form was based on insurance carrier and claim documents. The Township Attorney stated they have sent these to persons on a volunteer basis and it has been successful.

CONSENT AGENDA

RESOLUTION 09-220: Payment of Bills

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

Committeeman Byrnes questioned the utilities for the Fire houses. The Township Administrator explained these were set by previous arrangement.

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 09-220.

RESOLUTION 09-221: Resolution to Cancel Capital Appropriation Balance of Projects 2002-2671 and 2006-2868

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 09-221.

RESOLUTION NO. 09-221

RESOLUTION TO CANCEL CAPITAL APPROPRIATION BALANCE OF PROJECTS 2002-2671 AND 2006-2868

WHEREAS, a General Capital Improvement appropriation balance remains dedicated for a project now completed; and

WHEREAS, it is necessary to formally cancel said unexpended debt authorization; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

NOW THEREFORE BE IT RESOLVED By the Township Committee of the Township of Middletown, of the County of Monmouth, that the following unexpended and dedicated balance of General Capital Appropriation be cancelled:

Ordinance Number	Date Authorized	Project Description	Amount Cancelled	
			Funded	Unfunded
2002-2671	2/21/2002	Library Renovation	\$118,843	
2006-2868	4/17/2006	Various Improvements Resurface Roads	54,404	
2006-2868	4/17/2006	Various Improvements Burlington Avenue	54,192	

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

Clerk Brunt requested the adoption of the consent agenda including Resolution 09-222 through 09-235 including Bingo and Raffle Application and Volunteer Firefighter Applications.

It was moved by Deputy Mayor Scharfenberger, seconded by Mayor Brightbill and carried Resolution 09-222 through 09-235 including Bingo and Raffle Application and Volunteer Firefighter Applications.

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

Clerk Brunt stated the motion carried to adopt the consent agenda including Resolution 09-222 through 09-235 including Bingo and Raffle Application and Volunteer Firefighter Applications.

RESOLUTION NO 09-222

**RESOLUTION AUTHORIZING A CH 159 BUDGET ITEM FOR THE NJ
HEALTH OFFICERS ASSOCIATION, FOR EMERGENCY PREPAREDNESS**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Middletown has received a \$2,500.00 grant from the NJ Health Officers Association, for Emergency Preparedness and wishes to amend its 2009 budget to include this amount as revenue.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of Middletown Township, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2009 budget in the sum of \$2,500.00 which is now available as revenue from:
NJ Health Officers Association.

BE IT FURTHER RESOLVED that a like sum of \$2,500.00 be and the same is hereby appropriated under the caption of:

General Appropriations
Operations Excluded from the 3.5% CAPS
New Jersey Department of Health Officers Association
Emergency Preparedness - \$2,500.00

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

RESOLUTION NO. 09-223

RESOLUTION AUTHORIZING A CH 159 BUDGET ITEM FOR THE OVER THE LIMIT, UNDER ARREST STATEWIDE IMPAIRED DRIVING CRACKDOWN

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Middletown has received a \$6,000.00 grant from the NJ Department of Law & Public Safety, Division of Highway Traffic Safety for "Over the Limit, Under Arrest Statewide Impaired Driving Crackdown" and wishes to amend its 2009 budget to include this amount as revenue.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of Middletown Township, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2009 budget in the sum of \$6,000.00, which is now available as revenue from:
NJ Department of Law & Public Safety, Division of Highway Traffic Safety

BE IT FURTHER RESOLVED that a like sum of \$6,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations
Operations Excluded from CAPS

Department of Police - Salaries and Wages
"Over the Limit, Under Arrest Statewide Impaired Driving Crackdown"
\$6,000.00

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

RESOLUTION NO. 09-224

**CHAPTER 159 RESOLUTION AUTHORIZING A CH 159 BUDGET ITEM FROM
THE NEW JERSEY BOARD OF PUBLIC UTILITIES CLEAN ENERGY
PROGRAM**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Middletown has received a \$36,952.50 grant from the New Jersey Board of Public Utilities Clean Energy Program for the Local Government Energy Audit Program and wishes to amend its 2009 budget to include this amount as revenue, and

