

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 November 19, 2007.

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

The Notice Requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Asbury Park Press and The Courier and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 11, 2007.

Roll Call Vote: Present: Brightbill, Short, Wilkens, Mayor Scharfenberger
Absent: Hall

PLEDGE OF ALLEGIANCE

Clerk Abs led the assembly in the Pledge of Allegiance.

CERTIFICATE OF APPRECIATION/PROCLAMATION

Clerk Abs requested a
**MOMENT OF SILENCE IN SUPPORT OF OUR TROOPS WORLDWIDE FOR
DEFENDING OUR WAY OF LIFE**

**Certificate of Appreciation for Employee of the Month for September 2007- Kaaren
Sena of the Tax Assessor's Office**

Clerk Abs stated that Ms. Sena was unable to attend.

**Representation of the Best Print Entry Award in 46th Annual Public Information
Contest Sponsored by NJSLQM and Rutgers University's Center for Government
Services**

Clerk Abs requested that Cindy Herrschaft, Public Information Officer, to come forward.

Mayor Scharfenberger congratulated Cindy on her achievement and thanked her for all her effort.

**Representation of Special Citation, Presented to Patrolman James Roese
Middletown Twp. Police Department by Parade Magazine and the International
Association of Chiefs of Police**

Clerks Abs requested that Patrolman Roese, Chief Oches to come forward.

Mayor Scharfenberger congratulated Patrolman Roese for all of his hard work and dedication. Mayor Scharfenberger stated that Patrolman Roese has dedicated his life to

stopping drunk driving and was a top-cop. Mayor Scharfenberger noted that Patrolman Roesse ran the PBA ball and raised approximately \$25,000 for an unfortunate resident with cancer.

Chief Oches congratulated Patrolman Roesse for all his work on the Rude-Awakening Program and all of the awards that he has received for his hard work. Chief Oches presented Patrolman Roesse with a change of status to Corporal.

Corporal Roesse thanked the Committee, the Administrator, his family and the Chiefs of Police for their support.

Proclamation Proclaiming 3D Month in Middletown-National Drugged and Drunk Driving Prevention Month

Clerks Abs requested Fern Foster, the Municipal Alliance Co-ordinator to the podium.

Committeeman Wilkens read the following proclamation:

WHEREAS: Impaired driving is a deadly act that ends thousands of lives annually and affects every American; and

WHEREAS: The U.S. Department of Transportation is expanding on the "Friends Don't Let Friends Drive Drunk" campaign to include "Buzzed Driving is Drunk Driving." The "Friends" message, designed for the friend or family member, asks them to take the keys of an impaired driver. The campaign shifts the message to personal responsibility, by talking to the impaired driver who thinks it's acceptable to get behind the wheel after they've had enough to drink to feel "buzzed". The campaign is designed to convince those drivers that "buzzed" means that they are too impaired to drive, so that they will give up the keys; and

WHEREAS: According to the National Highway Traffic Safety Administration an estimated 13,470 people were killed in 2006 in traffic crashes that involved at least one driver or a motorcycle operator with a blood alcohol concentration of .08 or above, and

WHEREAS: According to the Monmouth County Division Intoxicated Drivers Resource Center as of November 19, 2007, 1,430 individuals are enrolled in the detainment, screening, and education program for Monmouth County residents convicted of an alcohol or drug related traffic or boating offense, and

WHEREAS: According to the Middletown Township Police, as of September, 2007 122 DWI arrests were made in the municipality, an increase of 6.09% from September, 2006, and

WHEREAS: Designating a sober driver or finding a safe ride home via a taxicab or other means reduces impaired driving crashes both by removing impaired drivers from the roads as well as deterring others from attempting to drive, and thereby lessen the hazards to innocent people; and

WHEREAS: The Middletown Township Municipal Alliance to Prevent Alcoholism and Drug Abuse and The Middletown Township Committee considers its duty to help change attitudes about impaired driving and to protect our citizens from hazards such as impaired drivers of the highest priority. Now

THEREFORE: I, Mayor Gerard P. Scharfenberger and the Middletown Township Committee do hereby proclaim December, 2007 to be "Drunk and Drugged Driving Prevention Month" in Middletown Township and hereby proclaim support for the designation of sober drivers and safe ride activities as valuable weapons in the battle against impaired driving.

Recognition of the MTPD Fire Explorer Program

Clerks Abs requested that Fire Explorer Joe Mendoza, Fire Explorer Advisor Tony Domalewski, Deputy Chief Vince Falci and Assistant Chief Isacksen come to the podium.

Deputy Mayor Brightbill congratulated Joe Mendoza on his efforts to rescue people in a car accident while off duty. Fire Explorer Mendoza stated at the time he had learned these skills as a Fire Explorer. Fire Explorer Advisor Tony Domalewski congratulated Joe on a job well done.

Deputy Mayor Brightbill also congratulated Tony Domalewski for his 10 years of hard-work and dedication.

Motion to Recess

Clerk Abs requested a motion to recess for five minutes.

It was moved by Committeeman Wilkens, seconded by Mayor Scharfenberger and carried to recess.

Roll Call Vote: Ayes: Brightbill, Short, Wilkens, Mayor Scharfenberger
 Nays: None
 Absent: Hall

Clerk Abs stated motion carried.

Motion to reconvene:

It was moved by Committeeman Wilkens, seconded by Mayor Scharfenberger and carried to recess.

Roll Call Vote: Ayes: Brightbill, Short, Wilkens, Mayor Scharfenberger
 Nays: None
 Absent: Hall

Clerk Abs stated motion carried to reconvene.

APPROVAL OF MINUTES

Clerk Abs requested a motion to approve minutes.

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

September 17, 2007	Regular Meeting
September 17, 2007	Executive Session

Roll Call Vote: Ayes: Brightbill, Wilkens, Mayor Scharfenberger
 Abstain: Short
 Absent: Hall
 Nays: None

Clerk Abs stated motion carried to adopt the minutes.

Clerk Abs requested a motion to approve minutes.

