

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 and virtually through WebEx at 7:00 p.m. on August 16, 2021.

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 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 7, 2021.

Roll Call Vote: Ayes: Clarke, Hibell, Snell, Settembrino, Mayor Perry
Absent: None

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Township Engineer Ted Maloney and Township Clerk Heidi Brunt.

PLEDGE OF ALLEGIANCE

Township Clerk Heidi Brunt led the assembly in the Pledge of Allegiance.

Township Clerk Heidi Brunt requested a moment of silence to honor the troops serving worldwide defending our freedom and way of life.

CERTIFICATE OF APPRECIATION/PROCLAMATIONS

Presentation of Proclamation Recognizing August 31, 2021 as Overdose Awareness Day in the Township of Middletown

Township Clerk Heidi Brunt invited the Chairperson of the Middletown Municipal Alliance Kim Kratz and Angela Pepe Lage to the front of the room to present the proclamation.

**International Overdose Awareness Day
August 31, 2021**

WHEREAS: Middletown, New Jersey acknowledges the harm and hardship caused by drug overdose; and

WHEREAS: We recognize the purpose of **International Overdose Awareness Day** as remembering loved ones lost to addiction and ending the stigma of drug-related deaths; and

WHEREAS: We resolve to play our part in reducing the toll of overdose in our community which has claimed the lives of 51 Monmouth County residents as of March 31, 2021, along with countless others who have been affected; and

WHEREAS: We affirm that the people affected by overdose are our loved ones – sons and daughters, mothers and fathers, brothers and sisters, and friends and neighbors – who are deserving of our compassion and support. Now,

THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim August 31, 2021 as **Overdose Awareness Day** in Middletown Township. Middletown is partnering with the Prevention Coalition of Monmouth County to support this cause by displaying a sea of purple flags around Town Hall for each life that has been lost in the County so far this year due to overdose. Town Hall will also be lit up purple in remembrance of those affected as well as to celebrate those in recovery. We encourage the community to reach out to the Middletown Municipal Alliance for the prevention of substance abuse and Crossroads at the Lincroft Annex should they or a loved one need help with battling addiction.

Proclamation Recognizing August 3, 2021 as National Night Out in the Township of Middletown

**National Night Out
August 3, 2021**

WHEREAS: The National Association of Town Watch sponsors an annual police-community building campaign entitled “National Night Out”; and

WHEREAS: The 38th Annual “National Night Out” provides an opportunity for Middletown to join over 38 million neighbors across thousands of communities from all 50 states, U.S. territories, and military bases worldwide to promote neighborhood safety and unity; and

WHEREAS: Middletown Township Police Department will hold its 4th annual “National Night Out” on Tuesday, August 3rd at Poricy Park Nature Center. The event will bring neighborhoods together for live music, food, police equipment displays, K-9 demonstrations, horses, fingerprinting, face painting, a dunk tank, an impaired driving simulator, giveaways, and more to help foster the relationship between the community and police officers; and

WHEREAS: It is important for all neighborhoods in Middletown to join forces with the Police Department and work together to help keep our community as one of the safest places to live in the country. We all need to be aware of the effectiveness of crime

and drug prevention and be mindful of what is going on in our neighborhoods.
Now,

THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim Tuesday, August 3, 2021 as “National Night Out” in Middletown. We call upon all of our residents to support the activities planned to help build our local police- community partnerships as well as fight for a safer nation.

Proclamation Recognizing September 11, 2021 as Patriot Day and the National Day of Service and Remembrance in the Township of Middletown

**Patriot Day and National Day of Service and Remembrance
September 11, 2021**

WHEREAS: On September 11, 2001, the United States was attacked by terrorists, killing thousands of innocent citizens in New York, Washington, D.C., and Pennsylvania; and

WHEREAS: On this 20th anniversary of that terrible day, we pay tribute to the 37 Middletown residents who were senselessly killed in in the World Trade Center attack. Their deaths have left indelible holes in the fabric of our tight-knit community; and

WHEREAS: In the aftermath of these horrific attacks, thousands of Americans displayed the highest levels of bravery and selflessness, risking or sacrificing their own lives to save their fellow citizens; and

WHEREAS: We pay homage to the emergency responders and ordinary citizens who performed extraordinary acts of courage and valor during our nation's direst moment of need; and

WHEREAS: The tragic events of September 11, 2001 have unified our nation against the forces of hatred and oppression and reaffirmed our dedication to the fundamental American ideals of freedom and liberty; and

WHEREAS: A remembrance ceremony will be held at the Middletown World Trade Center Memorial Gardens on Saturday, September 11, 2021 at 6:30 p.m. As we gather at the Gardens, we are once again demonstrating the resiliency, determination, compassion, strength, and patriotism that define us as Americans. Now,

THEREFORE:I, Mayor T o n y P e r r y and the Middletown T o w n s h i p C o m m i t t e e , do hereby proclaim September 11, 2021 as **Patriot Day and the National Day of Service and Remembrance** in the Township of Middletown. We urge all citizens to honor those who lost their lives twenty years ago to reflect upon America's p r o u d t r a d i t i o n of freedom and bravery and to renew our commitment to serving our community, state, and our nation.

