

Workshop Meeting

A Special 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 February 7, 2022.

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

The Notice Requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to The Asbury Park Press, The Independent and Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 07, 2022.

Roll Call Vote: Present: Clarke, Hibell, Kratz, Settembrino, Mayor Perry  
Absent:

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

**PLEDGE OF ALLEGIANCE**

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

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

**PUBLIC HEARING OF PROPOSED ORDINANCES**

Township Clerk Heidi Brunt read the following ordinance by title:

**Ordinance 2022-3329 - 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 \$255,000 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, Kratz, Settembrino, Mayor Perry  
Nays: None  
Abstention: None  
Absent: None

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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 2022-3330 – Ordinance Amending Chapter 41 Of the Code of The Township of Middletown Governing Officers of The Fire Department of The Township of Middletown**

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, Kratz, Settembrino, 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 February 22, 2022.

Township Clerk Heidi Brunt read the following ordinance by title:

**Ordinance 2022-3331 – An Ordinance Authorizing the Vacation of a Portion of Texas Avenue Within the Township of Middletown**

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, Kratz, Settembrino, 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 February 22, 2022.

**CONSENT AGENDA**

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 22-58 through 22-76.

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

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

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

**Resolution 22-58 – Resolution Establishing Fair Market Value and Authorizing and Directing the Acquisition of Properties Located in The Township of Middletown Designated as Block 136, P/O Lot 7 And Block 276, P/O Lot 77.022 By Purchase or Eminent Domain**

**WHEREAS**, the United States Army Corps of Engineers (“**USACE**”) conducted an investigation and identified areas located in the Township of Middletown (the “**Township**”) that were subject to significant coastal storm damage and tide-induced flooding; and

**WHEREAS**, the USACE’s investigation resulted in the Raritan Bay and Sandy Hook Bay, Port Monmouth Feasibility Report for Hurricane and Storm Damage Reduction (the “**Feasibility Report**”) dated September 25, 2000; and

**WHEREAS**, under Section 101 of the Water Resources Development Act of 2000, and based on the Feasibility Report, the United States Congress authorized a hurricane and storm damage reduction project in the Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey; and

**WHEREAS**, the hurricane and storm damage reduction project included the Raritan Bay and Sandy Hook Bay, Port Monmouth, Phase II, NJ Flood Risk Management Project (the “**Project**”); and

**WHEREAS**, under public law 113-2, the Disaster Relief Appropriation Act of 2013, Chapter 4, Congress appropriated funds for this Project; and

**WHEREAS**, the USACE is now implementing the Project, which provides for hurricane and storm damage reduction and flood risk management and calls for certain improvements on certain real property, including, but not being limited to the construction of a floodwall and/or levee, road closure gates, interior drainage structures and other related work; and

**WHEREAS**, pursuant to Ordinance No. 2021-3324, the Township is authorized and directed to acquire by purchase or gift, or, in the alternative, to take, or condemn certain real property identified as necessary components under the Project’s Phase II Contracts 4b and 5 for the purchase price and/or fair and just compensation as valued by the appraisal reports issued by J. McHale & Associates, Inc. (the “**Appraiser**”), subject to and upon receipt of final approval required by the Project’s Phase II Contracts 4b and 5 and the adoption of a resolution by the Township Committee memorializing the same; and

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**WHEREAS**, the Township is in receipt of the appraisal reports reviewed and approved pursuant to the Project’s Phase II Contracts 4b and 5 for the properties set forth in **Exhibit A** (each a “**Property**” and collectively the “**Properties**”) and wishes to proceed with the acquisition of the Properties for the Project.

**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:

That the Township Committee hereby accepts the valuations by the Appraiser for the Properties in the amounts set forth in the appraisal reports reviewed and approved pursuant to the Project’s Phase II Contracts 4b and 5 and identified in **Exhibit A** attached hereto, as having been performed in a competent manner and in accordance with the relevant appraisal standards and the applicable law as establishing the fair market value of the Properties (the “**Cost of Acquisition**”).