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

October 1, 2007	Executive Session
October 1, 2007	Workshop Meeting

Roll Call Vote: Ayes: Brightbill, Short, Wilkens, Mayor Scharfenberger
 Nays: None
 Absent: Hall

Clerk Abs stated motion carried to adopt the minutes.

Ordinance 2007-2929 Vote Only - Carried From 10-15-2007 Public Hearing

Ordinance Amending Chapter 257, Sections 257-83 Of The Code Of The Township (1996) To Authorize Through Street Burlington Avenue (Portion)

Attorney comments that due to public comments, the limits for designation of through streets have been changed.

Move to amend:

It was moved by Mayor Scharfenberger, seconded by Committeeman Short to amend the ordinance as explained by the Township Attorney.

Roll Call Vote: Ayes: Brightbill, Short, Wilkens, Mayor Scharfenberger

Absent: Hall
Nays: None

Clerk Abs stated motion carried to amend the ordinance

It was moved by Committeeman Wilkens, seconded by Mayor Scharfenberger to adopt the ordinance on final reading.

Roll Call Vote: Ayes: Brightbill, Short, Wilkens, Mayor Scharfenberger
 Absent: Hall
 Nays: None

Clerk Abs stated motion carried to adopt the ordinance

PUBLIC HEARING ON PROPOSED ORDINANCES

Ordinance #2007-2930

Clerk Abs read the following ordinance by title for a first reading:

Ordinance Vacating Paper Street Ocean View Place Between Beacon Hill Road and Portland Road

Mayor Scharfenberger opened the public hearing:

Hearing no comments from the public, it was moved by Mayor Scharfenberger, seconded by Committeeman Wilkens to close the public hearing and adopt the ordinance on final reading.

Roll Call Vote: Ayes: Brightbill, Short, Wilkens, Mayor Scharfenberger
 Absent: Hall
 Nays: None

Clerk Abs stated motion carried to adopt the ordinance.

Ordinance #2007-2931

Clerk Abs read the following ordinance by title for a first reading:

Bond Ordinance Providing Appropriation Of \$3,800,000 For The Dredging of Shadow Lake By And For The Township Of Middletown In The County Of Monmouth, New Jersey And Authorizing The Issuance Of \$3,800,000 In Bonds Or Notes Of The Township For Financing Part Of The Appropriation.

Mayor Scharfenberger opened the public hearing:

Richard Hughes, 395 Monmouth Ave, Leonardo stated he had a problem with the wording in particular the words part of the appropriation; Mr. Hughes questioned where the other part came from. The Township Administrator explained that part of the funds was coming from the Environmental Infra-structure Trust and the township needed to cover the initial costs. In the future if the funds do not come from EIT the Township would then make a decision if they were to go forward.

Phil Nicolaus, 609 Turner Drive, stated that several lakes in the state have been drained including some in Lakewood and he thought the Township should do this. Mayor Scharfenberger explained there were different problems in Lakewood than here. The Township Administrator explained that even if you were to drain you still need to remove the sediment. Mr. Nicolaus reviewed the Township's financial debt statement. Mr. Nicolaus stated the public is getting further into debt and taxes are going up and this is the planned enslavement of future generations and he objected to the bond ordinance.

Katie Feeney, Campus Organizer from Monmouth University Waterwatch stated there were 9 student interns doing assessments of the lake as well as Jumping Brook, Nutswamp Brook and unnamed tributaries. Ms. Feeney stated they are working to compile a report which she hoped would be done by December 1st. Ms. Feeney stated Shadow Lake has an erosion problem which contributes to sediment and high phosphate.

Larry Loigman, 110 Highway 35, Middletown questioned if the state money is not forthcoming would the bonds be issued. The Township Administrator stated a decision would be made at that time but the view was optimistic, an application is pending with the EIT. The Township Administrator noted that EIT would fund the Township on a non-interest bearing basis while financing was put into place. Mr. Loigman stated there are no funds from the State yet and wanted to assure not spending the money and going forward with the bond ordinance. The Township Administrator stated the Township was doing a capital ordinance, which allows the Township to charge the costs associated with the application process. Mr. Loigman questioned where the costs would be allocated for the work already done with the bond ordinance. Mr. Loigman stated he objected to the process and the ordinance and with incurring expenses and then figuring out a mechanism to pay for them. Mr. Loigman stated this was a financial scheme; and stated the statute does not permit this type of project to be funded through the EIT and he has spoken with the DEP. Mr. Loigman stated litigation would be forthcoming. The Township Administrator stated Mr. Loigman was making inaccurate statements and the DEP stated this is an eligible project. Committeeman Wilkens questioned Mr. Logiman's intention to sue the town so the Township won't get the money from the State. Mr. Loigman stated that there was a question about legality, the money should not be applied for, it is for drinking water and sewage products not lakes. Mr. Loigman stated the project was misrepresented to the State. Mr. Loigman stated that the DEP stated that this type of project is at the bottom of the list. Mr. Loigman stated he objected to the State funding this project.

Don Watson, 10 Collision Drive, questioned the cost of the grant application. The Township Administrator stated there was no fee for the application but the total project was estimated at \$3.8 million including costs associated with the project. Mr. Watson reviewed various sections of the ordinance.

Hearing no further comments from the public, it was moved by Mayor Scharfenberger, seconded by Committeeman Wilkens to close the public hearing and table the ordinance until the December 3rd meeting.

Roll Call Vote: Ayes: Brightbill, Wilkens, Mayor Scharfenberger
 Absent: Hall
 Nays: Short w/comment

Clerk Abs stated motion carried to table the ordinance.

Committeeman Short stated he objected to the tabling the ordinance and he felt that the other committee members knew that they did not have the votes to approve the ordinance and tabled it on purpose.

INTRODUCTION OF PROPOSED ORDINANCES

Ordinance #2007-2932

Clerk Abs read the following ordinance by title for a first reading:

Ordinance Amending The Code Of The Township Of Middletown (1996) Chapter 127 Fees

Committeeman Short stated he requested that the ordinance be tabled for further discussion regarding the different fee increases.

Committeeman Short motioned that the ordinance be tabled and be discussed at the workshop, motion died for lack of a second.

Committeeman Wilkens requested that the ordinance be moved for approval and then discussed in the workshop committee.