Proclamation Recognizing September 2021 as National Preparedness Month in the Township of Middletown

National Preparedness Month
September 2021

WHEREAS: For more than a decade, the Federal Emergency Management Agency has proclaimed September as **National Preparedness Month** as part of an effort to encourage personal preparedness for emergencies; and

WHEREAS: As we pay tribute to the 20th anniversary of the attacks of September 11th as well as help those impacted by hurricanes, we are reminded of the importance of the need for disaster preparedness; and

WHEREAS: The US Department of Homeland Security, local officials, Federal, State and County offices, as well as the private sector, are working to deter, prevent and respond to all types of emergencies, including human-made threats and natural disasters; and

WHEREAS: These activities, along with programs like Citizen Corps and others, contribute to a level of community unity and preparedness that is critical to securing our community, county, state, and nation; and

WHEREAS: Middletown Township and the Office of Emergency Management encourage our residents to take personal responsibility to become informed and prepared to be self-sufficient until assistance can arrive. Preparedness includes maintaining a preparedness kit, having an emergency plan, and making a commitment to practice that plan with their family periodically. Now,

THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, do hereby recognize September 2021 as **National Preparedness Month** in Middletown Township. We encourage all citizens to educate themselves about preparedness as a way to improve community resilience during emergencies and to visit middletownnj.org/emergency-management for additional information and resources.

APPROVAL OF MINUTES

Township Clerk Heidi Brunt requested a motion to approve the minutes.

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adopt the minutes of the following meetings:

July 19, 2021 Regular Meeting, February 7, 2021 Executive Session, February 16, 2021 Executive Session, March 1, 2021 Executive Session, March 15, 2021 Executive Session, April 5, 2021 Executive Session, April 19, 2021 Executive Session, May 3, 2021 Executive Session and May 17, 2021 Executive Session.

Roll Call Vote: Ayes: Clarke, Hibell, Settembrino, Snell, Mayor Perry
 Nays: None
 Abstention: None
 Absent: None

Township Clerk Heidi Brunt stated Motion carries to approve the minutes.

PUBLIC HEARING OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2021-3313 - Amended and Restated Ordinance Authorizing Granting of Certain Deeds of Easement Upon Portions of Township-Owned Property Pursuant to The Raritan Bay and Sandy Hook Bay, Hurricane and Storm Damage Reduction Project, Port Monmouth, New Jersey, Phase II (Contract 4)

Mayor Perry opened the meeting for public comments.

Lori Haber, 47 Port Monmouth Road, stated she wants to be clear what the end project will look like. Township Administrator Anthony Mercantante responded there will be a combination of levy's and a flood wall and Port Monmouth Road will be raised 4 feet.

Jackie Miller, 96 Main Street, Port Monmouth, discussed project concerns regarding the flood wall and driving the pilings. Township Administrator Anthony Mercantante responded discussing the process of the project and any damage done due to the circumstances. Committeeman Hibell discussed the measuring of vibration of the home in the area. He also discussed the height of the flood wall.

Resident, Name Inaudible, expressed concern about insurance coverage of the project for damage.

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

Roll Call Vote: Ayes: Clarke, Hibell, Settembrino, Snell, Mayor Perry
 Nays: None
 Abstention: None
 Absent: None

Township Clerk Heidi Brunt stated motion carried to pass this ordinance.

Ordinance 2021-3314 – Amended and Restated Ordinance Authorizing Granting of Certain Deeds of Easement Upon Portions of Township-Owned Property Pursuant to The Raritan Bay and Sandy Hook Bay, Hurricane and Storm Damage Reduction Project, Port Monmouth, New Jersey, Phase II (Contract 5)

Mayor Perry opened the meeting for public comments.

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

Roll Call Vote: Ayes: Clarke, Hibell, Settembrino, Snell, Mayor Perry
 Nays: None
 Abstention: None
 Absent: None

Township Clerk Heidi Brunt stated motion carried to pass this ordinance.

Ordinance 2021-3315 - Bond Ordinance Providing an Appropriation of \$950,000 For The Acquisition of Body Cameras, In Car Video and Storage and Accessories for The Police Department by and for The Township of Middletown in The County of Monmouth, New Jersey and Authorizing the Issuance of \$650,807 In Bonds or Notes of the Township for Financing Part of the Appropriation.

Mayor Perry opened the meeting for public comments.