The Mayor, Township Administrator, Archer & Greiner, PC and/or any other attorneys retained by the Township for purposes of the Project, and such other officials, employees and agents of the Township, specifically including, but not limited to professional appraisers, environmental experts, consulting engineers, surveyors and similar professionals as are appropriate, are hereby authorized and directed to execute such documents and to perform all other acts necessary to negotiate in good faith or take, condemn (including the institution of any necessary legal action to acquire the real property including but not limited to action to gain necessary access to the real property for related purposes) or to acquire title to the Properties for dedication to the Project; and the Mayor and Township Clerk are hereby authorized and directed to execute any and all documents necessary for the acquisition of said real property; however, no settlement figure, purchase price or stipulation to purchase in excess of the Cost of Acquisition shall be binding on the Township or its agents until the Township Committee gives final approval to such figure or price by resolution.

The Chief Financial Officer of the Township is hereby authorized and directed to pay the purchase price and/or fair and just compensation to the owner of record in the amount of the Cost of Acquisition for each Property as valued by the appraisal reports issued by J. McHale & Associates, Inc., as well as to pay the Township’s share of costs connected with title reports, appraisal reports, attorney’s fees, professional consultant’s fees, and other costs necessary for the general acquisition of any Property by way of condemnation of the real property.

This resolution shall take effect immediately.

**Resolution 22-59 - Resolution Approving Additional Funds for Previously Approved Contract**

**WHEREAS**, the Township Committee regularly approves entry into various contracts, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.;

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**WHEREAS**, in order to ensure fiscal responsibility, the various approving resolutions include amounts not to exceed (the “**NTE Amount**”) for the corresponding contracts; and

**WHEREAS**, the Township has determined that the NTE Amounts must be increased for certain contracts in order to address increased needs for the remainder of the contract period; and

**WHEREAS**, the Township seeks to increase the NTE Amount on the following contracts by the amounts specified as “Additional Funds” as provided herein:

Resolution No.	Entity	Service	NTE Amount	Additional Funds
21-15	Archer & Greiner, P.C.	General Special Counsel – Port Monmouth Flood Control	\$60,000	\$10,683.20

**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 approves modifications to the NTE Amount on the foregoing contract previously approved by the Township Committee, upon the terms set forth in this Resolution.

**BE IT FURTHER RESOLVED** that the above-referenced resolutions are hereby repealed only to the extent of their inconsistency with the terms of this Resolution.

**Resolution 22-60 - Resolution Authorizing Execution of a Qualified Private Community Service Agreement with Heritage at Middletown Condominium Association, Inc.**

**WHEREAS**, Heritage at Middletown Condominium Association, Inc. (the “**Association**”) is a “qualified private community” as defined in N.J.S.A. 40:67-23.2 and is located within the Township of Middletown (the “**Township**”); and

**WHEREAS**, N.J.S.A. 40:67-23.3 provides that a municipality shall either provide certain enumerated services to a qualified private community in the same fashion as the municipality provides these services on public roads or streets or provide reimbursement for the cost of providing said services; and

**WHEREAS**, N.J.S.A. 40:67-23.5 dictates that a municipality shall enter into a written agreement to reimburse a qualified private community for services that it does not provide directly; and

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**WHEREAS**, the Township and the Association have negotiated an agreement which sets forth the obligations of the Association and an acceptable methodology for the Township to reimburse the Association for the provision of services to its residents; and

**WHEREAS**, it is in the best interest of the Township to enter into a Qualified Private Community Services Agreement with the Association in order to fulfill its statutory obligation.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute the attached Qualified Private Community Service Agreement between the Township and the Association.

**BE IT FURTHER RESOLVED** that the Township Clerk, Mayor, Township Attorney and all other appropriate Municipal officials are hereby authorized to execute such documents and to effectuate such acts as are necessary to effectuate the purposes of this Resolution.