Committeeman Short stated this was not right and that the discussion needs to be in the public.

Deputy Mayor Brightbill noted the dog licenses increase from \$8-\$12 and wanted to publicly state these were the type of increases. Committeeman Short stated this for a person on a fixed income is a lot. Committeeman Short complained about the increase for the code book. The Township Attorney stated the fee for the code book is based on actual cost.

It was moved by Committeeman Wilkens to introduce and have this item added to the December 3rd workshop meeting, seconded by Mayor Scharfenberger and carried to adopt this ordinance on first reading.

Roll Call Vote: Ayes: Brightbill, Wilkens, Mayor Scharfenberger
 Nays: Short
 Absent: Hall

Clerk Abs stated motion carried to adopt this ordinance upon first reading with public hearing to be held on December 17, 2007 and further discussion on December 3rd.

The Township Administrator noted that each year, each department is requested to review their various fees and try to off-set the costs as needed. The Township Administrator noted that the same fees are not raised for each year and many not for many years.

Ordinance #2007-2933

Clerk Abs read the following ordinance by title for a first reading:

Amending 257, Section 257-83 Of The Code Of The Township (1996) To Authorize Through Street (Herb Road) And Section 257-84 To Designate Stop Intersection (Herb Road/Michele Drive)

It was moved by Mayor Scharfenberger to introduce, seconded by Deputy Mayor Brightbill and carried to adopt this ordinance on first reading.

Roll Call Vote: Ayes: Brightbill, Short, Wilkens, Mayor Scharfenberger
 Nays: None
 Absent: Hall

Clerk Abs stated motion carried to adopt this ordinance upon first reading with public hearing to be held on December 17, 2007.

CONSENT AGENDA

Clerk Abs noted that resolution 264 and resolution 265 were joined and asked the committee to confirm the new title.

Clerk Abs requested the approval to adopt Resolution #07-252, resolution-authorizing payment of bills for November 2007.

RESOLUTION #07-252 Payment of Bills

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

Payment of Bills for November 2007 in the amount of \$30,079,952.67

Roll Call Vote: Ayes: Brightbill, Wilkens, Mayor Scharfenberger
 Nays: Short
 Absent: Hall

Clerks Abs stated the motion carried to adopt resolution 07-252

Resolution 07-265

Clerk Abs asked for a motion to adopt Resolution 07-265

Resolution Authorizing Contract for Temporary Management Consultant Services, Appointing Temporary Acting Township Administrator and Municipal Recruiting Services Jersey Professional Management.

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

Roll Call Vote: Ayes: Brightbill, Short, Wilkens, Mayor Scharfenberger
 Nays: None
 Absent: Hall

Clerks Abs stated motion carries to adopt resolution 07-265

Resolution No. 07-265

**RESOLUTION AUTHORIZING CONTRACT FOR
TEMPORARY MANAGEMENT CONSULTANT SERVICES,
APPOINTING TEMPORARY ACTING
TOWNSHIP ADMINISTRATOR, AND
MUNICIPAL RECRUITING SERVICES
JERSEY PROFESSIONAL MANAGEMENT**

WHEREAS, the Township Administrator Robert Czech has indicated an intention to resign to take the position of Monmouth County Administrator, and there exists the need for temporary services of an experienced municipal administrator to perform certain duties of the position on an interim basis pending the appointment of a new permanent administrator, and there also exists the need for the services of an experienced municipal recruiting service to assist the Township Committee in the interviewing, selection, and engagement of a new permanent Township Administrator, and

WHEREAS, Jersey Professional Management is an experienced municipal recruiting and consulting firm which specializes in assisting municipalities by providing experienced municipal administrators on an interim hourly basis to assist in handling municipal affairs during such a transition period, and providing search and recruiting services towards obtaining a suitable permanent administrator, and

WHEREAS, the Township Committee has determined that it is appropriate to engage such an experienced recruiting and consulting firm to provide these services on an interim transition basis in order that the Township can continue to function properly until the appointment of a new permanent administrator, and

WHEREAS, the services authorized by this Resolution are not subject to public bidding under the Local Public Contracts Law, N.J.S.A. 40A:11-5, such services being "extraordinary, unspecifiable services" as defined in said statute, and the contract is being let on a non-fair and open process as per N.J.S.A. 19:44A-20.5 due to the specialized and temporary nature of the service being required and contracted for, and

WHEREAS, the consultant engaged and appointed through Jersey Professional Management as the interim Acting Township Administrator shall be designated as having the legal authority as specified in the Township Code and will be acting in that capacity as the Acting Administrator for the Township, and

WHEREAS, the engagement of Jersey Professional Management and the interim appointment of an Acting Township Administrator are specifically intended and specified to be a temporary appointment and contract for specific and limited services until a permanent Administrator is appointed.

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

1. Authorization: Authorization is granted to execute a contract with Jersey Professional Management for the providing of management consulting and recruiting services, including but not limited to the conducting of an executive search and related services for the purposes of obtaining suitable candidates, interviewing, and providing recommendations and assistance in the appointment of a new permanent Township Administrator, and further to provide temporary administrator services on an interim hourly basis, as shall be determined as needed and appropriate by the Township, through a qualified experienced municipal administrator; said contract in the form generally set forth in the attached contract to be subject to the approval of the Township Attorney. In addition, pursuant to said authorization and contract, Frederick E. Jahn of Jersey Professional Management is designated as interim Acting Township Administrator, to serve on a temporary and hourly basis as assigned by the Township in its discretion until the appointment of a permanent Administrator.

2. Nature of Services: Jersey Professional Management is a specialized and experienced municipal recruiting and consulting service having expertise and substantial experience in the multifaceted aspects of conducting a search and recruitment effort for municipal executive. Jersey Professional Management, through its consultant Frederick E. Jahn, has the appropriate experience and training in municipal administration, finance, budget, purchasing, personnel and collective bargaining, and state and local regulations so as to provide appropriate interim services as Acting Administrator in order to provide

and maintain important managerial oversight and service during the transition period to appointment of a permanent administrator. The Township requires such interim services during the period of the search and transition for a new administrator.