WHEREAS, a condition of receiving the grant is that the Township of Middletown must provide a match of \$12,317.50, and

WHEREAS, sufficient funding for this match is available in the 2009 budget line item, Match for Indeterminate Grants.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of Middletown Township, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2009 budget in the sum of \$36,952.50 which is now available as revenue from:

the New Jersey Board of Public Utilities Clean Energy Program
"Local Government Energy Audit Program"

BE IT FURTHER RESOLVED that a sum of \$36,952.50 be and the same is hereby appropriated under the caption of:

General Appropriations
Operations Excluded from the 3.5 % CAPS
New Jersey Board of Public Utilities Clean Energy Program
Local Government Energy Audit Program \$36,952.50

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

RESOLUTION NO. 09-225

**RESOLUTION AUTHORIZING A CH 159 BUDGET ITEM FROM THE
U.S. DEPARTMENT OF ENERGY
“ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT”**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Middletown has received a \$37,500.00 grant from the U.S. Department of Energy for the Energy Efficiency and Conservation Block Grant and wishes to amend its 2009 budget to include this amount as revenue, and

NOW THEREFORE BE IT RESOLVED, that the Township Committee of Middletown Township, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2009 budget in the sum of \$37,500.00 which is now available as revenue from:

the U.S. Department of Energy
“Energy Efficiency and Conservation Block Grant”

BE IT FURTHER RESOLVED that a sum of \$37,500.00 be and the same is hereby appropriated under the caption of:

General Appropriations
Operations Excluded from the 3.5 % CAPS
U.S. Department of Energy
Energy Efficiency and Conservation Block Grant

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

RESOLUTION NO. 09-226

**RESOLUTION AUTHORIZING A CH 159 BUDGET CORRECTION IN THE
BUDGET YEAR 2009 FOR THE NEIGHBORHOOD PRESERVATION GRANT**

WHEREAS, N.J.S. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purposes required for the needs of any such county or municipality;

NOW THEREFORE BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-85, the Township Committee of Middletown Township, in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget year 2009.

That the appropriation provided for in the approved budget entitled:

Operations Excluded from CAPS:
Neighborhood Preservation Grant Match
be reduced by the sum of \$16,900
Operations Excluded from CAPS:
Neighborhood Preservation Grant
be reduced by the sum of \$100,000

BE IT FURTHER RESOLVED, that the Township Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

RESOLUTION NO. 09-227

RESOLUTION AUTHORIZING AWARD OF CONTRACT

FOR:
GAS METERS

WHEREAS, bids were received on September 1, 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. NEW JERSEY FIRE EQUIPMENT COMPANY 923 N. WASHINGTON AVENUE GREEN BROOK, N.J. 08812	\$ 31,548.00
2. ARAMSCO INC. 1480 GRANDVIEW AVENUE THOROFARE, N.J. 08086	\$ 42,644.42

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

NEW JERSEY FIRE EQUIPMENT COMPANY, 923 N. WASHINGTON AVENUE, GREEN BROOK, N.J. 08812. shall Furnish and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated September 1, 2009. said bidder being the Lowest Responsible Bidder.

DESCRIPTION

VENDOR

PROVIDE TWENTY FOUR (24)
GAS METERS FOR THE
MIDDLETOWN FIRE DEPARTMENT

NEW JERSEY FIRE EQUIPMENT CO.
923 N. WASHINGTON AVENUE
GREEN BROOK, N.J. 08812

WHEREAS, bids have been reviewed by the Purchasing Agent and Fire Chief Kardel and it is their recommendation that the contract be awarded to NEW JERSEY FIRE EQUIPMENT COMPANY, 923 N. WASHINGTON AVENUE, GREEN BROOK, N.J. 08812, in the amount of: \$ 31,548.00

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

1. It hereby awards the contract for "Gas Meters" to New Jersey Fire Equipment Company, 923 N. Washington, Avenue, Green Brook, N.J. 08812 in the amount of: \$ 31,548.00

2. **BE IT FURTHER RESOLVED**, this contract is awarded pursuant to a Fair and Open Process in accordance with N.J.S.A. 19:44A-20-5 et seq.