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

Roll Call Vote: Ayes: Clarke, Hibell, Settembrino, Snell, Mayor Perry
 Nays: None
 Abstention: None
 Absent: None

Township Clerk Heidi Brunt stated motion carried to pass this ordinance.

INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following Ordinance by title:

Ordinance 2021-3316 – Bond Ordinance Providing an Appropriation of \$340,000 For Various Park Acquisitions and Improvements by and for The Township of Middletown in The County of Monmouth, New Jersey and Authorizing the Issuance of \$250,000 In Bonds or Notes of the Township for Financing Part of the Appropriation.

It was moved by Mayor Perry and seconded by Deputy Mayor Hibell to pass this ordinance on first reading.

Roll Call Vote: Ayes: Clarke, Hibell, Settembrino, Snell, Mayor Perry
 Nays: None
 Abstention: None
 Absent: None

Township Clerk Heidi Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on September 7, 2021.

Township Clerk Heidi Brunt read the following Ordinance by title:

Ordinance 2021-3317 – 2021 Salary Ordinance

It was moved by Mayor Perry and seconded by Deputy Mayor Hibell to pass this ordinance on first reading.

Roll Call Vote: Ayes: Clarke, Hibell, Settembrino, Snell, Mayor Perry
 Nays: None
 Abstention: None
 Absent: None

Township Clerk Heidi Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on September 7, 2021.

CONSENT AGENDA

Township Clerk Heidi Brunt requested a motion to adopt a consent agenda including Resolutions 21-198 through 21-212 with 21-200 removed for separate vote and Bingo and Raffle Applications.

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adopt the consent agenda:

Roll Call Vote: Ayes: Clarke, Hibell, Settembrino, Snell, Mayor Perry
 Nays: None
 Abstention: None
 Absent: None

Township Clerk Heidi Brunt stated the motion carried to adopt the consent agenda.

Resolution 21-198 - Project Completion – Closing Statement Resolution Requesting Release for Grant Funds for The Croydon Hall Synthetic Turf Field

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

WHEREAS, the Township of Middletown entered into a Municipal Open Space Program Grant Agreement with the County of Monmouth on April 24, 2019 that provided \$201,000 for the construction of a **Synthetic Turf Field at Croydon Hall** under Application No. #15-11 that required certain conditions be met by the Township of Middletown prior to receipt of the aforesaid funds; and

WHEREAS, the Monmouth County Park System requires a certified copy of a resolution of the governing body determining that the project aforesaid was finally complete and a closing statement of “Final Change Order” adopted by the governing body.

NOW, THEREFORE, BE IT RESOLVED by the governing body of **the Township of Middletown** that all conditions of Grant Agreement on April 24, 2019 have been satisfied by the **Township of Middletown** and that the project has been completed; and

BE IT FURTHER RESOLVED that the Township of Middletown made final payment to the contractor Athletic Fields of America per the letter of the municipal engineer Joseph E. Maloney, PE, PP, CME of July 30, 2018 [Attached] and that final payment was made per voucher [Attached] on November 14, 2017 under check no. 68183, which are hereby attached and also on file in the Municipal Clerk’s Office.

Resolution 21-199 - Project Completion – Closing Statement Resolution Requesting Release of Grant Funds for The Municipal Playground Renovation Project (Croydon Hall Playground)

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

WHEREAS, the Township of Middletown entered into a Municipal Open Space Program Grant Agreement with the County of Monmouth on February 26, 2021 that provided \$150,000 for the construction of a **Municipal Playground Renovation Project (Croydon Hall Playground)** under Application No. #17-18 that required certain conditions be met by the Township of Middletown prior to receipt of the aforesaid funds; and

WHEREAS, the Monmouth County Park System requires a certified copy of a resolution of the governing body determining that the project aforesaid was finally complete and a closing statement of “Final Change Order” adopted by the governing body.

NOW, THEREFORE, BE IT RESOLVED by the governing body of **the Township of Middletown** that all conditions of Grant Agreement on February 26, 2021 have been satisfied by the **Township of Middletown** and that the project has been completed; and

BE IT FURTHER RESOLVED that the Township of Middletown made final payment to the contractor MRC, Inc. per the letter of the municipal engineer Joseph E. Maloney, PE, PP, CME of July 26, 2021 [Attached] and that final payment was made per voucher [Attached] on November 18, 2019 under check no. 9552, which are hereby attached and also on file in the Municipal Clerk’s Office.