3. Duration: The duration of this contract and approval shall be for the period commencing on the adoption of this Resolution through the appointment of a new administrator, estimated at this time in early 2008.

4. Amount and Rate: Jersey Professional Management shall be paid a flat fee of a maximum of \$11,500, as detailed in the contract, for the services rendered in the search and recruitment, and assistance in interviewing and obtaining suitable candidates for a new permanent Township Administrator. As to services through Jersey Professional Management as an interim temporary Acting Administrator, there will be an initial fee of \$1,000 along with an hourly rate of \$100 per hour for actual time worked, such hours and time to be determined at the discretion of the Township. Estimated total expenditures at this time are estimated at a maximum of \$40,000. Sufficient funding is available as has been certified and evidenced by the Township Finance Officer's Certification.

5. This contract is awarded as an extraordinary and unspecifiable service contract without competitive bidding in accordance with N.J.S.A. 40A:11-5(1) of the Local Public Contracts Law for services of a specialized nature, being municipal recruiting and administrative consulting services requiring substantial expertise, experience and contacts as to municipal recruiting. This contract is being awarded pursuant to a non-fair and open process as per N.J.S.A. 19:44A-20.5 due to its specialized and emergent nature.

6. Public Inspection. Pursuant to N.J.S.A. 40A:11-5 this contract shall be available for inspection at the Office of the Township Clerk during regular business hours.

Resolution 07-267

Clerk Abs asked for a motion to adopt Resolution 07-267

Resolution Re-Appointing the Township Clerk

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

Roll Call Vote: Ayes: Brightbill, Short, Wilkens, Mayor Scharfenberger
 w/comment
 Nays: None
 Absent: Hall

Clerks Abs stated motion carries to adopt resolution 07-267

Mayor Scharfenberger stated that the approval of this resolution was obvious as Heidi Abs is head and shoulders above Township Clerks.

Swearing in of Township Clerk;

Mayor Scharfenberger swore Heidi R. Abs, in as the Township Clerk

Resolution No. 07-267

**RESOLUTION RE-APPOINTING
TOWNSHIP CLERK**

WHEREAS, N.J.S.A. 40A:9-133 specifies that every municipality shall have a Municipal Clerk, and upon vacancy existing in 2004 the then Acting Township Clerk Heidi Abs was appointed as Township Clerk by Resolution 04-236, adopted on September 20, 2004, for an initial three (3) year term, and

WHEREAS, that initial term having expired, it is necessary and appropriate for the Township to make a re-appointment and the recommendation of the Township Administrator is to re-appoint the current Township Clerk Heidi Abs as Township Clerk for a new three (3) year term, with the effective date of said re-appointment as per N.J.S.A. 40A:9-133(b) being September 20, 2007 to run to September 20, 2010.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown that the Township Clerk Heidi R. Abs is re-appointed as Township Clerk as per N.J.S.A. 40A:9-133, effective September 20, 2007 for a three (3) year term to run until September 20, 2010.

Clerk Abs requested the adoption of the consent agenda including Resolution 07-253-Resolution 07-267 including Bingo and Raffle Applications, excluding 07-265 and 07-267 that were adopted by separate vote.

It was moved by Deputy Mayor Brightbill, seconded by Committeeman Short and carried to adopt Resolution 07-253-Resolution 07-267 including Bingo and Raffle Applications. (excluding 07-265 and 07-267 that were adopted by separate vote.

Roll Call Vote: Ayes: Brightbill, Short, Wilkens, Mayor Scharfenberger
 Nays: None
 Absent: Hall

Clerks Abs stated the motion carried to carried to adopt Resolution 07-253-Resolution 07-267 including Bingo and Raffle Applications, excluding 07-265 and 07-267 that were adopted by separate vote.

RESOLUTION 07-253

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

2006 Road Resurfacing Program

DESCRIPTION OF CHANGE:

REDUCTIONS:

Items 3-7, 10, 11, 16-19, 26, 27, 31-34, 36, 40-42 and 45 have been reduced to reflect as built quantities

EXTRA:

Items 2,8,9, 12-15, 23, 28-30, 35, 37, 39 and 44 have been increased to reflect as built quantities.

SUPPLEMENTARY:

- S-1 This item introduced to provide for traffic control directors
- S-2 This item was introduced to provide for cleaning of drainage and restoration of easement on Queens Court
- S-3 This item was introduced to provide for a new controller cabinet
- S-4 This item was introduced to provide for sanitary sewer lateral relocation
- S-5 This item was introduced to provide for guide rail modifications

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
A. Total Reductions this C.O.	XXXXXXXXXXXX	\$140,417.28
B. Total Extras this C.O.	\$76,616.65	XXXXXXXXXXXX
C. Total Supplementary this C.O.	\$59,028.00	XXXXXXXXXXXX
Totals this C.O.	\$135,644.65	\$140,417.28
Net Change This Change Order		\$4,772.63
Previous Change Orders	\$0.00	\$0.00
Total Change Orders to Date	\$135,644.65	\$140,417.28
Net Change in Contract	0	\$4,772.63
Original Contract Bid Price		\$941,559.10
Change Orders to Date		-\$4,772.63
Revised Contract Price		\$936,786.47

be and the same is hereby ratified and confirmed.

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

- A) Chief Financial Officer
- B) Purchasing
- C) T&M Associates
- D) A. Montone Construction, Inc.

07-254

RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR:
MINI BUS

WHEREAS, bids were received on October 30, 2007, and

WHEREAS, four (4) bids were picked up by vendors, and two (2)

Responsive Bids were received as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
1. ARCOLA SALES AND SERVICE CORPORATION 51 KERO ROAD CARLSTADT, N.J. 07072	\$ 61,764.00
2. AMERICAN BUS AND COACH LLC 2595 EAST STATE STREET TRENTON, N.J. 08619	63,993.00 \$

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

ARCOLA SALES AND SERVICE CORPORATION, 51 KERO ROAD, CARLSTADT, N.J. 07072, shall Furnish and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated October 30, 2007. said bidder being the Lowest Responsible Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
MINI BUS FOR THE DEPARTMENT OF PARKS AND RECREATION	ARCOLA SALES & SERVICE CORPORATION 51 KERO ROAD CARLSTADT, N.J. 07072

WHEREAS, bids have been reviewed by the Purchasing Agent and Gregg A. Silva, Director of Parks and Recreation and it is their recommendation that the contract be awarded to ARCOLA SALES AND SERVICE CORPORATION, 51 KERO ROAD, CARLSTADT, N.J. 07072. in the amount of: \$ 61,764.00

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 "Mini Bus" to Arcola Sales and Service Corporation, 51 Kero Road, Carlstadt, N.J. 07072. for a total of: \$ 61,764.00

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

WHEREAS, the Chief Financial Officer of the Township of Middletown has certified that adequate funds for such contract are available, and are designated to line item appropriation of the official budget no. M.C.I.A. 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. M.C.I.A. 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.