3. **WHEREAS**, the Chief Financial Officer of the Township of Middletown has certified that adequate funds for such contract are available, and are designated to line item appropriation of the official budget no. stated below. A copy of the said certification is attached hereto and made a part hereof and the funds to be expended herein are assigned to the line item no. stated below. A copy of the within resolution and certification shall be certified by the Township Clerk. The Township Attorney is satisfied that the certification of availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.

G-02-40-700-389-009 - \$ 25,238.40

G-02-40-899-345-009 - \$ 6,309.60

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) Chief Kardel, Fire Department
- D) Vendor

RESOLUTION NO. 09-228

RESOLUTION AUTHORIZING AWARD OF CONTRACT

FOR:

DEFIBRILLATORS

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

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

Responsive Bid was received as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
1. TEAM LIFE INC. 291 ROUTE 34 SUITE B COLTS NECK, N.J. 07722	\$ 16,740.00

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

TEAM LIFE INC., 291 ROUTE 34, SUITE B, COLTS NECK, N.J. 07722. shall Furnish, and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated September 1, 2009 said bidder being the Lowest Responsible Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
PROVIDE TWELVE (12) DEFIBRILLATORS TO THE MIDDLETOWN FIRE DEPARTMENT	TEAM LIFE INC. 291 ROUTE 34 SUITE B COLTS NECK, N.J. 07722

WHEREAS, bids have been reviewed by the Purchasing Agent and Fire Chief Kardel and it is their recommendation that the contract be awarded to TEAM LIFE INC., 291 ROUTE 34, SUITE B, COLTS NECK, N.J. 07722. in the amount of: \$ 16,740.00

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 "Defibrillators" to Team Life Inc.,
291 Route 34, Suite B, Colts Neck, N.J. 07722. in the amount of: \$ 16,740.00

2. **BE IT FURTHER RESOLVED**, this contract is awarded pursuant to a Fair and Open Process in accordance with N.J.S.A. 19:44A-20-5 et seq.

3. **WHEREAS**, the Chief Financial Officer of the Township of Middletown has certified that adequate funds for such contract are available, and are designated to line item appropriation of the official budget no. stated below. A copy of the said certification is attached hereto and made a part hereof and the funds to be expended herein are assigned to line item no stated below. A copy of the within resolution and certification shall be certified by the Township Clerk. The Township Attorney is satisfied that the certification of availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.

G-02-40-700-389-009 – \$ 13,392.00
G-02-40-899-345-009 – \$ 3,348.00

4. A certified copy of this resolution shall be provided by the Office of the

Township Clerk to each of the following:

- A) Purchasing Agent
- B) Comptroller
- C) Chief Kardel, Fire Department
- D) All of the above bidders

RESOLUTION NO. 09-229

RESOLUTION AUTHORIZING AWARD OF CONTRACT

FOR:
WASHER AND DRYER

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

Responsive Bid was received as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
1. DIRECT MACHINERY SALES CORPORATION 50 COMMERCE PLACE HICKSVILLE, NY 11801	\$ 34,740.00

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

DIRECT MACHINERY SALES CORPORATION, 50 COMMERCE PLACE, HICKSVILLE, N.Y. 11801. shall Furnish, and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated September 1, 2 009. said bidder being the Lowest Responsible Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
WASHER AND DRYER FOR THE FIRE DEPARTMENT	DIRECT MACHINERY SALES CORPORATION 50 COMMERCE PLACE HICKSVILLE, N.Y. 11801

