

WORKSHOP MEETING

Township of Middletown
Minute Book
December 3, 2007

An Action Workshop Meeting of the Township Committee of the Township of Middletown was held in the Conference Room at Town Hall, One Kings Highway, Middletown, New Jersey, at 8:00 PM on December 3, 2007.

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

The Notice Requirements provided for 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: Present Brightbill, Hall, Short, Wilkens, Mayor Scharfenberger
Absent None

The Clerk announced the action items for the meeting as follows:

KNOWN ACTION ITEMS:

Committeewoman Brightbill gave a brief summary of the previous executive session discussion regarding the Township revaluation and the hiring of a expert tax attorney.

It was moved by Committeewoman Brightbill, seconded by Committeeman Hall and carried to **Authorize the Township Attorney to retain Harry Haushalter at \$200.00 per hour not to exceed \$10,000 for exert legal services to consult on the Township Revaluation,** by the following vote.

Roll Call Vote: Present: Brightbill, Hall, Short, Wilkens, Mayor Scharfenberger
Nay None
Abstain None
Absent None

ORDINANCE NO. 2007-2931

The Township Clerk read the following ordinance by title for a final vote (public hearing held November 19, 2007); it was moved by Mayor Scharfenberger, seconded by Committeewoman Brightbill and carried by the following vote:

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.

Roll Call Vote: Present: Brightbill, Hall, Wilkens, Mayor Scharfenberger
Nay Short
Abstain None

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Absent None

Committeeman Short opposed the bonding with out a conceptual plan.

Mayor Scharfenberger stated a conceptual plan was in place and submitted to the DEP by T&M Associates.

Acting Township Engineer Bucco stated the project began in 1996 and continued to current with plans, surveys, and more recent studies. Engineer Bucco explained the Loan eligibility and how the bills will be submitted to the State Environmental Infrastructure Trust. Engineer Bucco also gave a brief status of his conversations with the State CFO on the positive feedback from the state regarding the proposed application.

INTRODCUTION OF PROPOSED ORDINANCE:

ORDINANCE NO. 2007-2936

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

**ORDINANCE AMENDING THE CODE OF THE
TOWNSHIP OF MIDDLETOWN (1996)
SECTION 44-10(c) (6)
“SPECIAL DUTY ASSIGNMENT
FOR POLICE OFFICERS”**

The Township Attorney made an amendment to the ordinance which calls for the School assignments to read Township/School Assignments.

It was moved by Committeeman Hall, seconded by Mayor Scharfenberger and carried to pass this ordinance on first reading with a public hearing to be held December 17, 2007 by the following vote:

Roll Call Vote:	Present:	Brightbill, Hall, Short, Wilkens, Mayor Scharfenberger
	Nay	None
	Abstain	None
	Absent	None

The Township Clerk read Resolution No. 07-272 by title; it was moved by Mayor Scharfenberger, seconded by Committeeman Hall to adopt this resolution by the following vote:

Roll Call Vote:	Present:	Brightbill, Hall, Short, Wilkens, Mayor Scharfenberger
	Nay	None
	Abstain	None
	Absent	None

RESOLUTION NO. 07-272 RESOLUTION OF THE TOWNSHIP OF MIDDLETOWN (A) URGING THE LEGISLATURE TO PRESERVE REGIONAL CONTRIBUTION AGREEMENTS AS A TECHNIQUE AVAILABLE TO ADDRESS THE NEED FOR AFFORDABLE HOUSING; (B) URGING COAH NOT TO RAISE THE COST OF RCAs; (C) URGING COAH TO ADOPT REASONABLE POLICIES ON INCLUSIONARY ZONING; AND (D) URGING COAH TO CONDUCT A STUDY TO EVALUATE THE EXTENT TO WHICH HANDICAPPED HOUSING SHOULD BE HANDICAPPED-ACCESSIBLE.