Resolution 21-200 -REMOVED FOR SEPARATE VOTE

Resolution 21-201 - Resolution of The Township of Middletown County of Monmouth, State of New Jersey Authorizing Fireworks Display On Private Property Pursuant to N.J.S.A. 21:3-3

WHEREAS, N.J.S.A. 21:3-3 requires the Governing Body to authorize the display of fireworks on private property subject to the review and approval of the Municipal Fire and Police Officials;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that subject to the

confirmation by the Fire Official that the agreements with the Fire Department and First Aid Squad are in place for making vehicles available during the Fireworks Display, that approval is hereby given for the Fireworks Display on private property by the NAVESINK COUNTRY CLUB located at 50 Luffburrow Lane, Middletown on the date provided on their application for September 4th 2021 (or rain date of October 10th 2021 if required).

Resolution 21-202 - Resolution Authorizing a Chapter 159 Additional Item of Funding in The 2021 Budget – Fy2020 Additional Senior Center Supplemental Cares Act Funding

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 an award of \$9,038.00 from the County of Monmouth for the Senior Center Grant and wishes to amend its 2021 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 2021 budget in the sum of \$9,038.00 which is now available as revenue under Special Item of Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

County of Monmouth
Division on Aging, Disabilities and Veterans Services
Senior Center Supplemental CARES Act Funding

BE IT FURTHER RESOLVED that a sum of \$9,038.00 is hereby appropriated under the caption of General Appropriations – Operations Excluded from the “CAPS”:

County of Monmouth
Division on Aging, Disabilities and Veterans Services
Senior Center Grant Supplemental CARES Act Funding

BE IT FURTHER RESOLVED, that the Chief Financial Officer forward a copy of this resolution to the Director of Local Government Services.

Resolution 21-203 - Resolution Approving Sale of Township-Owned Real Property in Block 4, Lot 20 For Affordable Housing Purposes

WHEREAS, the Township of Middletown (“Middletown”) is the owner of real property located in Block 4, Lot 20 on the official tax map of Middletown (the “Lot”); and

WHEREAS, Middletown seeks to convey the Lot to Habitat for Humanity in Monmouth County, Inc. (“Habitat”), a nonprofit entity, at nominal consideration, for the provision of affordable housing; and

WHEREAS, under the Fair Housing Act, N.J.S.A. 52:27D-301 (the “FHA”), Section 325 specifically authorizes municipalities, “by resolution,” to “authorize the private sale and conveyance or lease of a housing unit or units acquired or constructed pursuant to this section, where the sale, conveyance or lease is to a . . . nonprofit entity and contains a contractual guarantee that the housing unit will remain available to low and moderate income households for a period of at least 30 years,” N.J.S.A. 52:27D-325; and

WHEREAS, Habitat assents to acquiring the Lot pursuant to a contract for sale and deed containing a restriction consistent with the foregoing FHA requirements.

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

SECTION 1.

The Township Committee hereby approves the sale of the real property located in Block 4, Lot 20, on the official tax map of the Township of Middletown, based upon the terms set forth in the preamble, which are hereby incorporated by reference.

SECTION 2.

The Mayor and Township Administrator are hereby authorized and directed to enter into a contract for sale and execute a deed of conveyance for Block 4, Lot 20, upon terms consistent with the foregoing, subject to the review and approval of the Township Attorney.

SECTION 3.

This resolution shall take effect immediately.

Resolution 21-204 - Resolution of The Township of Middletown, County of Monmouth, State of New Jersey Conditionally Designating Port Belford Solar Farm, LLC As A Sub- “Redeveloper” To Woodmont Properties of A Portion of The Port Belford Redevelopment Area In Accordance With The Local Redevelopment And Housing Law, N.J.S.A. 40a:12a-1, Et. Seq.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et. seq. (the “**LRHL**”) authorizes municipalities to determine whether certain parcels of the land in the municipality constitute areas in need of redevelopment; and

WHEREAS, on July 20, 2015, by Resolution 2015-205, the Middletown Township Committee (the “**Committee**”), acting as the Redevelopment Agency for the Township of Middletown (the “**Township**”), authorized and requested its Planning Board to undertake a Preliminary Investigation of the properties identified as Block 137, Lots 2.05, 2.07, 3, 4, 5, 6, 7; Block 281, Lots 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 18, 19, and 20; Block 306, Lots 47, 48, 49, 50, 51, 52, 66, 108, 110, 130, 131, 132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 169, 170, 171, 172; Block 319, Lot 1; Block 320, Lot 1; Block 321, Lot 1; Block 322, Lot 1; Block 323, Lot 1; Block 324, Lot 1; and Block 325, Lot 1 (collectively, the “**Study Area**”); to determine whether the Study Area qualifies as a “non-condemnation” “area in need of redevelopment pursuant to the criteria set forth in the LRHL, specifically N.J.S.A. 40A:12A-3 and – 5; and

WHEREAS, on October 19, 2015, by Resolution 2015-272, the Committee expanded the Study Area to include the properties identified as Block 306, Lots 122, 123, 124, 125, 128, and 129, and Block 306.01, Lots 14, 15, and 16; and