WHEREAS, bids have been reviewed by the Purchasing Agent and Chief Kardel and it is their recommendation that the contract be awarded to DIRECT MACHINERY SALES CORPORATION, 50 COMMERCEPLACE, HICKSVILLE, N.Y. 11801 in the amount of: \$ 34,740.00

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

1. It hereby awards the contract for "Washer and Dryer" to Direct Machinery Sales Corporation, 50 Commerce Place, Hicksville, N.J. 11801 for a total of: \$ 34,740.00

2. BE IT FURTHER RESOLVED, this contract is awarded pursuant to a Fair and Open process in accordance with N.J.S.A. 19:44A-20-5 et seq

3. WHEREAS, the Chief Financial Officer of the Township of Middletown has certified that adequate funds for such contract are available, and are designated to line item appropriation of the official budget no. stated below. A copy of the said certification is attached hereto and made a part hereof and the funds to be expended herein are assigned to the line item no. stated below. A copy of the within resolution and certification shall be certified by the Township Clerk. The Township Attorney is satisfied that the certification of availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.

G-02-40-700-389-009 – \$ 27,792.00

G-02-40-899-345-009 – \$ 6,948.00

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

- A) Purchasing Agent
- B) Comptroller
- C) Chief Kardel, Fire Department
- D) Bidders

RESOLUTION NO. 09-230

Cancellation of Community Development Mortgages

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

Block 212 Lot 8	\$15,350.00
Block 651 Lot 14	\$15,000.00
Block 873 Lot 30	\$15,000.00
Block 055 Lot 1	\$13,099.00

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

- A. Community Development

RESOLUTION NO. 09-231

**AUTHORIZING EXECUTION OF AGREEMENT WITH
MONMOUTH COUNTY FOR THE
SCAT FOOD SHOPPING PROGRAM**

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

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

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

1. The Mayor is hereby authorized to execute, and the Township Clerk to attest, to an agreement between Monmouth County and the Township of Middletown to provide SCAT for 2010.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a. CFO
 - b. Gregg Silva, Director of Parks & Recreation
 - c. Henry R. Nicholson, Director
Department of Transportation
250 Center Street
Freehold, NJ 07728

RESOLUTION NO. 09-232

**RESOLUTION AUTHORIZING REDUCTION OF THE CASH BOND
FOR MOUNTAIN HILL SCHOOL**

WHEREAS, the developer of the site plan known as Mountain Hill Scholl Block 835 Lot 15 had posted with the Township a Cash Bond in the amount of \$2,500.00 per Resolution 09-188; and

WHEREAS, the developer has reduction said Cash Bond; and

WHEREAS, the Township Engineer, as set forth in his letter of September 14, 2009, indicates he has inspected the premises and has recommended that the total cash bond in the amount of \$5,801.25 be reduced to the amount of \$990.00; and

WHEREAS, the Township Committee agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Middletown Township Committee that the performance guarantee be released. And a certified copy of this resolution shall be provided by the Office of the Township Clerk to the following:

- a. T&M Associates
- b. Planning
- c. Andrew Kaiser
Mountain Hill School

RESOLUTION NO. 09-233

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT FOR THE NJ
ENVIRONMENTAL PROTECTION GREEN ACRES MIDDLETOWN
TOWNSHIP PLANNING INCENTIVE GRANT**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides 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 grant of \$ **4,750,000.00** from the State to fund the following project(s):
Middletown Township Planning Incentive Grant

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

- (a) make application for such a loan and/or such a grant
- (b) provide additional application information and furnish such documents as may be required
- (a) 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 Committee:

1. That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as **the Middletown Township Planning Incentive Grant** and;
 2. That the applicant will or has provided its matching share of the project, if a match is required, in the amount of \$ **4,750,000.00**.
 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 applicable federal, state, and local laws, rules, and regulations in its performance of the project.
- That this resolution shall take effect immediately

Resolution No. 09-234

**RESOLUTION AUTHORIZING A CH 159 BUDGET ITEM FROM THE NJ
DEPARTMENT OF HEALTH & SENIOR SERVICES**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Middletown has received a \$158,012.00 grant from the NJ Department of Health & Senior Services, for the Influenza A- H1N1 Virus Grant and wishes to amend its 2009 budget to include this amount as revenue.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of Middletown Township, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2009 budget in the sum of \$158,012.00 which is now available as revenue from:
NJ Department of Health & Senior Services.