WHEREAS, the Mount Laurel decisions, the New Jersey Fair Housing Act (“FHA”), and other applicable law impose a fair share obligation on municipalities; and the FHA has authorized a variety of techniques to enable municipalities to meet this obligation, including Regional Contribution Agreements (“RCA”); and

WHEREAS, RCAs have proven themselves to be a reliable source of funding for the so-called receiving municipalities and a useful tool for sending communities to satisfy some portion of their fair share responsibilities, and over ten thousand low and moderate households reside in decent affordable units today as a result of the effective use of RCA’s, and

WHEREAS, notwithstanding the foregoing, mounting pressure has been applied to the Legislature to eliminate RCA’s as a technique available to municipalities to satisfy some portion of their fair share responsibilities, and

WHEREAS, RCA’s represent an important tool for municipalities to help avoid the overdevelopment created by developers seeking to construct the maximum number of market housing units with a minimal number of affordable units, and

WHEREAS, it is therefore vitally important that State law provide municipalities a wide variety of techniques to meet their fair share responsibilities, including RCA’s, and;

WHEREAS, not only does the Legislature face pressure to eliminate RCA’s with the introduction of a “12-point Plan to Create More Affordable Housing Opportunities,” which includes abolishing RCA’s as a municipal housing option, but also COAH apparently is considering increasing the minimum cost of RCA’s, and

WHEREAS, raising the minimum is not necessary because, as a precondition to utilizing an RCA, the FHA requires the HMFA to determine that the RCA the municipalities negotiate is economically feasible, and the proper evaluation by the HMFA of the economic feasibility of RCA’s will ensure that RCA’s are adequately funded without the necessity to establish an increased minimum dollar amount; and increasing the cost of RCA’s will cause inefficiency and waste under circumstances where the receiving community can achieve the goals of the RCA for less than the new minimum COAH is considering, and

WHEREAS, increasing the cost of RCA’s could also, as a practical matter, prohibit a municipality from utilizing this option as a means to curb overdevelopment, while creating a reasonable opportunity for the provision of affordable housing, and

WHEREAS, in addition to the above, COAH is considering amendments to its regulations concerning inclusionary zoning; and it is important that any regulations COAH adopts concerning inclusionary zoning facilitate the production of as much affordable housing as is practicable with as little burden to municipalities as possible, and

WHEREAS, COAH is also considering a requirement that all affordable units be handicapped accessible, regardless of whether there is a need to make all affordable units handicapped-accessible; and such a blanket requirement will, in all likelihood, ultimately create unnecessary costs and expenses to a municipality, and

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WHEREAS, it is in the best interests of municipalities, developers and low and moderate households that COAH conduct a study to evaluate the extent to which affordable housing needs to be handicapped accessible, and

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

1. That the State Legislature, and the Legislators representing Middletown Township, are hereby urged to preserve Regional Contribution Agreements as a technique available to municipalities to meet their affordable housing obligations;
2. That COAH is urged not to amend its regulations to raise the minimum cost of RCA's, and
3. That COAH is urged to adopt regulations concerning inclusionary housing that facilitate the production of as much affordable housing as possible with as little additional development as possible, and
4. That COAH is urged to conduct a study to determine the appropriate percentage of affordable units that should be handicapped accessible.

The Township Clerk read Resolution No. 07-273 by title; it was moved by Committeewoman Brightbill, seconded by Mayor Scharfenberger to adopt this resolution by the following vote:

Roll Call Vote:	Present:	Brightbill, Hall, Short, Wilkens, Mayor Scharfenberger
	Nay	None
	Abstain	None
	Absent	None

RESOLUTION 07-273 AUTHORIZING THE SUBMISSION OF 2008 ACTION PLAN PURSUANT TO THE REQUIREMENTS OF FEDERAL REGULATION 24-CFR PART 91

WHEREAS, Title I of the Housing and Community Development Act of 1974 as amended provides for a program of Community Development Block Grants (CDBG); and

WHEREAS, the Township of Middletown is an Entitlement Community as defined under said Act and is entitled to financial assistance; and

WHEREAS, federal regulations at 24 CFR Part 91 require that the Township prepare and submit an Annual Action Plan as a prerequisite to receipt of entitlement Community Development Block Grant funds; and

