

Regular Meeting

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 July 18, 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: None

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Chief Financial Officer Colleen Lapp, Deputy Township Clerk Kaaren Sena 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 freedoms and way of life.

CERTIFICATE OF APPRECIATION/PROCLAMATIONS

Presentation Recognizing Middletown Township Fire Department Company #1 Volunteer Thomas P. Sommerville for 50 Years of Service

Township Clerk Heidi Brunt invited Middletown Township Fire Department Fire Chief's and Fred Gorseger of Middletown Township Fire Department Company #1 and Thomas P. Sommerville to join Mayor Perry at the front of the room.

Mayor Perry spoke of the dedication of Thomas Sommerville for 50 years of service to the residents of the Township of Middletown. Mayor Perry presented him with the key to the Township along with a certificate of appreciation which he read before presenting it to him.

Presentation Recognizing Middletown High School North Boys Track and Field Team for Winning the State Sectional Championship

Township Clerk Heidi Brunt invited the team along with their Coach's to join Mayor Perry at the front of the room.

Regular Meeting

Mayor Perry commended the team and the coaches on their dedication and hard work. He read a certificate of appreciation that was presented to each team member and the coaches.

Presentation by Middletown Public Library Director Heather Andolsen on the Joyce P. Murphy Children's Garden

Library Director Heather Andolsen updated the Township Committee on the plans for the Joyce P. Murphy children's garden funded completely with donations. The garden is dedicated to valued employee Joyce P. Murphy who recently passed away.

Proclamation Recognizing August 2, 2022 as National Night Out in the Township of Middletown

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

WHEREAS: 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 (MTPD) will hold its 5th annual National Night Out on Tuesday, August 2nd at Middletown High School North. The event will bring residents together for live music, food, police equipment displays, K-9 demonstrations, fingerprinting, an impaired driving simulator, inflatables, 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 MTPD and work together to help keep our community 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 August 2, 2022 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.

Regular Meeting

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:

June 20, 2022 Regular Meeting

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

Township 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 2022-3348 - An Ordinance Authorizing the Vacation of a Portion of Jefferson Way Within the Township of Middletown, Monmouth County, New Jersey

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

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 2022-3349 – Bond Ordinance Providing an Appropriation of \$1,750,000 for Various Capital Improvements by and for The Township of Middletown in The County of Monmouth, New Jersey And Authorizing the Issuance of \$650,750 In Bonds or Notes of The Township for Financing Part of The Appropriation

Regular Meeting

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 August 15, 2022.

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2022-3350 – Ordinance Amending Management Salaries for 2022

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 August 15, 2022.

CONSENT AGENDA

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 22-187 through 22-202 including 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, Kratz, Settembrino, Mayor Perry
 Nays: None
 Abstention: None
 Absent: None

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

Resolution 22-187 – Resolution Authorizing a Chapter 159 Additional Item of Funding in the 2022 Budget – “Bayshore Distracted Driving 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 \$16,500.00 grant from the NJ Dept. of Law and Public Safety, Division of Highway Traffic Safety and wishes to amend its 2022 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 2022 budget in the sum of \$16,500.00 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
“Bayshore Distracted Driving Grant”

BE IT FURTHER RESOLVED that a sum of \$16,500.00 is hereby appropriated under the caption of General Appropriations – Operations Excluded from “CAPS”:

NJ Dept. of Law and Public Safety, Division of Highway Safety
“Bayshore Distracted Driving Grant”

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

Resolution 22-188 - Resolution Authorizing the Submission of 2022 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

Regular Meeting

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, a public meeting and public comment period was conducted in 2022 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 2022 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

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 2022 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 2022 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's 2022 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

Regular Meeting

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.