BE IT FURTHER RESOLVED that a like sum of \$158,012.00 be and the same is hereby appropriated under the caption of:

General Appropriations
Operations Excluded from the 3.5% CAPS
New Jersey Department of Health & Senior Services
Influenza A- H1N1 Virus Grant - \$158,012.00

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

Resolution No. 09-235

**RESOLUTION AUTHORIZING GRANT FROM MONMOUTH COUNTY
PLANNING BOARD FOR THE
CONIFER BALL FIELDS BLOCK 729, LOT 16.02**

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

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

WHEREAS, the total cost of the project including all matching funds is \$900,000.00; and

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

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

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

BINGO AND RAFFLES

THE ASHLEY LAUREN FOUNDATION	09-123
PTA MATER DEI HIGH SCHOOL	09-124
THORNE JUNIOR HIGH SCHOOL	09-125
COUNT BASIE THEATRE	09-126
PORT MONMOUTH SCHOOL PTA	09-127
VFW 2179 LADIES AUXILIARY	09-128
THOMPSON MIDDLE SCHOOL PFA	09-129
ST. LEO THE GREAT CHURCH	09-130
BAYVIEW PTA	09-131

VOLUNTEER FIREFIGHTERS

James S. Abbes	Lincroft Fire Company
Kelly A. Timmins	Lincroft Fire Company

TOWNSHIP COMMITTEE ACTING AS THE LOCAL ABC ISSUING AUTHORITY

Resolution 09-236- Resolution Authorizing Place to Place Transfer/Extension of Liquor License Premise for the Middletown Bottle King 1331-44-043-002

Clerk Brunt asked for a motion to adopt Resolution 09-236.

It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger to adopt resolutions 09-236.

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

Clerk Brunt stated the motion carried to adopt Resolution 09-236.

Resolution No. 09-236

RESOLUTION AUTHORIZING PLACE TO PLACE TRANSFER - EXTENSION OF PREMISES FOR LICENSE 1331-44-043-002 MIDDLETOWN BOTTLE KING

WHEREAS, an application has been filed for a place to place transfer of Plenary Retail Distribution License 1331-44-043-002 Middletown Bottle King, Inc. located at 1060 RT 35 South Middletown, NJ 07748, for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Middletown does hereby approve, effective September 21, 2009, the expansion of the aforesaid Plenary Retail Distribution License 1331-44-043-002 Middletown Bottle King, Inc. located at 1060 RT 35 South Middletown, NJ 07748 to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

TOWNSHIP COMMITTEE COMMENTS

Committeeman Fiore recognized the great attendance at the 9/11 memorial ceremony and thanked the Health Department for the presentation on H1N1. Committeeman Fiore discussed meeting with department heads regarding auditing of insurance costs. Committeeman Fiore stated he would like to see an audit done so that we may get the best for the Township. Committeeman Fiore reminded everyone of Middletown Day, September 26.

Committeeman Byrnes requested a summary of the tax appeals. Committeeman Byrnes discussed the approaching county collective purchase of energy. Committeeman Byrnes stated he had spoken with engineering regarding the light on West Front St.. Committeeman Byrnes spoke about the power outages at the Middletown Shopping Center and the possibility of sending a letter to JCP&L for the business owners. Committeeman Byrnes congratulated planning for the Port of Belford award and would like to see the process implemented. Committeeman Byrnes commended Poricy Park and YMCA regarding the Wellness campaign. Committeeman Byrnes also commended the 9/11 ceremony and thanked Reverend Harris for his comments. Committeeman Byrnes requested a SCAT analysis to possibly fill in gaps in service. The Administrator stated he had met with the County to extend SCAT services.