**Resolution 22-61 - Resolution Authorizing Amending Resolution 22-52 Disposition of Surplus Property - Fire Trucks**

**WHEREAS**, the Township of Middletown (the "**Township**") is in possession of two out of service fire trucks which the Township Administrator has determined are of nominal value and which are no longer needed for public use; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-36(6), if the estimated fair value of surplus property does not exceed the applicable bid threshold in any one sale, the Township may dispose of the property without advertising for bids; and

**WHEREAS**, the 911 Fund, based in Hazlet, New Jersey, is a charitable organization run by firefighters and other emergency service personnel that works to acquire fire trucks, ambulances and related equipment for donation to South and Central American nations as part of a continuing effort to build preparedness, reduce risk, enhance civilian safety, and minimize property loss from fire and other types of disasters; and

**WHEREAS**, on January 22, 2022, the Township Committee adopted Resolution No. 22-52, which authorized the donation of specifically identified fire trucks but which inadvertently listed the VIN number of one fire truck incorrectly.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that Resolution No. 22-52 is hereby amended to state that the following surplus fire trucks shall be donated to the 911 Fund by the Township:

1. Year: 1975    Make: Mack    Model: CF600    Vin# CF685F1796
2. Year: 1994    Make: Sutphen    Model: Del    Vin# 1S9A1BFD0R3003083

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**BE IT FURTHER RESOLVED** that the surplus property as identified shall be sold in “as is” condition without express or implied warranties with the 911 Fund being required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

**BE IT FURTHER RESOLVED** that the Township Administrator and Township Director of Purchasing are hereby authorized and directed to take any and all actions necessary to effectuate the foregoing.

**Resolution 22-62 - Resolution Authorizing the County of Monmouth Mosquito Control Division to Conduct Aerial Mosquito Control Operations Within the Township of Middletown**

**WHEREAS**, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

**WHEREAS**, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

**WHEREAS**, prior to conducting aerial dispensing operations over a designated “congested area,” the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

**WHEREAS**, the Township of Middletown is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

**NOW, THEREFORE**, be it resolved as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or area harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
  - a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial application by the applicable Federal (USEPA) and State (NJDEP) agencies, and

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- b. such operations will be performed in compliance with applicable Federal and State regulations, and
- c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

**Resolution 22-63 -2022 Resolution for State Contracts**

**WHEREAS**, the Township of Middletown desires 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**, the Township Purchasing Agent has reviewed and recommends the utilization of these contracts on the grounds that they represent the best available; and

**WHEREAS**, a list of vendors has been attached hereto showing state contract vendors, state contract numbers and maximum amounts from which purchases may be made during the calendar year 2022.

**NOW THEREFORE BE IT 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 vendors on the attached list in accordance with the terms of the State Contracts as indicated in the not to exceed amounts 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.

**Resolution 22-64 - Resolution Awarding Professional Services Contract For Architect Of Record**

**WHEREAS**, the Township of Middletown (the “Township”) regularly needs the services of a licensed professional architect for work and planning being done at multiple Township facilities; and

**WHEREAS**, while the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)) does not require competitive bidding for this position it was nevertheless advertised pursuant to the Fair and Open Process (N.J.S.A. 19:44A-20.5); and

**WHEREAS**, DMR Architects has been working with the Township and have been recommended by the Township Administrator to continue such work; and

**WHEREAS**, subject to the certification of availability of funds by the Chief Financial Officer, DMR Architects is qualified and has agreed to provide professional



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licensed architectural services, as requested, pursuant to the rate schedules provided for in its proposal for 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that DMR Architects is hereby awarded a professional services contract to serve as the Township's Architect of Record for 2022 in an amount anticipated not to exceed \$50,000 exclusive of allowable expenses pursuant to the rate schedules provided for in its proposal.

**BE IT FURTHER RESOLVED** that the Mayor and the Clerk are hereby authorized and directed to execute an Agreement for the provision of such professional services, a copy of which shall be maintained by the Clerk and advertised in the Township's official newspaper pursuant to law.

**Resolution 22-65 - Resolution Awarding Professional Services Contract to DeFeo Associates to Provide Recycling Consultant Services**

**WHEREAS**, the Township of Middletown (the "Township") is in need of recycling consultant services, which is a professional service; and

**WHEREAS**, while the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)) does not require competitive bidding for this position it was nevertheless advertised pursuant to the Fair and Open Process (N.J.S.A. 19:44A-20.5); and

**WHEREAS**, the Township seeks to award a professional services contract to DeFeo Associates to provide such services, in an amount not to exceed \$27,500 through December 31, 2022.