Resolution 22-189 - Resolution Designating the Place at Middletown Walk, LLC (“PMW”) Redeveloper of the “Multifamily District” Within the Circus Liquors Redevelopment Plan Area and Authorizing Execution of a Partial Assignment and Assumption of The Redevelopment Agreement Between Toll NJ XII, L.P. (“Toll”) And the Township

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1, et seq., as amended and supplemented (“LRHL”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment with a designated Redeveloper; and

WHEREAS, the Township Committee serves as an instrumentality and agency of the Township of Middletown (“the Township”) pursuant to the LRHL for the purpose of implementing redevelopment plans and carrying out redevelopment projects; and

WHEREAS, N.J.S.A. 40A:12A-8 authorizes the Township to enter into contracts or agreements for the planning, construction or undertaking of any development project or redevelopment work in an area in need of redevelopment; and

WHEREAS, pursuant to Resolution No. 17-205 adopted on July 17, 2017 and Resolution No. 17-239 adopted on September 18, 2017, the Township Committee authorized and requested that the Planning Board undertake a preliminary investigation (“the Investigation”) to determine whether Block 825, Lots 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 72, 73, 74, 75, 76, 77, 78, 79, 80 and 81; Block 825, Lot 70; Block 605, Lot 64; Block 638, Lot 31.01; Block 825, Lot 58; Block 870, Lots 1 and 2; and Block 871, Lots 3 and 7.02 (“the Area of Investigation”) constitutes an “area in need of redevelopment” for non-condemnation purposes according to the criteria set forth in N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, consistent with the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board specified and gave notice that on December 6, 2017, a hearing would be held for the purpose of hearing all persons who are interested in or would be affected by a determination that the properties in the Area of Investigation are an “area in need of redevelopment” as that term is defined in Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“LRHL”); and

WHEREAS, DMR Architects (“DMR”) prepared a “Report of Preliminary Investigation for Determination of an Area in Need of Redevelopment” (the “Investigation Report”) for the Area of Investigation that was publicly presented after adequate notice before the Planning Board on December 6, 2017; and

Regular Meeting

WHEREAS, the Investigation Report determined that Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81, Block 870, Lots 1 and 2, and Block 871, Lot 7.02 evidenced conditions and characteristics that qualify for designation as an “area in need of redevelopment” because they collectively satisfy the applicable criteria of the LRHL under N.J.S.A. 40A:12A-5 and -3; and

WHEREAS, the Planning Board hearing was opened to the public on December 6, 2017 for the purpose of hearing all persons who are interested in or would be affected by a determination that all or a part of the Area of Investigation is a redevelopment area; and

WHEREAS, on December 6, 2017, the Planning Board received direct testimony from Fran Reiner, L.L.A., P.P. of DMR, and Mr. Reiner provided an eye witness account of the conditions that he observed during his exhaustive investigation of the properties within the Area of Investigation, which confirmed the description of the conditions and his findings contained in the Investigation Report; and

WHEREAS, after completing its hearing and investigation of this matter on December 6, 2017, the Planning Board determined to recommend that the Township Committee designate the above-cited portions of the Area of Investigation as an area in need of redevelopment for non-condemnation purposes due to the substantial evidence that these parcels within the Area of Investigation meet the criteria enumerated in the Investigation Report pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, pursuant to Resolution 17-294, on December 18, 2017, the Township Committee adopted a resolution concurring with the Planning Board’s findings and designated the above-cited portions of the Area of Investigation as an “area in need of redevelopment” pursuant to the LRHL; and

WHEREAS, on August 21, 2018, pursuant to Ordinance No. 2018-3232, the Township Committee duly adopted the Circus Liquors Redevelopment Plan dated July 2018 consisting of Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, and 81; and Block 870, Lots 1 and 2; and

WHEREAS, the Township adopted a Resolution on November 19, 2018, authorizing the Township to enter into exclusive negotiations with Village 35, LP regarding the redevelopment of the Circus Liquors Redevelopment Plan Area and conditionally designating it the redeveloper of the site; and

WHEREAS, on January 9, 2019 the Township Planning Board adopted Resolution #2018-105 memorializing the approval of Village 35 LP’s application seeking Minor Subdivision approval and permitting the creation of two new lots for the “Commercial Tract” and “Residential Tract” as defined in the Circus Liquors Redevelopment Plan; and

WHEREAS, the Township designated Toll NJ XII, L.P. as the redeveloper of the Residential Tract within the Circus Liquors Redevelopment Plan Area by Resolution #19-87 adopted on February 4, 2019, that also authorized the Township to enter into a Redevelopment Agreement with Toll NJ XII, L.P. (the “RDA”), which was subsequently executed by the parties on or about February 15, 2019.