WHEREAS, on December 2, 2015, the Township’s Planning Board (the “**Board**”) unanimously recommended that the Committee designate the Study Area as a “non-condemnation” “area in need of redevelopment” in accordance with the LRHL; and

WHEREAS, on February 1, 2016, by Resolution 16-84, the Committee concurred with the Board’s recommendation and designated the Study Area as a “non-condemnation” “area in need of redevelopment” in accordance with the LRHL; and

WHEREAS, by Ordinance No. 2017-3197, the Township adopted the Port Belford Redevelopment Plan for the Study Area in accordance with the LRHL; and

WHEREAS, by Resolution No: 19-217 dated August 19, 2019 the Township designated Woodmont Properties, LLC (“**Woodmont**”) as the “redeveloper” of the Study Area in accordance with the LRHL; and

WHEREAS, a portion of the Study Area (Block 306, Lot 66) (the “**County Property**”) is owned by the County of Monmouth (the “**County**”) and is the site of the Belford Landfill, the parking lot for the Port Belford Ferry Terminal, and the County’s recycling facility; and

WHEREAS, the Township, Woodmont, and the County of Monmouth (the “**County**”) desire that the Committee, in its capacity as Redevelopment Agency, designate, in accordance with the LRHL, Port Belford Solar Farm, LLC (“**PBSF**”) as the “redeveloper” of a portion of the County Property (the “**Landfill Property**”), as delineated on Exhibit A attached hereto and made a part hereof and including, for avoidance of doubt, the “capped” areas of the Belford Landfill and certain

adjoining lands, but not including the Monmouth County recycling facility and the parking lot for the Port Belford Ferry Terminal; and

WHEREAS, the Township, Woodmont, and the County desire that PBSF shall be a “sub-redeveloper” of the Landfill Property to Woodmont, meaning that both the County and Woodmont shall have certain reasonable review and approval rights over PBSF’s plans for redevelopment of the Landfill Property with the Facility (defined below) in accordance with a final redevelopment agreement to be negotiated by the parties; and

WHEREAS, the parties desire for the designation of PBSF to be conditional, subject to the fulfillment of the conditions enumerated in this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Council as follows:

1. The Township hereby confirms that PBSF is designated as the “sub- redeveloper” of the Landfill Property;
2. The designation set forth in Article 1, above, shall be conditioned on the following:
 - a. PBSF, the Township, and Woodmont shall enter into a conditional redevelopment agreement within sixty (60) days of the effective date of this resolution; and
 - b. PBSF, the Township, and Woodmont shall enter into a final redevelopment agreement within one hundred and twenty (120) days of the effective date of this resolution; and
 - c. PBSF and the County shall enter into a ground lease for the Landfill Property within one hundred and twenty (120) days of the effective date of this resolution; and
 - d. PBSF shall submit to the New Jersey Board of Public Utilities an application for certification as “connected to the distribution system” in accordance with subsection “t” of the Solar Act of 2012 (the “**Application**”) for a proposed approximately 20 MW dc utility-scale solar facility to be developed on the Landfill Property by PBSF (the “**Facility**”) by no later than August 28, 2021; and
 - e. PBSF’s design of the Facility and redevelopment of the Landfill Property shall include reasonable accommodations for the Township’s desire to improve a portion of the Landfill Property with passive recreation uses; and
 - f. The Township shall adopt an amendment to the redevelopment plan to allow the development of the Facility “as of right,” without the need for variance relief, by the date that is no later than sixty (60) days from the effective date of the parties’ final redevelopment agreement; and

3. The Mayor is authorized to execute the conditional redevelopment agreement, final redevelopment agreement, and, to the extent necessary, the Application, all as contemplated by Article 2, together with such further documents and agreements as may be necessary to carry out the intent of this resolution and the development of the Facility;

4. PBSF's designation shall be revoked if there is a default by PBSF under the conditional redevelopment agreement, final redevelopment, or if the parties are unable to come to terms on the conditional redevelopment agreement or final redevelopment agreement within the time frames contemplated above, as such time frames may be reasonably extended by the Committee in its reasonable discretion;

5. The Township Clerk shall provide a certified copy of this Resolution to all parties of interest.

6. This Resolution shall take effect immediately.

Resolution 21-205 - Resolution Rescinding Resolution No. 21-185 Awarding A Contract to Atlantic Tree Materials and Grinding Co. For Brush Grinding and Mulching Operation

WHEREAS, the Township of Middletown ("Township") issued a Request for Bids on or about July 1, 2021 under the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) for Brush Grinding and Mulching Operation (the "Request for Bids"); and