**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 professional services contract to DeFeo Associates, consistent with the foregoing terms.

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are authorized and directed to take any and all steps reasonably necessary to effectuate the foregoing, including the execution of instruments.

**BE IT FURTHER RESOLVED** that the Township Clerk is directed to advertise notice of this professional services contract award in accordance with law.

**Resolution 22-66 - Resolution Cancelling Taxes on Properties to Be Utilized By The Township Of Middletown For Affordable Housing**

**WHEREAS**, the Township of Middletown ("Middletown") previously acquired title to Block 4, Lot 20 (commonly known as 27-29 Ideal Avenue) and Block 502, Lots 1

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and 7 (commonly known as 37-45 Leonardville Road) (collectively, the “Properties”) for the provision of affordable housing; and

**WHEREAS**, subsequent to the acquisition of the Properties, Lots 1 and 7 of Block 502 were merged into a single Lot, which has been designated as Lot 7; and

**WHEREAS**, Middletown wishes to cancel any balances in taxes on the Properties through December 31, 2022, unless and until either of the Properties are conveyed by Middletown to a third party during this period, in which case that property shall no longer be exempt pursuant to this resolution.

**NOW, THEREFORE, BE RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the Tax Collector is hereby authorized and directed to cancel tax balances on the Properties, consistent with the foregoing.

**Resolution 22-67 - Resolution Cancelling Taxes on Various Properties Owned by The Township of Middletown Pursuant to In Rem Tax Foreclosures**

**WHEREAS**, the Township of Middletown (“Middletown”) seeks to cancel taxes that have been assessed against certain real property that it owns pursuant to in rem tax foreclosures (the “Foreclosure Properties”):

Block	Lot
165	10
234	1
312	1
440	4
517	26
540	9
540	11
600	130
731	8

; and

**WHEREAS**, Middletown further seeks to authorize the Tax Collector to cancel any future taxes on the Foreclosure Properties for calendar year 2022 as appropriate.

**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 cancels any current tax balances on the Foreclosure Properties for 2022 that were assessed by the Township of Middletown.

**BE IT FURTHER RESOLVED** that the Tax Collector is hereby authorized to cancel any future taxes on the Foreclosure Properties for calendar year 2022 as appropriate.

**Resolution 22-68 - Resolution Authorizing the Award of Contract for Professional Engineering Services For Shadow Lake Dam Breach And Alternatives Analysis**

**WHEREAS**, the Township of Middletown (the “**Township**”) requires professional engineering services in relation to the Shadow Lake Dam; and

**WHEREAS**, pursuant to the fair and open process and Resolution No. 22-56, the Township previously qualified multiple engineering firms to provide consulting engineering services; and

**WHEREAS**, the Township has received a proposal from Greenman-Pedersen, Inc. to provide the required professional engineering services in the amount of \$60,950.00, which the Township Engineer has deemed acceptable.

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

1. It hereby authorizes the award of a contract to Greenman-Pedersen, Inc. 100 Corporate Drive, Suite 301, Lebanon, NJ 08833 for professional engineering services related to Shadow Lake Dam in an amount not to exceed \$60,950.00.
2. It hereby authorizes and directs the Mayor and the Clerk, subject to final attorney review, to execute an Agreement for the provision of such professional services, a copy of which shall be maintained by the Clerk.

**Resolution 22-69 - Amended Resolution Awarding Professional Service Contracts for Qualified Redevelopment Planners**

**WHEREAS**, there exists a need for the Township to retain the services of qualified and licensed professional planners or firms to assist the Township on a number of ongoing and impending redevelopment projects; and

**WHEREAS**, while the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)) does not require competitive bidding for this position it was nevertheless advertised pursuant to the Fair and Open Process (N.J.S.A. 19:44A-20.5); and

**WHEREAS**, the firms of T&M Associates, H2M Associates and DMR Architects are qualified and have agreed to provide professional redevelopment planning services pursuant to the rate schedules provided for in their respective proposals for 2022, subject to the Certification of availability of funds being provided by the Chief Financial Officer.