2007 M.C.I.A. - \$ 61,764.00

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

- A) Purchasing Agent
- B) Comptroller
- C) Gregg A. Silva, Director of Parks and Recreation
- D) All of the above bidders

Resolution No. 07-255

RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO VENDOR(S) WITH STATE CONTRACTS
FOR PLAYGROUND EQUIPMENT

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

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

ITEM # 1

VENDOR

GAMETIME
C/O MARTURANO RECREATION COMPANY
P.O. BOX 106
SPRING LAKE, N.J. 07762

STATE CONTRACT # A59052

AMOUNT \$ 112,922.00

DESCRIPTION

PLAYGROUND EQUIPMENT
FOR THE DEPARTMENT
OF PARKS AND RECREATION

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. M.C.I.A. 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. M.C.I.A. A copy of the within resolution and certification shall be certified by the Township Clerk. The Township Attorney is satisfied that the availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.

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

- A. Purchasing Agent
- B. Comptroller
- C. Vendor

Resolution No. 07-256

RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO VENDOR(S) WITH STATE CONTRACTS
FOR A DIGITAL DUPLICATOR

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

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

ITEM # 1

VENDOR

TOSHIBA BUSINESS SYSTEMS
PRINCETON MEADOWS OFFICE CENTER
666 PLAINSBORO ROAD, SUITE 1226
PLAINSBORO, NJ 08536

STATE CONTRACT # A68058

AMOUNT \$ 18,186.00

DESCRIPTION

DIGITAL DUPLICATOR
FOR THE PARKS AND
RECREATION DEPARTMENT

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. M.C.I.A. 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. M.C.I.A. A copy of the within resolution and certification shall be certified by the Township Clerk. The Township Attorney is satisfied that the availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.

2007 M.C.I.A. - \$ 18,186.00

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

- A) Purchasing Agent
- B) Comptroller
- C) Vendor

Resolution No. 07-257

RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR:
JOHNSON GILL BUILDING REAR ENTRANCE IMPROVEMENTS

WHEREAS, the Township of Middletown has legally advertised for and received no responsive bids on August 1, 2007 and September 5, 2007 for the Johnson Gill Building Rear Entrance Improvements; and

WHEREAS, the Township Committee of the Township of Middletown then authorized the Director of Public Works to negotiate a contract with any responsible person or entity within the available funding; and

WHEREAS, the Director of Public Works has negotiated a price with McCauley Construction Company Inc., 65 Swartzel Drive, Middletown, N.J. 07748 in the amount of: \$ 86,000.00

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

1. It hereby awards the contract for the Johnson Gill Building Rear Entrance Improvements to McCauley Construction Company Inc , 65 Swartzel Drive, Middletown, N.J. 07748.

WHEREAS, the Chief Financial Officer of the Township of Middletown has certified that adequate funds are available, and are designated in line item C-04-55-907-907-006. The Township Attorney is satisfied that the certification of availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.

2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - A. Purchasing Agent
 - B. Comptroller
 - C. McCauley Construction Company Inc.
 - D. Lawrence M. Werger, Director of Public Works

Resolution No. 07-258

**RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR:
CHEVROLET PICKUP TRUCKS**

WHEREAS, bids were received on November 14, 2007; 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. KELLE CHEVROLET P.O. BOX 726 FARMINGDALE, N.J. 07727	\$ 106,670.00

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

KELLE CHEVROLET, P.O. BOX 726, FARMINGDALE, N.J. 07727.

shall Furnish and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated November 14, 2007, said bidder being the Lowest Responsible Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
FOUR (4) CHEVROLET PICKUP TRUCKS FOR THE DEPARTMENT OF PUBLIC WORKS	KELLE CHEVROLET P.O. BOX 726 FARMINGDALE, N.J. 07727

WHEREAS, bids have been reviewed by the Purchasing Agent and Lawrence M. Werger, Director of Public Works it is their recommendation that the contract be awarded to KELLE CHEVROLET, P.O. BOX 726, FARMINGDALE, N.J. 07727 in the amount of: \$ 106,670.00

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 "Pickup Trucks" to Kelle Chevrolet, P.O. Box 726, Farmingdale, N.J. 07727. for a total of: \$ 106,670.00

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

2. **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.

2007 M.C.I.A. - \$ 89,670.00
T-03-56-802-330-000 - \$ 17,000.00

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

- A) Chief Financial Officer
- B) Purchasing Agent
- C) Lawrence M. Werger, Director of Public Works
- D) All Vendors

Resolution No. 07-259

RESOLUTION AUTHORIZING AWARD OF CONTRACT

**FOR:
CHEVROLET CATGO VAN**

WHEREAS, bids were received on November 14, 2007; 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. KELLE CHEVROLET P.O. BOX 726 FARMINGDALE, N.J. 07727	\$ 19,715.00

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

KELLE CHEVROLET, P.O. BOX 726, FARMINGDALE, N.J. 07727.

shall Furnish, and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated November 14, 2007 said bidder being the Lowest Responsible Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
CHEVROLET CARGO VAN FOR THE HEALTH DEPARTMENT	KELLE CHEVROLET P.O. BOX 726 FARMINGDALE, N.J. 07727

WHEREAS, bids have been reviewed by the Purchasing Agent and Stephen McKee, Health Officer, and it is their recommendation that the contract be awarded to KELLE CHEVROLET, P.O. BOX 726, FARMINGDALE, N.J. 07727. in the amount of: \$ 19,715.00

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

2. It hereby awards the contract for "Cargo Van" to Kelle Chevrolet, P.O. Box 726, Farmingdale, N.J. 07727. in the amount of: \$ 19,715.00

1. BE IT FURTHER RESOLVED, this contract is awarded pursuant to a Fair and Open process in accordance with N.J.S.A. 19:44A-20.5 et seq.