Committeeman Short requested an update on Phase I/II in Bayshore plan and Acme access road. Committeeman Short commended the clerk's office for posting the bill list on the web-site. Committeeman Short congratulated the Planner on the study and conceptual plan for the Port of Belford. Committeeman Short asked that people support Middletown Day.

Deputy Mayor Scharfenberger discussed the Tort Reform Document that was passed. Deputy Mayor Scharfenberger discussed the costly frivolous lawsuits and how much it affects the municipality. Deputy Mayor Scharfenberger stated that Assemblywoman Handlin had introduced several new corruption bills that would require persons convicted of crimes in public office to forfeit their pension. Deputy Mayor Scharfenberger stated he would like to see a resolution drafted in support of those bills for discussion at the workshop meeting. Deputy Mayor Scharfenberger discussed the fuel recovery and environmental recovery fees being charged by private companies for waste disposal firms. Deputy Mayor Scharfenberger commented on the 9/11 ceremony and remembered

the events of the day and the impact on the families who lost loved ones. Deputy Mayor Scharfenberger reminded residents to attend Middletown Day.

Mayor Brightbill commented on the remembrance ceremony for 9/11 and encouraged residents to visit the gardens. Mayor Brightbill stated the Port of Belford study was a great accomplishment. The Planner has met with the County to discuss. Mayor Brightbill recognized, the Township Administrator for his participation in the Port of Belford plan. Mayor Brightbill commended the community affairs council for the business to business event. Mayor Brightbill gave special recognition to Al Siano, Lori Ann Oliwa, and Craig Finnegan of the Community Affairs Council for their efforts. Mayor Brightbill thanked Whole Foods for donating the food to make the event a success. Mayor Brightbill noted a bench on Route 35 that community affairs had donated in 1976 and had refurbished to its original colors of red, white and blue this past weekend. Mayor Brightbill announced the library programs for employers and job candidates and announced the Pew's Creek clean-up for this weekend.

PUBLIC COMMENTS

Jeanette Wronka, 638 Monmouth Ave., complained about flooding in the area. Ms. Wronka stated she had filled out a petition with 154 signatures on it looking for a solution to the flooding problem. Ms. Wronka spoke about the problems of residents with the flooding and emergency situations. Ms. Wronka requested a status of repair. The Township Engineer stated that specifications are being written for a bid based on a survey for design plans for Phase I. The Township Engineer stated he has been speaking with companies regarding sliding gates. Deputy Mayor Scharfenberger stated he has discussed with Senator Kyrillos assistance with permits at the D.E.P. so there is not lag time.

Carol Baker, 9 Rose Street, Lincroft, commented on studies and costs on Route 520. Ms. Baker expressed concern and asked for a resolution to ask the County to conduct study on a traffic for round about for Phalanx road. Ms. Baker invited the Township Committee and the public to candidate night on October 14, where persons would have an opportunity to meet the candidates and ask questions. Ms. Baker stated that candidates Massell and Short, Byrnes, Curley and Rosenthal would be there for a question and answer period at 7:30 p.m. at the Lincroft School.

Pat Ross, 19 Hudson Ave., requested that the Township expedite the reduction of the flood rate as the date for required flood insurance is fast approaching. Ms. Ross complained about the lack of knowledge of the rating and why hasn't the Township asked for any assistance. The Township Administrator discussed the rating system and the Township's application. The Administrator stated that ordinances need to be adopted and D.E.P. approval was necessary which was only received. The Administrator stated the Township was moving forward with the rating application but it could not be considered until the ordinance the Township passed this evening was in effect. The Administrator noted the delay on the federal level due to smaller staff levels, who are required to review the application. Ms. Ross expressed concern over the timeline. The Township Attorney stated the Township was working with the County on the appeal for the FEMA maps and the ongoing federal litigation.