WHEREAS, consistent with the Township's CDBG Citizen Participation Plan, public meetings were conducted in 2007 for the purpose of considering and obtaining views of the citizens of Middletown Township on community development and housing needs, and for the purpose of providing the citizens with an opportunity to participate in the development of the Middletown Township 2008 Annual Action Plan element of the Monmouth County Consortium's Consolidated Plan; and

WHEREAS, said Consolidated Plan and Annual Action Plan element for federal assistance requires certain certifications to be submitted along with and as part of said plan; and

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WHEREAS, Township of Middletown is a participant of the HOME Investment Partnerships Program Consortium in which the County of Monmouth is the lead participant; and

WHEREAS, federal regulations require that the Township participate in the Consortium's Annual Action Plan preparation and submit the Annual Action Plan element for inclusion in the Consortium's Annual Action Plan; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown, in the County of Monmouth, New Jersey that the Mayor be and is authorized and directed to submit the Township of Middletown's Annual Action Plan to the US Department of Housing and Urban Development as required by federal regulations 24 CFR Part 91, including all understandings and certifications contained therein, to act as the authorized representative of the Township of Middletown, and to provide such additional information as may be required.

BE IT FURTHER RESOLVED that the Township of Middletown's 2008 Annual Action Plan shall request funding to the fullest extent of funding allowed and determined by the United States Department of Housing and Urban Development, under Title I of the Housing and Community Development Act of 1974, as amended.

BE IT FURTHER RESOLVED that the Department of Community Development staff are hereby authorized and directed to respond to all citizens comments received regarding the Township of Middletown 2008 Annual Action Plan and make such revisions or modifications to the Annual Action Plan as may be necessary or appropriate based on such comments.

BE IT FURTHER RESOLVED that the Mayor and other authorized appropriate and responsible officials be and they are hereby authorized and directed to execute on behalf of the Township of Middletown such certifications and other documentation as may be required the US Department of Housing and Urban Development.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be sent to the US Department of Housing and Urban Development.

Mayor Scharfenberger commented on the negative impact of the State banning RCA agreements. The Mayor also stated that there would be difficulty placing the required amount of affordable housing in Middletown without RCA agreements.

REGULAR AGENDA FOR DECEMBER 17, 2007

Clerk Abs read the following items for the DECEMBER 17, 2007 agenda.

CERTIFICATE OF APPRECIATION/PROCLAMATION
Employee of the Month for November 2007

PUBLIC HEARING OF PROPOSED ORDINANCES

2007-2932 Ordinance Amending The Code Of The Township Of Middletown (1996) Chapter 127 Fees

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2007-2933 Ordinance Amending Chapter 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)

2007-2934 Ordinance Authorizing Acquisition of Easement/Development Rights of Property Commonly Known as McCormack Farm (BLOCK 642 LOT 4)

2007-2935 INTRODUCTION Bond Ordinance providing an appropriation of approximately \$1,600,000 for purchase of easement/development rights of property commonly known as McCormack Farm-(BLOCK 642 LOT 4) by and for The Township Of Middletown in the County of Monmouth, New Jersey and authorizing the issuance of approximately \$1,500,000 in bonds or notes of The Township for financing part of the appropriation

MINUTES

October 15, 2007 Executive Session
October 15, 2007 Regular Meeting
November 5, 2007 Executive Session
November 5, 2007 Workshop Meeting

CONSENT AGENDA

Payment of Bills
Bingo and Raffle Applications

DISCUSSION FOR DECEMBER 3, 2007

Community Development Mortgage Cancellations
Chapter 127 Fees - Ordinance Amendments
Chapter 159 Grant Approval - DOT "Over the Limit Under Arrest"
Grant Application "Cops in Shops"
SPCA Contract Shelter Services 2008
Nutrition Program for Senior Citizens Contract
Lakeland Drive Stop Signs
SCAT Contract with Monmouth County
Arts Center Facility Regulations
Purchasing items out for Bid:

- i. Custom Pumper State Contract - Port Monmouth Fire Department
- ii. Snow Plows- DPW
- iii. Street Sweeper Refurbishing - DPW
- iv. 911 Mobile Data Storage System- Police
- v. 2007 Swim Club Improvements
- j. Township Tax Revaluation

The Township Committee requested information regarding the fee ordinance and comparison among current rates and proposed rates. The Committee also discussed the SPCA rates and the need for a County wide shelter. The Committee requested a list of Swim Club improvements for their next information packet.