WHEREAS, the Chief Financial Officer of the Township of Middletown has certified that adequate funds for such contract are available, and are designated to line item appropriation of the official budget no. M.C.I.A. A copy of the said certification is attached hereto and made a part hereof and the funds to be expended are assigned to line item no. M.C.I.A. 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.

2007 M.C.I.A. - \$ 19,715 00

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

- A. Comptroller
- B. Purchasing Agent
- C. Stephen McKee, Health Officer
- D. Vendor

RESOLUTION #07-260

**RESOLUTION RELEASING THE PERFORMANCE GUARANTEE
FOR NAVESINK COUNTRY CLUB**

WHEREAS, the developer of the sub-division known as Navesink Country Club (Block 983.01, Lots 1, 4, 5, 13 & 15) had posted with the Township a Performance Guarantee in the form of a Irrevocable Letter of Credit #OD05000528 issued by Valley National Bank (formerly Shrewsbury State Bank) in the amount of \$140,555.52 and 10% cash Bond in the amount of \$15,617.28; and

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

WHEREAS, the Township Engineer, as set forth in his letter of October 17, 2007, indicates he has inspected the premises and has recommended that the performance guarantee in the form of Irrevocable Letter of Credit in the amount of \$140,555.52 and 10% Cash bond in the amount of \$15,617.28 be released upon submission of a Maintenance Guarantee in the amount of \$23,425.92; and

WHEREAS, the Township Committee agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Middletown Township Committee that the performance guarantee be released.

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

- a. T&M Associates
- b. Planning
- c. Navesink Country Club
50 Luftburrow Land
Middletown, NJ 07748

RESOLUTION #07-261

**RESOLUTION REDUCING THE PERFORMANCE GUARANTEE
FOR COLDER INVESTMENTS**

WHEREAS, the developer of the site known as Colder Investments (Block 1062, Lots 26 and 27) had posted with the Township a Performance Guarantee in the form of a Surety Bond issued by Bond Safeguard Insurance Company in the amount of \$421,083.00 and 10% cash Bond in the amount of \$46,787.00; and

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

WHEREAS, the Township Engineer, as set forth in his letter of October 18, 2007, indicates he has inspected the premises and has recommended that the performance guarantee in the form of surety bond in the amount of \$421,083.00 and 10% Cash bond in the amount of \$46,787.00 be reduced as follows:

Reduced Performance Guarantee	\$140,361.00
Reduced Bond Amount	\$126,324.90
Cash to Remain on Deposit	\$14,036.10

WHEREAS, the Township Committee agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Middletown Township Committee that the Performance Guarantee be reduced.

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

- d. T&M Associates
- e. Planning
- f. Colder Investments
PO Box 947
Eatontown, NJ 07724

RESOLUTION #07-262

**RESOLUTION RELEASING THE PERFORMANCE GUARANTEE
FOR AUTO ZONE**

WHEREAS, the developer of the sub-division known as Auto Zone had posted with the Township a Performance Guarantee in the form of a Surety Bond #104627949 issued by Gundaker Commercial Group in the amount of \$55,099.21 and 10% cash Bond in the amount of \$6,112.13; and

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

WHEREAS, the Township Engineer, as set forth in his revised letter of November 12, 2007 indicates he has inspected the premises and has recommended that the performance guarantee in the form of surety bond in the amount of \$55,099.21 and 10% Cash bond in the amount of \$6,112.13 be released upon submission of a Maintenance Guarantee in the amount of \$25,467.23; and

WHEREAS, the Township Committee agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Middletown Township Committee that the performance guarantee be released.

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

- g. T&M Associates
- h. Planning
- i. Gunna Development, LLC
100 Chesterfield Business Parkway, #300
Chesterfield, MO 63005-1271

Resolution No. 07-264

**RESOLUTION AUTHORIZING THE COST OF LIVING ADJUSTMENT FOR
THE COLA GRANT FUNDING INTO THE CY2008 BUDGET**

WHEREAS, the Township of Middletown has applied to Monmouth County Department Human Services, Division of Mental Health and Addiction Services, for renewed grant funding in the amount of \$27,122.00 from County funds for the calendar year 2008 as authorized by Resolution #07-158; and has been awarded \$27,664.00 inclusive of a Cost Of Living Adjustment in the amount of \$542.00 to provide a continuum of services, which provide alcohol and drug abuse counseling services to the residents of Middletown

BE IT THEREFORE RESOLVED that the Township of Middletown does hereby authorize the COLA for CY2008 and the execution of a contract for the receipt of such a grant from the Monmouth County Department Human Services, Division of Mental Health and Addiction 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 Department Human Services, Division of Mental Health and Addiction Services.

BE IT FURTHER RESOLVED that the Mayor of Middletown is hereby authorized to sign the application, the contract, and any other documents necessary in connection herewith.

Resolution No. 07-266

**RESOLUTION TO CONTINUE CONTRACT WITH THE
MONMOUTH MUNICIPAL JOINT INSURANCE FUND
FOR INSURANCE COVERAGE**

WHEREAS, municipalities in and about Monmouth County joined together to form a Joint Insurance Fund, known as the Monmouth Municipal Joint Insurance Fund (JIF), as permitted by 40A:10-36, and the Township of Middletown pursuant to Resolutions 04-266 and 05-91 became a member of the JIF effective January 1, 2005 for a 3 year commitment

extending through December 31, 2007 and contracted with the JIF for various insurance coverages, and

WHEREAS, the experience with the JIF has demonstrated that it is the most appropriate and economic methodology for providing and obtaining appropriate insurance coverages for municipal needs and operation, and that it is appropriate and beneficial for the Township to continue to obtain its insurance coverages through membership in the Monmouth County JIF for an additional 3 year term, and to authorize the premium payment for coverage for the year 2008.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown that that the Township authorizes the extension of membership in the Monmouth County JIF for an additional 3 year term from January 1, 2008 through December 31, 2011, and further authorizes the contracting with the Monmouth Municipal Joint Insurance Fund for the following types of insurance coverages for the year 2008, for a total premium of \$ 617,637.00.