WHEREAS, the Residential Tract contains two sub-districts: the Multi-Family District on Block 825, Lot 53.02 designated for the development of family rental affordable units, and the Townhouse District designated for development with market rate townhomes on Block 825, Lot 53.03, as well as Block 825, Lot 53.04, which was retained by Mountain Hill, LLC and subject to a conservation easement;

WHEREAS, the Township of Middletown Planning Board (“Board”) granted Toll Preliminary and Final Major Site Plan & Preliminary and Final Major Subdivision approval to construct 280 market rate townhomes in the Townhouse District and 70 affordable units within three multi-family buildings in the Multi-Family District by resolutions adopted by the Board on November 6, 2019, and November 4, 2020 (“Board Approvals”). The subdivision aspect of the Board Approvals was perfected by filing of the subdivision plat;

WHEREAS, PMW is a limited liability company, and the managing member of PMW’s managing member is CIS Middletown Walk, LLC, whose managing member is Community Investment Strategies, Inc. (“CIS”). CIS is a New Jersey real estate development company with significant experience in developing, owning, and operating low-income housing, including in Middletown;

WHEREAS, Toll entered into an agreement to convey the Multi-Family District to PMW, whereby Toll will construct the Project Infrastructure for both the Townhouse District and the Multi-Family District, and PMW shall thereafter take title to the Multi-Family District and develop the balance of the Phase II improvements pursuant to, and in accordance with, the Redevelopment Plan, the RDA, and the Board Approvals;

WHEREAS, Toll and PMW desire to enter into a partial Assignment and Assumption of the Redevelopment Agreement in order to effectuate the transfer to and the assumption by PMW of all of the respective rights, obligations, covenants, duties and liabilities of the Toll under the RDA corresponding to the redevelopment of the Multi-Family District and Phase II, after title of the Multi-Family District is conveyed to PMW;

WHEREAS, the Township wishes to designate PMW as the redeveloper of the Multi-Family District and enter into an Assignment and Assumption of the Redevelopment Agreement in a form substantially consistent to that attached hereto as Exhibit A; and,

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. That the Township hereby designates The Place at Middletown Walk, LLC, as the designated redeveloper of the Multi-Family District portion of the Residential Tract within the Circus Liquors Redevelopment Plan Area, comprised of Block 825, Lot 53.02; and
2. That the Mayor of the Township is authorized and directed to execute and the Clerk is authorized to attest to the Assignment and Assumption of the Redevelopment Agreement with Toll NJ XII, L.P., and The Place at Middletown Walk, LLC, the designated redevelopers of the Residential Tract, in a form

Regular Meeting

substantially consistent with Exhibit A attached hereto, with such additions, deletions, modifications or amendments that do not alter the substantive rights and obligations of the parties thereto.

3. This Resolution shall become effective immediately pursuant to law.

Resolution 22-190 - 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 the NAVESINK COUNTRY CLUB located at 50 Luffburrow Lane, Red Bank on the REVISED date provided on their applications for July 24th, 2022

(Note: original resolution #22-144A issued for July 2nd, 2022 or rain date of July 5th if required)

Resolution 22-191 - Approval to Submit a Grant Application and Execute a grant Contract with The New Jersey Department of Transportation for The Township of Middletown for The Kings Highway Pedestrian Safety Improvements Project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Middletown formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor or Township Administrator and Municipal Clerk are hereby authorized to submit an electronic grant application identified as *SST-2023-Kings Highway Pedestrian Safety Imp-00015* to the New Jersey Department of Transportation on behalf of the Township of Middletown.