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**WHEREAS**, Resolution No. 22-20, which was adopted at the 2022 Reorganization Meeting, did not include DMR Architects, which pursuant to a subsequent RFP has been included in the list of qualified consulting engineers to be selected from.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the firms of T&M Associates, H2M Associates and DMR Architects are hereby offered and awarded professional service contracts to serve as Qualified Redevelopment Planners for 2022 pursuant to the rate schedules provided for in their proposals for 2022.

**BE IT FURTHER RESOLVED** that the Mayor and the Clerk are hereby authorized and directed to execute Agreements for the provision of such professional services, copies of which shall be maintained by the Clerk and advertised in the Township’s official newspaper pursuant to law.

**Resolution 22-70 - Resolution Amending Resolution No. 21-126 For Traffic Line Striping & Lettering Contract**

**WHEREAS**, The Township of Middletown (the “Township”) awarded a contract for Traffic Line Striping to Traffic Lines, 5100 Asbury Road, Farmingdale, NJ 07727 on May 8, 2019 to provide said services for a 24 month period with an option for two additional twelve month extensions agreeable by both the vendor and the Township; and

**WHEREAS**, per Resolution No. 21-126, the Township elected to extend the above contract for an additional twelve months; and

**WHEREAS**, the estimated quantities in the original contract are not sufficient to cover the remainder of the current extension; and

**WHEREAS**, the Chief Financial Officer has certified funds in the amount of \$24,404.20 are available for this purpose under account no. 2-01-26-290-100-261, a copy of the said certification is attached hereto and made part hereof.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that Resolution No. 21-126 is hereby amended to include the following quantities:

ORIGINAL QUANTITIES	ADDITIONAL ESTIMATED QUANTITIES	DESCRIPTION	UNIT PRICE	TOTAL
3,200 LF	980 LF	12” WIDE WHITE THERMOPLASTIC STOP BARS (± 200 BARS @ ±16 LF EA.)	\$4.25	\$4,165.00
500 LF	712 LF	WHITE THERMOPLASTIC STANDARD CROSSWALK (MATCH EXISTING TYPE)	\$11.60	\$8,259.20

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3 EACH	1 EACH	WHITE THERMOPLASTIC LEFT TURN ARROW (PER MUTCD STANDARDS)	\$160.00	\$160.00
6 EACH	1 EACH	“ONLY” LETTERING (TO ACCOMPANY LEFT TURN ARROWS – PER MUTCD STANDARDS)	\$200.00	\$200.00
100,000 LF	30,000 LF	DOUBLE 4” WIDE LATEX PAINT CENTERLINES (10” ON CENTER)	\$.21	\$6,300.00
500 LF	200 LF	WHITE THERMOPLASTIC TYPE “C” CROSSWALK (NEW CROSSWALKS)	\$11.60	\$2,320.00
4 EACH	6 EACH	ADA VAN ACCESSIBLE PARKING SPACES – TWO 8’ PARKING SPACES WITH 8’ CENTER AISLE	\$500.00	\$3,000.00

**Resolution 22-71 – Resolution Authorizing Supplemental Compensation For New Jersey DWI Enforcement Program Paid from Drunk Driving Enforcement Fund**

**WHEREAS**, the Township of Middletown (the “Township”) previously approved the submission of a grant application to the New Jersey for various Driving While Intoxicated (“DWI”) campaigns to obtain funds to pay officers to work certain DWI details; and

**WHEREAS**, the Township was ultimately awarded the DWI grants, which pays up to \$60 per hour for officers working DWI duty pursuant to state law; and

**WHEREAS**, in an effort to incentivize participation in such details, the Township wishes to increase the rate of pay to \$75 per hour, with the Township paying the \$15 per hour differential above the grant amount from the Drunk Driving Enforcement Fund.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the Township’s Chief Financial Officer is hereby authorized and directed to pay an additional \$15 per hour to officers working DWI duty beyond the grant amount.