WHEREAS, the Township sought a vendor to provide labor and equipment to perform grinding and mulching operations for a twenty-four (24) month period for up to 160,000 cubic yards with a guaranteed minimum of 80,000 cubic yards of tree parts, brush, wood waste and logs at the Middletown Department of Public Works Yard and the Middletown Fire Academy; and

WHEREAS, the Township received four bids on July 13, 2021 in response to the Request for Bids; and

WHEREAS, on or about July 19, 2021, pursuant to Resolution No. 21-185, the Township Committee of the Township of Middletown awarded a contract to Atlantic Tree Materials and Grinding Co., Inc., 805 Holmdel Road, Holmdel, New Jersey 07733 to perform the Brush Grinding and Mulching Operation at a cost of \$4.65 per cubic yard; and

WHEREAS, after review and analysis of the bid specifications and bids received in response to these specifications, the Township's Director of Public Works in conjunction with the Township's recycling consultant DeFeo Associates recommend rescinding the contract award to Atlantic Tree Materials and Grinding Co. and issuing a substantially-revised request for bids that better reflects the Township's requirements regarding the maximum and minimum volumes of material to be processed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that it hereby rescinds Resolution No. 21-185 awarding a contract to Atlantic Tree Materials and Grinding Co. for Brush Grinding and Mulching Operation.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Middletown that the Clerk of the Board shall forward a certified copy of this resolution to the following:

- a) Purchasing Agent
- b) Chief Financial Officer
- c) Ted Maloney, Director of Public Works
- d) All bidders on the Brush Grinding and Mulching Operation Bid who submitted bids prior to the July 13, 2021 bid opening.

Resolution 21-206 - Resolution of The Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey Rejecting All Bids Received for Grind and Mulch Operations

WHEREAS, the Township of Middletown authorized the receipt of bids for Grind and Mulch Operations; and

WHEREAS, four (4) bids were distributed, and four (4) bids were received on July 13, 2021; and

WHEREAS, said bids were reviewed by Ted Maloney, Director of Public Works and the Township Attorney for the Township of Middletown and it has been determined that the Township of Middletown wants to substantially revise the bid specifications; and

WHEREAS, New Jersey Local Public Contracts Law 40A 11-13.2 (d) states said rejection is just cause to reject all bids received for the Grind and Mulch Operations and to re-bid; and

WHEREAS, it is the desire of the Township Committee to reject all bids and to authorize the receipt of new bids for the Grind and Mulch Operations.

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

That the Township Committee does hereby reject all bids received for the Grind and Mulch Operations for the Township of Middletown for the reasons set forth in this resolution.

That the Township Committee does hereby authorize the receipt of new bids for the Grind and Mulch Operation. The Township Purchasing Agent shall determine the time, date and place for the receipt of bids.

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

- A) Purchasing Agent
- B) Comptroller
- C) Ted Maloney, Dir. of Public Works
- D) All rejected bidders as follows:

1. Atlantic Tree Materials and Grinding Co., Inc.

**P.O. Box 207
Holmdel, NJ 07733**

2. Mazza Mulch, Inc.

**3230 Shafto Road
Tinton Falls, NJ 07753**

3. The Firewood Farm Inc.

**325 Bergen Street
South Plainfield, NJ 07080**

4. Britton Industries Inc.

**227 Bakers Basin Road
Lawrenceville, NJ 08648**

Resolution 21-207 - Authorizing Award of Contract to Vendor(S) With State Contracts for Personal Protective Gear

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 there under, the following purchase without competitive bids from vendor(s) with State Contract is hereby approved:

VENDOR

**SAFE T SKYLANDS AREA
FIRE EQUIPMENT AND TRAINING LLC
23 HAMBURG TURNPIKE, UNIT A
RIVERDALE, NJ 07457**

**STATE CONTRACT# 17-FLEET-00810
VENDOR ID# V00026949**

AMOUNT \$94,183.63

DESCRIPTION

**PERSONAL PROTECTIVE GEAR FOR THE TOWNSHIP OF
MIDDLETOWN FIRE 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. see below. A copy of the said certification is attached hereto and part hereof and the funds to be expended herein are assigned to line item no. see below. 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.

1-01-44-913-200-800 - \$94,183.63

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) **Fire Chief**
- D) **Vendor**

Resolution 21-208 - Amending Resolution 21-107 For State Contracts to Amend Maximum Amounts On a State Contract Vendors

WHEREAS, Resolution 21-107 authorized the Township of Middletown to purchase various goods and services from authorized vendors under the State of New Jersey Cooperative Pricing Program 1-NJCP as authorized by N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-77.15; and

WHEREAS, it is necessary to the amended the maximum amount for a state contract vendor which purchases may be made during the calendar year 2021.