BE IT FURTHER RESOLVED that the Mayor or Township Administrator and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Middletown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Regular Meeting

Resolution 22-192 - Resolution Establishing Fair Market Value and Authorizing and Directing the Acquisition of Properties Located in The Township of Middletown Designated as Block 26, P/O Lot 2.01, Block 137, P/O Lot 2.06, And Block 265, Lots 62 & 63 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

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.

Regular Meeting

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 22-193 - Resolution Awarding Professional Service Contract for Complex Commercial Tax Appeal Appraiser/Consultant

WHEREAS, there exists a need for the Township to retain the services of a qualified and licensed firm to provide commercial tax appeal appraisals and consulting; 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

Regular Meeting

WHEREAS, two proposals were received and reviewed by the Township's Tax Assessor; and

WHEREAS, the Township has determined that it would be in its best interest to appoint one firm to be assigned work on an as needed basis by the Township Tax Assessor; and

WHEREAS, subject to the certification of availability of funds by the Chief Financial Officer, Otteau Group, Inc. has qualified and agreed to provide these services pursuant to the rate schedules provided in their 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 Otteau Group, Inc. is hereby offered and awarded a professional service contract to serve as Complex Commercial Tax Appeal Appraiser/Consultant for 2022 pursuant to the rate schedules provided in their proposal 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 22-194 - Authorizing the Award of a Non-Fair and Open Contract to Solitude Lake Management to Provide Lake Treatment Services for Shadow Lake

WHEREAS, the Township of Middletown has a need to hire a specialist to provide a water chestnut control program at Shadow Lake; and

WHEREAS, the Township has elected to award this contract via a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Purchasing Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, the contract will terminate on December 31, 2022; and

WHEREAS, Solitude Lake Management, in the aggregate is expected to receive more than the pay to play threshold of \$17,500.00; and

WHEREAS, Solitude Lake Management, has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form, which certifies that Solitude Lake Management has not made any reportable contributions to a political or candidate committee in the Township of Middletown in the previous one year, and that the contract will prohibit Solitude Lake Management from making any reportable contributions through the term of the contract; and

Regular Meeting

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$25,075.00 is available for this purpose in account/line-item number 2-01-26-290-102-281. A copy of the said certification is attached hereto and made part hereof.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that the Township enter into an agreement with Solitude Lake Management for the provision of a water chestnut control program at Shadow Lake in the not to exceed amount of \$25,075.00 and that the Business Entity Disclosure Certification and Political Contribution Disclosure form, and Determination of Value be placed on file with this resolution.

Resolution 22-195 - Appointment of Special Law Enforcement Officers Class II And Class III

WHEREAS, the Township Administrator and Chief of Police have previously recommended that the structure of the Police Department be adjusted to include allowing the appointment of certain Special Law Enforcement Officers (Class I, II, and III).

WHEREAS, the Chief of Police has complied with the provisions of N.J.S.A.40A:14-146.1 regarding the appointment of Special Law Enforcement Officers and represents that the applicants named below meet all the requirements set forth by statute and recommends the appointment.

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. That the following individuals are hereby appointed as Special Law Enforcement Officers – Class II and III, in the Middletown Township Police Department for the calendar year of 2022.

Special Law Enforcement Officers Class II –

Chad Bacek

Anthony Bartolone

Thomas Stone

John Foy

Special Law Enforcement Officers Class III –

Mark Ward

Mark Brawley

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

Regular Meeting

- a. Each appointee as listed above who shall present themselves before the Township Clerk to take and subscribe to the Oath of Office.
- b. Police Department

Resolution 22-196 - Resolution Authorizing the Award of a Contract for Construction of a Dog Park at Tindall Park

WHEREAS, the Township advertised for and received bids for the construction of a Dog Park at Tindall Park in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, eight proposals were received and publicly opened on July 6, 2022 at 10:00 a.m.; and

WHEREAS, the Township Engineer has recommended that the award of the contract for the Dog Park at Tindall Park be awarded to Mixalia Enterprises LLC, Long Branch NJ the lowest bidder with a total price for the base bid and alternate A of \$532,000.00; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$532,000.00. are available for this purpose in account/line-item number(s) C-04-55-918-224-001 and C-04-55-922-345-001. A copy of the said certification is attached hereto and made part hereof.