**Resolution 22-72 - Resolution for Temporary Emergency Appropriation**

**WHEREAS**, emergent conditions have arisen with respect to the payment of bills in a number accounts and no adequate provision has been made in a Year 2022 temporary budget for the aforesaid purposes, and

**WHEREAS**, NJS 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned, and

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WHEREAS, the total temporary emergency resolutions adopted in the Year 2022 for the Township pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:4-20) including this resolution total \$25,080,771.86 for the Current Fund, and

NOW, THEREFORE, BE IT RESOLVED (not less than two thirds of all members of the Township Committee of the Township of Middletown, New Jersey affirmatively concurring) that in accordance with the provisions of NJS 40A:4-20:

1. An emergency temporary appropriation shall be and the same is hereby made for the following purposes:

Attachment 1 - 2022 Temporary Budget Worksheet		
Account Number	Description	2/7/2022 Meeting
2-01-20-100-100-200	A/E O/E	14,000.00
2-01-21-180-101-100	Planning Board S&W	2,000.00
2-01-21-180-101-200	Planning Board O/E	5,000.00
2-01-21-185-100-100	Zoning Board S&W	2,000.00
2-01-23-220-100-200	Insurance O/E	8,000.00
2-01-25-260-100-100	First Aid S&W	1,000.00
2-01-25-265-101-100	Uniform Fire Safety S&W	13,000.00
2-01-26-290-100-100	Dept of Public Works & Engineering S&W	4,000.00
2-01-26-290-101-200	DPW Storm Response O/E	500,000.00
2-01-26-305-100-100	Solid Waste & Recycling S&W	43,000.00
2-01-30-415-100-115	Accumulated Leave Compensation	4,000.00
2-01-31-447-100-275	Utilities - Heating Oil - PBG	3,500.00
2-01-31-460-200-200	Utilities - Fuel O/E	50,000.00
2-01-36-471-200-284	Public Employees Retirement System	1,848,338.00
2-01-36-472-200-284	Statutory - Social Security	6,000.00
2-01-36-475-200-284	Police/Firemens Retirement System	4,420,919.00
2-01-40-899-470-208	Interdeterminate Grants Municipal Match	8,617.50
2-01-41-240-100-525	Municipal Alliance DEDR Grant	27,800.00
2-01-41-700-101-529	Police - Bayshore DWI	18,000.00
	<b>TOTAL</b>	<b>\$6,979,174.50</b>

2. That said emergency temporary appropriations will be provided for in the 2022 budget under the appropriate titles.

3. That one certified copy of this resolution will be filed with the Director of Local Government Services

**Resolution 22-73 – Resolution Authorizing the Payment of Bills for February 7, 2022**

The Township Committee hereby approves a resolution for the payment of bills for February 7, 2022 in the amount of \$35,575,971.92.

**Resolution 22-74 - Resolution Authorizing Tax Collector to Receive Property Tax Payments Online and Awarding Contract to Edmunds Govtech**

**WHEREAS**, pursuant to N.J.S.A. 40A:5-43 et seq. and N.J.A.C. 5:30-9.1 et seq., the Township of Middletown (the “Township”) is authorized to accept credit card payments for most obligations payable to the municipality; and

**WHEREAS**, on April 17, 2021, the Township adopted Resolution No. 21-127, which authorized the Township to accept payments for general fees established by ordinance that are payable to the Township using credit cards, debit cards, and/or electronic funds transfers; and

**WHEREAS**, the Tax Collector has recommend utilizing the service FIS Pay Direct Solutions in association with Edmunds Govtech WIPP Program to process online tax payments, which is compatible to the current tax collection software utilized by the Township Tax Collector and is provided by the same vendor; and

**WHEREAS**, the Township has reviewed and determined that the total estimated value of the proposed arrangement is less than the bid threshold, and therefore the necessary amendment to the existing agreement with Edmunds Govtech for this concession-based service may be awarded by informal quotation, as provided in N.J.A.C. 5:34-9.4(f) and (g).