NOW THEREFORE BE RESOLVED by the Township Committee that the Purchasing Agent on behalf of the Mayor and the Township Administrator as Contracting Agent is hereby authorized to process purchase orders with a vendor listed below in accordance with the terms of the State Contracts as indicated in amounts not to exceed amount listed for each; and

BE IT FURTHER RESOLVED that no certification of funds from the Chief Financial Officer has been attached because these contracts are open-ended pursuant to N.J.A.C. 5:30-11-10 individual purchase orders will be processed prior to release of the order to the vendor.

<u>EXISTING VENDOR</u>			<u>EXISTING AMOUNT</u>	<u>NEWAMOUNT</u>
RACHLES/MICHELE’S OIL CO.	82769	DIESEL FUEL	\$120,000.00	\$150,000.00

Resolution 21-209 - Resolution Authorizing Professional Services Agreement with NW Financial Group, LLC for American Rescue Plan Act Consulting Services

WHEREAS, the Township of Middletown (the “Township”) requires the services of a professional financial consultant and advisory firm to assist with compliance services relating to its receipt of \$6,586,018 of American Rescue Plan Act (“ARPA”) program funding; and

WHEREAS, while the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)) does not require competitive bidding for professional services, the Township advertised for financial consultants to advise the Township on the utilization of ARPA funding pursuant to the Fair and Open Process (N.J.S.A. 19:44A-20.5) with one submission having been received and considered; and

WHEREAS, the Township’s Chief Financial Officer recommends the award of a contract to NW Financial Group, LLC, the only entity making a submission, which is a firm that holds Financial Industry Regulatory Authority (“FINRA”) licensure, and is federally certified under the Municipal Securities Rulemaking Board (“MSRB”).

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that it hereby awards a contract to NW Financial Group, LLC, 2 Hudson Place, 3rd Floor, Hoboken, NJ 07030 for ARPA-related financial advisory and compliance services for an amount not to exceed \$35,000 through December 31, 2021.

BE IT FURTHER RESOLVED that notice of this award of contract shall be published by the Township Clerk in the Township’s official newspaper.

Resolution 21-210 - Resolution Authorizing a Chapter 159 Additional Item of Funding in The 2021 Budget – FY 2022 Pedestrian Safety, Enforcement and Education 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 \$15,000.00 grant from the NJ Dept. of Law and Public Safety, Division of Highway Traffic Safety and wishes to amend its 2021 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 2021 budget in the sum of \$15,000.00 which is now available as revenue under Special Item of Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

NJ Dept. of Law and Public Safety, Division of Highway Safety
“Pedestrian Safety, Enforcement and Education Grant”

BE IT FURTHER RESOLVED that a sum of \$15,000.00 is hereby appropriated under the caption of General Appropriations – Operations Excluded from “CAPS”:

NJ Dept. of Law and Public Safety, Division of Highway Safety
“Pedestrian Safety, Enforcement and Education Grant”

BE IT FURTHER RESOLVED, that the Chief Financial Officer forward a copy of this resolution to the Director of Local Government Services.

Resolution 21-211 – Resolution Authorizing a Chapter 159 Additional Item of Funding in The 2021 Budget – “FY 2020 Emergency Management Assistance Program” 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 \$10,000 grant from the State of New Jersey for the Emergency Management Assistance Program grant and wishes to amend its 2021 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 2021 budget in the sum of \$10,000 which is now available as revenue from:

State of New Jersey
Emergency Management Assistance Program

BE IT FURTHER RESOLVED that a sum of \$10,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations Operations Excluded from CAPS
State of New Jersey Emergency Management Assistance Program

BE IT FURTHER RESOLVED, that the CFO forward a copy of this resolution to the Director of Local Government Services.

Resolution 21-212 – Resolution Authorizing the Payment of Bills for August 16, 2021

The Township Committee hereby approves a resolution for the payment of bills for August 16, 2021 in the amount of \$43,697,368.74.

FIREFIGHTER APPLICATIONS

Vincent L. Faustini, III River Plaza Hose Co. #1

BINGO AND RAFFLE APPLICATIONS

Marine Academy of Science and Technology	21-68
Christian Brothers Academy	21-69
CDA Court Fulgens Corona #1684	21-70
VFW 2179 Middletown Township Auxiliary	21-71
St. Leo the Great School PTA	21-72
Monmouth Day Care Center, Inc.	21-73
Monmouth Day Care Center, Inc.	21-74
Middletown North Touchdown Club	21-75
Middletown North Touchdown Club	21-76
Middletown North Touchdown Club	21-77
Middletown North Touchdown Club	20-99A
Middletown North Touchdown Club	20-101A
VFW 2179 Middletown Auxiliary	21-78
VFW 2179 Middletown Auxiliary	21-79
VFW 2179 Middletown Auxiliary	21-80

BINGO AND RAFFLE APPLICATIONS

Middletown HS South PFA	21-81
Monmouth Conservation Foundation	21-82

RESOLUTION REMOVED FROM CONSENT AGENDA FOR SEPARATE VOTE

Township Clerk Heidi Brunt read the following resolution by title and asked for a motion to adopt Resolution 21-200.