1. Workers' Compensation and Employer's Liability
\$150,000 retention/statutory limit
2. Liability, other than motor vehicle
\$150,000 retention/\$5,000,000 limit
3. Property Damage, including automobile physical damage
\$1,000 deductible/\$100,000,000 limit
4. Automobile Liability
\$150,000 retention/\$5,000,000 limit
5. Public Officials Liability/Employment Practices
Liability-\$20,000 DED & 20% of first \$100,000 Payment/\$2,000,000 limit claims,
6. Environmental Impairment Liability
\$25,000 deductible/\$1,000,000 limit
7. Excess General Liability and Automobile Liability
\$5,000,000 Excess Coverage

BE IT FURTHER RESOLVED that the Township Committee hereby continues the acceptance and approval of the Bylaws of the Fund, and the authorization for the Township Administrator to serve as Township representative (Fund Commissioner) with the JIF and the Assistant Administrator to serve as Alternate representative, and

BE IT FURTHER RESOLVED that the Township Administration is authorized and directed to execute such Indemnity and Trust Agreement and such other documents so

as to continue membership in the Fund as are required by the Fund's bylaws and to deliver same to the Executive Director of the Fund.

BINGO AND RAFFLES

BPOE #2179 Middletown Lodge	07-133
PTA Port Monmouth	07-134
PTA Port Monmouth	07-135
Christian Brothers Academy	07-136
Christian Brothers Academy	07-137
Christian Brothers Academy	07-138
American Heart Association Inc	07-139
RAS St Catherine's	07-140
RAS St Catherine's	07-141
St Catherine's Church	07-142
St Catherine's Church	07-143

TOWNSHIP COMMITTEE ACTING AS THE LOCAL ABC ISSUING AUTHORITY

Clerk Abs asked for a motion to adopt a consent agenda for Resolutions 07-268 through 07-269.

It was moved by Mayor Scharfenberger and seconded by Deputy Mayor Brightbill to adopt a consent agenda of resolutions 07-268 to 07-269.

Roll Call Vote: Ayes: Brightbill, Short, Wilkens, Mayor Scharfenberger
 Nays: None
 Absent: Hall

Clerk Abs stated motion carried to adopt Consent Agenda Resolution 07-268 to 07-269.

Resolution 07-268

**RESOLUTION AUTHORIZING RENEWAL OF
PLENARY RETAIL CONSUMPTION LICENSE (2007-2008)
LIC NO. 1331-33-025-011
LIC. NAME: SANTO STEFANO HOLDINGS, L.L.C.**

WHEREAS, an application was made to the Middletown Township Committee, as the Local Alcoholic Beverage Control (ABC) Board, by Santo Stefan Holdings, LLC for the renewal of Plenary Retail Consumption License #1331-33-025-011 for the year beginning July 1, 2007 and ending June 30, 2008, along with the statutory fee of \$1,584, and

WHEREAS, as the License has been inactive since April 29, 2001, this renewal application for this License was subject to the review and authorization of the State Alcoholic Beverage Control Director pursuant to N.J.S.A. 33:1-12.39 before the local authority could act on the Renewal, and

WHEREAS, the applicant pursued the appropriate authorization to the State Director of Alcohol Beverage Control and a special ruling was issued by the Director on October, 4, 2007, authorizing the municipal issuing authority to consider and act upon the renewal of the subject License for the 2007-2008 license term subject to the imposition of a special condition that no further renewals of this license shall be granted unless the license is activated at an approved location prior to June 30, 2008, and

WHEREAS, the licensee has represented in an affidavit to the ABC Director that the conveyance of the license will shortly be finalized and proposed for Township approval to a restaurant premises at 500 Route 35, and

WHEREAS, the applicant having received this special ruling and authority existing for the municipal issuing authority to act, and it appearing the application for renewal is in proper form and that no substantial basis is presented not to renew the License, subject to the terms and notice as set forth in the Director's special ruling.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown, acting as the Local Alcoholic Beverage Commission, that Plenary Retail Consumption License No. 1331-33-025-011 owned by Santo Stefano Holdings, L.L.C. is renewed for the term beginning July 1, 2007 and ending June 30, 2008, said renewal being subject to the condition as specified in the ABC Director's Special Ruling that the applicant/owner is on notice that no further renewals of this license shall be granted unless the license is actively being used at an approved site on or before June 30, 2008.

BE IT FURTHER RESOLVED that the Township Clerk is authorized to issue the renewal of the above License upon payment of the appropriate fees and that a certified copy of this Resolution be forwarded to the State Director of Alcoholic Beverage Control provided that payment of the appropriate filing fees is made.

Resolution No. 07-269

**RESOLUTION AUTHORIZING
RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE
1331-33-013-009
LICENSEE: LA BELLA VITA CORPORATION**

WHEREAS, an application was made to the Middletown Township Committee, as the Local Alcoholic Beverage Control Board by La Bella Vita Corporation for renewal of Plenary Retail Consumption License 1331-33-013-009 for the year beginning July 1, 2007 and ending June 30, 2008, along with the required fees, and,

WHEREAS, as the license has been inactive since approximately January 2, 2005, this renewal application for this license was subject to the review and authorization of the State ABC Director pursuant to N.J.S.A 33:1-12.39 before the local authority could act on the renewal, and

WHEREAS, the licensee filed a Verified Petition to the State ABC Director pursuant to N.J.S.A. 33:1-12.39 for a Special Ruling that the Township of Middletown be granted authorization by the Director to consider the application of the licensee for renewal of the subject license for the 2007-2008 license term, and