**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:

1. The foregoing recitals are incorporated as if set forth at length herein.
2. The Township hereby authorizes the acceptance of credit card payment for property taxes through the FIS Pay Direct Solutions in association with Edmunds Govtech WIPP Program (the “Program”) beginning on February 23, 2022.
3. The Township hereby approves the award of a contract to Edmunds Govtech to utilize the Program for a period of 12 months pursuant to N.J.S.A. 40A:5-43 et seq. and N.J.A.C. 5:30-9.1 et seq.
4. The Mayor and Township Administrator are hereby authorized and directed to execute any and all agreements as necessary to effectuate the foregoing, subject to the review and approval of the Township Attorney.
5. A copy of this Resolution shall be forwarded to the New Jersey Division of Local Government Services.

**Resolution 22-75 - Resolution Authorizing and Directing Planning Board To Undertake A Preliminary Redevelopment Investigation To Determine Whether The Delineated Area Of Block 1131, Lots 30-32 (331 Newman Springs Road) And Block 1086, Lots 29-30, Block 1089, Lots 1 And 2 (Schultz Drive) Satisfies The Criteria For Designation As An Area In Need Of Redevelopment For Non-Condensation Purposes**

**WHEREAS**, N.J.S.A. 40A:12A-1 et seq., the Local Redevelopment and Housing Law (“**LRHL**”), sets forth the criteria for a determination of whether a delineated area of a municipality may be designated as an area in need of redevelopment; and

**WHEREAS**, N.J.S.A. 40A:12A-6 authorizes the Township of Middletown (the “**Township**”) to adopt a resolution directing its Planning Board to conduct a preliminary investigation to determine whether a delineated area is an area in need of redevelopment according to the criteria set forth under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

**WHEREAS**, the Township desires to authorize its pre-qualified planning consultant, DMR Architects (“**DMR**”), to assist the Planning Board in its preliminary investigation of Block 1131, Lots 30-32 (331 Newman Springs Road), Block 1086, Lots 29-30, Block 1089, Lots 1 and 2 (Schultz Drive) to determine if the delineated area qualifies as an area in need of redevelopment for non-condemnation purposes pursuant to the criteria set forth under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3.

**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:

1. The Planning Board is hereby authorized and requested to undertake a preliminary redevelopment investigation of Block 1131, Lots 30-32 (331 Newman Springs Road), Block 1086, Lots 29-30, and Block 1089, Lots 1 and 2 (Schultz Drive) to determine whether the delineated area of investigation warrants being designated as an “area in need of redevelopment” for non-condemnation purposes according to the criteria set forth under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3.
2. DMR is hereby authorized to assist the Planning Board in its preliminary investigation of the delineated area of investigation, and to begin preparation of a Redevelopment Plan in the event the Planning Board recommends that all or some of the delineated area of investigation constitutes an “area in need of redevelopment.”
3. The Township Administrator, DMR, Township Planner, and Township Attorney are each hereby authorized and directed to take any necessary and appropriate actions in connection with the investigation of the delineated area of investigation, and are hereby authorized and directed to take such actions, including but not limited to, the negotiation of any and all documents necessary to undertake the investigation.



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4. This Resolution shall become effective immediately upon adoption.

**Resolution 22-76 - Resolution Opposing Continued Extension of Executive Orders Beyond Public Health Emergency and Supporting Senate Bill No. 1200 Limiting The Governor's Unilateral Emergency Powers**

**WHEREAS**, nearly two years ago, on March 9, 2020, Governor Murphy unilaterally declared a public health emergency by executive order; and

**WHEREAS**, the Governor's temporary emergency powers at the outset served the purpose of managing the COVID-19 pandemic at the time when the virus was spreading rapidly, vaccines and treatments were unavailable, and our healthcare system was being overwhelmed; and

**WHEREAS**, despite these conditions subsiding through the development of vaccines, therapies and a better understanding of the science behind the virus, the Governor has unilaterally renewed this public health emergency every 30 days thereafter until June 2021; and