Lisa Reilly, Bayside Parkway, stated no attention was being paid to the flood zone from the Township. Ms. Reilly stated the tax increase coupled with the flood insurance requirement is overwhelming to most residents. Ms. Reilly stated the ordinance should have been done sooner. Ms. Reilly thanked the Township Engineer for his help with Bayside Parkway. Ms. Reilly reviewed the status of clean up items. Ms. Reilly expressed concern about the flood area. The Township Engineer discussed grading and design.

Mary Ellen Hinz-25 Old Phalanx Road, Lincroft, stated the 5th annual picnic and concert was to be held with music and food. Ms. Hinz stated there would be a movie in the park, on October 11, all are welcome to attend.

Ms. Glowacki, 45 Pine Street, Lincroft, complained about the condition of Pine Street. Ms. Glowacki expressed concern over that if a new surface was put down it would induce speeders. Ms. Glowacki complained of bike tire blow outs, because the surface of the road is so bad. The Township Administrator stated the budget process for 2010 was beginning as well as a review of capital improvements; the street would be considered.

Phil Nicolaus, 35 Turner Drive, requested information on the energy audit grant. The Township Administrator explained the grants. Mr. Nicolaus stated he objected to the grants. Mr. Nicolaus stated he objected to the neighborhood preservation program because it gave money to private homeowners to fix up there property which violated the state constitution. Mr. Nicolaus stated he also objected to the cancellation of community development mortgages. Mr. Nicolaus stated the liens should be placed on the property until they are paid.

Rich Carle, 101 Oak Glen, expressed concern over Pine Street's poor condition. Mr. Carle requested a review of the site triangle for streets along Pine (Holly, Laurel, Oak and Lindy). Mr. Carle complained about the paving work done at the intersection of Pine and Swimming River Road.

Joe Daly, 633 Monmouth Ave., complained about the flooding and stated that an emergency vehicle would not be able to get down the street. Mr. Daly further stated that he cannot sell his home because of the flooding every full moon. The Township Engineer stated the town is going forward with a local project and that a first time design was underway on a problem that has existed for more than 50 years. The Engineer stated that there is possible funding from the Army Corp of Engineers and the Township was funding the design and maps survey. The Administrator discussed the original Army Corp. project that was on a large scale as opposed to this nuisance flooding. The Township Committee discussed their commitment to the project as well as cost concerns.

Kevin Halex, 631 Monmouth Ave, stated petitions were sent in with 150 signatures. Mr. Halex stated he is frustrated over the cost of the pumping station and asked about budgeting for the project. Mr. Halex stated he would love to sell his home but he cannot. The Township Attorney discussed funding status and stated that bonding may be necessary. The Township Administrator discussed the timeline for construction, stating possibly the summer of 2010. The Administrator also stated that bonding may be

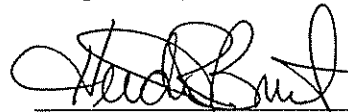
necessary. The Administrator further stated that permitting needs to be obtained and pointed out that an application cannot be made without design.

Bruce Stafford, 39 Brainard, questioned the status of the check valve on Wilson Ave. The Township Engineer stated the solution may come in Phase I of the study. The Engineer discussed the valve and the plan to remedy the problem.

ADJOURNMENT

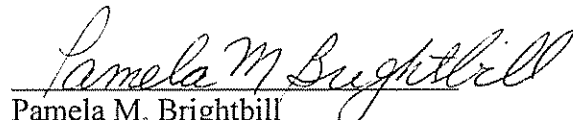
It was moved by Mayor Brightbill, seconded by Deputy Mayor Scharfenberger and carried to adjourn the meeting at 10:28 P.M.

Respectfully submitted,



Heidi R. Brunt
Township Clerk

Approved:



Pamela M. Brightbill
Mayor, Township of Middletown