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown that the award for the construction of the Dog Park at Tindall Park be awarded to Mixalia Enterprises LLC., pursuant to the terms of their bid at the above prices, and that the appropriate officials be and are hereby authorized to execute the contract with the contractor.

Resolution 22-197 – Resolution Approving Transfer of Premium Payment for Tax Sale Certificate on Lot Subject to Foreclosure (Block 635, Lot 2)

WHEREAS, the Township of Middletown (“Middletown”) issued Tax Sale Certificate No. 17-00351, relative to Block 635, Lot 2, which was recorded in the Office of the Monmouth County Clerk in Book OR-9276, Page 9054; and

WHEREAS, under Docket No. F-5280-20, the Superior Court of New Jersey entered an order foreclosing upon the subject property; and

WHEREAS, as a result, redemption will no longer be made, and Middletown is entitled to have the premium payment in the amount of \$5,100 transferred to become part of the funds of the municipality, pursuant to N.J.S.A. 54:5-33.

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

Regular Meeting

authorizes the foregoing premium payment in the amount of \$5,100 to be turned over and become part of the funds of Middletown.

BE IT FURTHER RESOLVED that the Tax Collector and Chief Financial Officer are hereby authorized and directed to take any and all steps reasonably necessary to effectuate the foregoing.

Resolution 22-198 - Resolution Extending Grace Period for Payment of 3rd Quarter 2022 Taxes

WHEREAS, N.J.S.A. 54:4-64 provides that third quarter tax bills were to be mailed at least 47 days prior to the due date of August 1, 2022; and

WHEREAS, because of delays outside of the Township's control, the bills could not be mailed prior to this deadline; and

WHEREAS, N.J.S.A. 54:4-66.3d provides that when third quarter tax bills cannot be mailed by June 14, taxes shall not be subject to interest until at least 25 days after the tax bills are mailed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that the interest charged as per Resolution No. 22-36, shall be waived if payment of third quarter tax bills is received by August 18, 2022. Any payments not made within this time shall be charged interest from the State set due date of August 1, 2022.

Resolution 22-199 - Resolution by The Township Committee of The Township of Middletown Authorizing the Township of Middletown to Enter into A Shared Services Agreement with The County of Monmouth to Provide The iTax Map/Collaboration Center System (Tax Map Conversion and Maintenance Services)

WHEREAS, The Uniform Shared Services and Consolidation Act (C.40A:565-1, et seq.), authorizes local units of this State to enter into a contract with any other local unit(s) for the joint provision within their several jurisdictions of any service, which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, in accordance with N.J.A.C. 18:23A-1.1, each municipality is to provide for the preparation of yearly revisions to their tax maps;; and

WHEREAS, a County-to-Municipality shared services program would provide map conversion and maintenance services, ushering in the transition from analog to a Countywide standard of state-certified digital tax maps for all 53 municipalities; and

WHEREAS, the intent of the digital tax map shared services program is to reduce municipal costs in complying with the law and provide for the most up-to-date GIS parcel layer and tax map data for public and government stakeholders; and

WHEREAS, this service provides participating municipalities with numerous benefits, including: anticipated cost-savings through economies-of-scale; reduce cost to comply with state regulations and standards; transition from analog to state-certified digital maps; streamlined editing and ongoing maintenance procedures; more consistent and accurate municipal and County-wide information; unprecedented assemblage of data made available to taxpayers, municipalities and the County; and seamless flow of tax information into GIS and additional information systems.