TOWNSHIP COMMITTEE COMMENTS:

Committeeman Short -none.

Committeeman Wilkens –none.

Committeeman Hall –none.

Deputy Mayor Brightbill announced the Christmas tree lighting on Thursday and gave notice that boxes of donations were being shipped to the 82nd Airborne in Iraq for Christmas. Deputy Mayor Brightbill thanked the VFW for donating the shipping fee.

Mayor Scharfenberger commented on the VFW Pearl Harbor remembrance ceremony and thanked the VFW for having the event which had a great turnout. The Mayor wished everyone a Happy Hanukah.

PUBLIC COMMENTS:

Andrew Bane of 8 Raritan rd in Leonardo asked why the Township Committee was again trying to delay the revaluation.

Mayor Scharfenberger stated that the consultation with Harry Haushalter was in the best interest of the tax payers to make sure the Township was correct to proceed or had a case against moving forward.

Committeeman Hall stated that the trend of the market raised enough questions to justify the review of the revaluation. Committeeman Hall commented on the cost of a re-assessment if needed after the revaluation.

Phil Niclause of Turner Drive in Belford asked when the Community Development 2008 hearing would take place.

Barbara Sullivan of Locust Point Road inquired as to the credentials of Harry Haushalter and the status of the McCormack Farm acquisition.

William Meyer of Shadowlake Village thanked the Township Committee for moving forward with the dredging project.

Dora Christafuli asked the Township Committee to use a larger room for public hearings.

Carroll Stigland of Lexington Court inquired as to the Shadowlake dredging project tentative plan and asked the Committee to do periodic updates publicly.

The Township Engineer gave a brief status of the plan for the dredging project and timeline for the application for funding.

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James Grenefege of Red Coach Lane discussed the meeting location and asked the Committee to consider using a larger room for the public hearings. Mr. Grenefege also inquired as to the source for the EIT funding for the Shadowlake dredging project.

The Township Chief Financial officer discussed the Environmental Infrastructure Trust program and how the Township will benefit if funding is obtained. The Township Chief Financial Officer also discussed the need for the bond ordinance to authorize spending while awaiting the application approval from the EIT.

Barbara Howell of Claremont Court inquired as to the EIT funding source (Federal Bonds or State Bonds)?

The Township Chief Financial Officer stated they were funded by State Bonds.

Janet Mascuzzo of Belford inquired as to how the expenditure was approved.

The Township Engineer stated that the approval has come from the Bond Ordinance authorization while the Township is awaiting approval from the State EIT.

Frances Orlando inquired as to the status of an employee's termination.

The Township Attorney stated the Township was moving forward and was in compliance with order.

ADJOURNMENT

The Township Attorney read the following resolution for Executive Session:

RESOLUTION - EXECUTIVE SESSION

It was moved by Committeeman Hall, seconded by Committeeman Wilkens and carried to adopt the following resolution. All present voted aye.

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

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

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

1. Property Acquisition or Sale– N.J.S.A. 10:4-12(b)(5)
 - Open Space Property Acquisition / Sale – “ATOD” upon formal action, estimated July 2008.

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2. Contract Negotiations – N.J.S.A. 10:4-12(b)(4)

- Cell Tower Lease Contract Negotiations – “ATOD” upon formal action, estimated July 2008.

It was moved by Committeeman hall, seconded by Committeeman Wilkens to adjourn the Workshop Meeting and reconvene in Executive Session by the following vote:

Roll Call Vote:	Present:	Brightbill, Hall, Short, Wilkens, Mayor Scharfenberger
	Nay	None
	Abstain	None
	Absent	None

RESPECTFULLY SUBMITTED BY:



HEIDI R. ABS, RMC
TOWNSHIP CLERK

APPROVED:



GERARD P. SCHARFENBERGER, MAYOR