**WHEREAS**, on June 4, 2021, Governor Murphy signed legislation and an Executive Order ending the public health emergency; and

**WHEREAS**, at that time, the Legislature granted the Governor authority to continue certain emergency powers with respect to 14 Executive Orders only until January 11, 2022, thereafter, requiring that the Governor request an extension of these powers for up to 90 days; and

**WHEREAS**, the Governor made a request for a 90 day extension of these emergency powers and the Legislature refused to extend the Governor's emergency powers, but the Governor ignored the will of the Legislature and announced on January 12, 2022, that he was reinstating a statewide public health emergency, thereby allowing himself the ability to continue statewide mandates without the proper checks and balances required under State Constitution; and

**WHEREAS**, to date, Governor Murphy has unilaterally issued over 200 Executive Orders relating to the pandemic; and

**WHEREAS**, on January 31, 2022, Senator Declan O'Scanlon introduced Senate Bill No. 1200, which limits the duration of states of emergency and public health emergencies declared by the Governor to 60 days unless an extension is authorized by the Legislature; and

**WHEREAS**, Senator Vin Gopal has joined Senator O'Scanlon as a prime sponsor of Senate Bill No. 1200, demonstrating bipartisan agreement that the Governor is abusing his emergency powers without legislative oversight; and

Workshop Meeting

**WHEREAS**, the Township Committee of the Township of Middletown believes that it is well past time to return to the regular order of government in the State of New Jersey.

**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 opposes Governor Murphy's continuing unilateral declarations of a public health emergency and supports the enactment of Senate Bill No. 1200 to restore legislative oversight of the Governor's emergency powers.

**BE IT FURTHER RESOLVED** that the Township Clerk shall forward certified copies of this Resolution to the Office of the Governor, the members of Monmouth County's legislative delegation, the Monmouth County Board of Commissioners, and the New Jersey League of Municipalities.

### **DISCUSSION ITEMS**

#### **Monmouth County Shared Service for Tax Map Updates and Maintenance**

Tax Assessor Alex Worth updated the Township Committee on the need for digital map, per parcel cost, no annual fee.

#### **Tindall Park Upgrades**

Recreation Director Janet Dellett discussed the various approvals from Green Acres to move forward with upgrades

#### **Abandoned Property Ordinance**

Township Administrator Anthony Mercantante discussed the need for addressing abandoned properties.

#### **Amendment to Recreation Fees**

Recreation Director Janet Dellett discussed the permit fees, various zone creations.

#### **2022 Road Improvement Program**

Township Engineer Ted Maloney discussed bids proposed and under budget.

### **TOWNSHIP COMMITTEE COMMENTS:**

Committeeman Settembrino, None

Committeeman Clarke, None

Kim Kratz, None

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Deputy Mayor Hibell, None

Mayor Perry, congratulated Middletown High School North on their victory in the Mayors Cup. He gave a shout out to the Middletown High School South Girls swim team.

**PUBLIC COMMENTS:**

Melonie Elminger, Lincroft resident, seeking an update on Acme Road discussion. She is looking into starting a Route 520 Task Force. Mayor Perry discussed the private property road. An offer was made by the Township to address the road access with no response. He will reach out to the property owner once again.

John Spinelli, Burlington Avenue, he would like to donate trees on the Island by Target. Mayor Perry suggested he contact Ted Maloney and Jessica Ticino in Public Works.

Don Watson, 1 Collinson Drive, commented that the tax maps are not searchable on the website. He also discussed the abandoned property ordinance and the use of the Community Development Block grant. Township Administrator responded that CDBG grants cannot hold with these types of violations. Mr. Watson also commented that Port Monmouth Road is not paved yet. Township Engineer Ted Maloney responded he is meeting with the New Jersey Natural Gas and New Jersey American Water engineers and will follow up with restoration.

**ADJOURNMENT**

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adjourn at 8:08 pm.

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

Clerk Brunt stated motion carried to adjourn.

Respectfully submitted,

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Heidi R Brunt  
Township Clerk

Approved:

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Anthony S. Perry, Mayor