It was moved by Mayor Perry and seconded by Committeeman Settembrino and carried to adopt Resolution 21-200

Roll Call Vote: Ayes: Clarke, Settembrino, Snell, Mayor Perry
 Nays: None
 Abstention: None
 Absent: None
 Recuse: Hibell

Resolution 21-200 - Resolution of The Township of Middletown County of Monmouth, State of New Jersey Authorizing Fireworks Display On Private Property Pursuant to N.J.S.A. 21:3-3

WHEREAS, N.J.S.A. 21:3-3 requires the Governing Body to authorize the display of fireworks on private property subject to the review and approval of the Municipal Fire and Police Officials;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that subject to the confirmation by the Fire Official that the agreements with the Fire Department and First Aid Squad are in place for making vehicles available during the Fireworks Displays, that approval is hereby given for the Fireworks Display on private property by BEACON HILL COUNTRY CLUB located at 8 Beacon Hill Road, Atlantic Highlands on August 29th, 2021. This is a revised date (originally July 1st – Resolution #21-155).

TOWNSHIP COMMITTEE ACTING AS THE ABC ISSUING AUTHORITY

Township Clerk Heidi Brunt requested a motion to adopt resolution 21-213 for the renewal of Liquor Licenses for the 2021-2022 Licensing Term.

It was moved by Mayor Perry and seconded by Committeeman Settembrino to adopt Resolution 21-213.

Roll Call Vote: Ayes: Clarke, Hibell, Snell, Settembrino, Mayor Perry
Nays: None
Abstention: None
Absent: None

Township Clerk Brunt stated motion carried to adopt Resolution 21-213.

Resolution 21-213 - Resolution Authorizing the Renewal of Liquor License 1331-33-030-012 for the 2021-2022 Licensing Term

WHEREAS, application has been made to the Middletown Township Committee for Liquor License in the Township of Middletown for the licensing year beginning July 1, 2021 and ending June 30, 2022 accompanied by an assigned fee per Chapter 240-1A of the Code of the Township of Middletown.

1. 1331-33-030-012 Licensee: JOHN G ORRICO

WHEREAS, the application is for an inactive license, and appearing that the application is in due form and that all legal formalities have been met.

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

TOWNSHIP COMMITTEE COMMENTS:

Committeeman Clarke, congratulated the Navesink Fire Department.

Committeeman Settembrino, commented that small things that are done add up to the big things. She commended the great team by the Municipal Alliance.

Committeewoman Snell, congratulated Kim and Angela of the Municipal Alliance offering great resources during the pandemic. She gave an update on the anniversary of 9/11 memorial stating that 300 bricks have been sold and that personalized bricks can still be purchased.

Committeeman Hibell, congratulated Kevin Carminey who received his Eagle Scout designation. He commented on the pitch hit and run event. He also congratulated Kim and Angela of the Municipal Alliance.

PUBLIC COMMENTS:

Liz Askew , 914 Nutswamp Road, stated she is concerned and disappointed that the fields were locked and empty all summer. Township Administrator Anthony Mercantante responded that reservations are available to be made.

James Derugeris, 226 Harmony Road, expressed his concerns about the swim club. The County Health Department comes out to investigate. He is asking for relief through the nuisance ordinance. He said they are requesting sound barriers. He said that lights were added and shine into the yards. This was not in the approved plan.

Don Watson, 1 Collinson Drive, he is concerned about the lack of shade in the parking lot.

Frank Curcio, 51 Raynor Avenue, stated he would like a resolution to demand home rule and the Board of Education will set policy this week.

Joan Muso, 222 Harmony Road, stated she lives across from Ice World and the noise and lights are unbearable and she wants relief.

Pam Pizzi, 5 Village Lane, stated she is concerned about the Governor's mask mandate. She asked the Township to request through letter to make the mandate voluntary. Mayor Perry responded the Governor should act prudently and not panic.

Jim McGinti, resident who lives across from Dutch Neck Park. He requested more police presence.

Lori Habor, Pt. Monmouth Road Resident, requested the status of the Belford Redevelopment.

ADJOURNMENT

It was moved by Deputy Mayor Hibell, seconded by Committeewoman Snell and carried to adjourn at 7:55 p.m.

Roll Call Vote: Ayes: Clarke, Hibell, Snell

Nays: None

Abstention: None

Absent: Settembrino, Mayor Perry

Clerk Brunt stated motion carried to adjourn.

Respectfully submitted,

Heidi Brunt
Township Clerk

Approved:

Anthony S. Perry, Mayor