WHEREAS, the State Director of the Alcoholic Beverage Control has issued a Special Ruling dated October 11, 2007 pursuant to which the State Director has authorized and allowed the Township to consider the application for renewal of the subject license for the license term 2007-2008, and the Township Committee has determined that it is appropriate to consider and act on the renewal of the license for the 2007-2008 term at this time, with the renewal for subsequent terms to be considered in the future at the appropriate time, and

WHEREAS, application has now been made to the Middletown Township Committee, acting as the local Alcoholic Beverage Control Board, for a renewal of this Plenary Retail Consumption License for the year beginning July 1, 2007 and ending June 30, 2008, accompanied by the statutory fee and it appears that the application is in due form and all legal formalities have been complied with and that, given the authorization from the State Director, the Township Committee within its discretion has determined to grant the renewal for the 2007-2008 license term; this renewal for the 2007-2008 term to be without prejudice to consideration of further and future renewals to be considered at the appropriate time.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown, acting as the Local Alcoholic Beverage Control Board, that the Plenary Retail Consumption License 1331-33-013-009 is granted and renewed to the licensee La Bella Vita Corporation for the one year term beginning July 1, 2007 and ending June 30, 2008.

BE IT FURTHER RESOLVED that the Township Clerk issue the necessary license pursuant to this Resolution and that a certified copy of this Resolution be forwarded to the Director of Alcoholic Beverage Control, provided that payment of appropriate filing fee is made.

TOWNSHIP COMMITTEE COMMENTS

Committeeman Short: Committeeman Short stated the committee was impressive with its' strategic moves in that they strategically moved the vote for 2007-2931 so it was tabled. Committeeman Short stated he voted no when it was introduced. Committeeman Short stated he objected to the process of the ordinance as it was not a well thought out project plan. Committeeman Short stated at best it is an engineering conceptual plan and the cost for the funding will change, this is an initial assessment not the total cost estimate. Committeeman Short stated he feared it would cost more money and wanted to know how the figures were derived. Committeeman Short stated there was no guarantee they would get the money from the State; it was a bet. Committeeman Short questioned how the ordinance could state that the Township had applied for and received the money.

Committeeman Short stated the Township needed to be more transparent on the local level. Committeeman Short stated he thought things should be discussed in a workshop meeting to show how the Township got to the end result. Committeeman Short stated flu shots are available for residents at Croydon Hall.

Committeeman Hall: Committeeman Hall was not present.

Committeeman Wilkens: Committeeman Wilkens wished everyone a safe and Happy Thanksgiving. Committeeman Wilkens questioned Committeeman Short stating he was for transparency in government when he was consistently voting no on the bill list with no public reason as to why or suggestions. Committeeman Wilkens asked him to show the same consistency and noted that Committeeman Short had voted yes to award a contract who's funding source he had voted no to approve.

Deputy Mayor Brightbill: Deputy Mayor Brightbill congratulated Mayor Scharfenberger on being re-elected. Deputy Mayor Brightbill noted the discussions regarding Shadow Lake dredging in the workshop meeting. Deputy Mayor Brightbill noted that Committeeman Short voted yes to apply for the grant for Shadow Lake, and noted that there was a public hearing on the dredging and stated that Committeeman Short only seemed to ask questions immediately before a vote but not at any other time. Deputy Mayor Brightbill noted the PBA ball and commended Jimmy Roesse for his hard-work. Deputy Mayor Brightbill noted the VFW parade and it's 50th Anniversary and how a non-resident saw our parade on News 12 and sent in a comment stating how easy it was to find and use the website. Deputy Mayor Brightbill stated that upcoming events include lighting the tree and the Santa Train. Deputy Mayor Brightbill stated there is a new exhibit at the Middletown Arts Center.

Mayor Scharfenberger: Mayor Scharfenberger congratulated the Municipal Alliance for a job well done and noted that they save lives and mentioned their recent breakfast. Mayor Scharfenberger stated that some students from the school visited him and what a pleasure they were to have visit. Mayor Scharfenberger noted the great job done by the Police in the traffic control at PNC branch on Route 35 for the visit from NY Yankees Joba Chamberlain, there were 700 people on line.

PUBLIC COMMENTS

Larry Loigman, 110 Hwy 35, Middletown congratulated the Township Clerk on her re-appointment. Mr. Loigman stated there were many talented people in Middletown and it was an affront to the Assistant Administrator and Department heads to hire an interim administrator as well as a strain to the budget. Mr. Loigman felt someone who was already in place should be used. Mr. Loigman stated that the Temporary Administrator would spend the next 3 months learning about Middletown and then he would be gone. Mr. Loigman suggested that the Assistant Administrator or one of the Department Heads do the job. Mr. Loigman says he sometimes takes exception to some of the people the Township employs, like Mr. Reilly (Township Attorney) who hopefully would not be employed much longer. Mr. Loigman stated the current administrator left us in a lurch

and someone should stand up for the Department Heads and Assistant Administrator for the position.

Andrew Bane, 8 Raritan Ave, stated he wished Mr. Czech (Township Administrator) good luck on his new position.

James Fitzgerald, 117 Leonardville Road, congratulated the Mayor on his election and stated the Veteran's Day Parade was a great day. Mr. Fitzgerald stated he was in the Navy during Vietnam. Mr. Fitzgerald stated he was complaining to New Jersey Transit about the buses at Campbell's Junction. The Township Administrator explained there is an attempt to redirect the flow of buses.

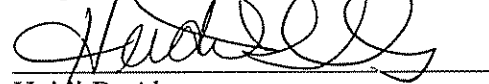
ADJOURNMENT

Seeing no further comment from the public it was moved by Mayor Scharfenberger, seconded by Deputy Mayor Brightbill and carried to close the public portion and adjourn at 10:10 p.m.

Roll Call Vote: Ayes: Brightbill, Short, Wilkens, Mayor Scharfenberger
 Nays: None

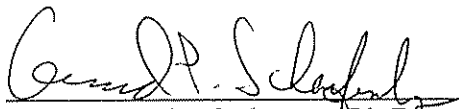
Clerk Abs stated motion carried to adjourn at 10:10 P.M.

Respectfully submitted,



Heidi R. Abs
Township Clerk

Approved:



Gerard P. Scharfenberger, Ph.D.
Mayor, Township of Middletown

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