WHEREAS, the County of Monmouth has the facilities to provide the aforesaid services; and

WHEREAS, there are no costs for the municipality for the initial two (2) years of service, during with the County shall pay for the conversion and maintenance of all parcels within the municipality to a County/State digital standard; and

WHEREAS, once all municipalities participating in the iTaxMap/Collaboration Center System, pursuant to a Shared Services Agreement have been brought to the County/State digital standard, a per parcel annual maintenance cost shall be determined and presented to all municipalities for review and consideration; and

WHEREAS, the County will bear the costs associated with maintaining and hosting the iTaxMap/Collaboration Center System applications within the County's IT facilities; and

WHEREAS, any and all additional costs of releases or future add-ons will be mutually agreed upon by the municipalities; and

WHEREAS, the Agreement shall be effective upon execution and terminate on December 31, 2025, unless sooner terminated or extended; and

WHEREAS, the County and the Township will have the right to terminate the Agreement upon ninety (90) days written notice;

WHEREAS, it is in the best interest of the Township of Middletown to enter into such an Agreement.

NOW, THEREFORE, IT BE RESOLVED, that the governing body of Township of Middletown hereby approves entry into the aforementioned Shared Services Agreement with the County of Monmouth consistent with the foregoing.

BE IT FURTHER RESOLVED, that the Mayor, Township Administrator and Township Clerk are each hereby authorized and directed to execute the attached Shared

Regular Meeting

Services Agreement, for the provision of the iTax Map/Collaboration Center System, on behalf of the Township.

BE IT FURTHER RESOLVED, that the Township Clerk shall forward a certified copy of this Resolution to the Following:

1. Monmouth County, Administrator
2. Township of Middletown, Tax Assessor
3. Township of Middletown, Administrator

Resolution 22-200 - Resolution Authorizing Memorandum of Agreement with Middletown CWA 1075 And the White Collar Bargaining Unit.

WHEREAS, a Memorandum of Agreement (“MOA”) has been proposed as a result of negotiations instituted by and between the Township of Middletown (“the Township”) and the CWA 1075 Representing the Middletown Township White Collar Unit (Bargaining Unit) to establish terms and conditions of a Collective Bargaining Agreement covering the period of January 1, 2020 through December 31, 2025; and

WHEREAS, said good faith negotiations have resulted in a proposed new Collective Bargaining Agreement; and

WHEREAS, ratification of the MOA by the Bargaining Unit occurred on or about July 14, 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 the Collective Bargaining Agreement with the CWA 1075 and the Middletown White Collar Bargaining Unit for the period covering January 1, 2020 through December 31, 2025, is hereby formally ratified by the governing body of the Township of Middletown pursuant to the terms and conditions of the MOA attached hereto and made part hereof.

BE IT FURTHER RESOLVED that the Township Administrator and Township Clerk are hereby authorized and directed to execute the said MOA annexed hereto and made part hereof on behalf of the Township upon its ratification by the Township on July 18, 2022.

Resolution 22-201 – Resolution Authorizing the Payment of Bills for July 18, 2022

The Township Committee hereby approves a resolution for the payment of bills for July 18, 2022 in the amount of \$12,408,434.68

Resolution 22-202 - Authorizing the Purchase by The Township of Middletown of Property Located At Block 795, Lot 11.04, Commonly Known As 154 Ironwood Court For The Purpose Of Preserving It As An Affordable Housing Unit

WHEREAS, pursuant to the Fair Housing Act, the Township of Middletown (the “Township”) has adopted a Housing Element and Fair Share Plan (the “Plan”) for the administration of affordable housing units within its borders to protect the Township from builder’s remedy litigation; and

WHEREAS, the Township conveyed an affordable housing unit located at Block 795, Lot 11.04 on the official Tax Map of the Township, commonly known as 154 Ironwood Court, Middletown, New Jersey (the “Unit”) to Michael and Michelle Matick (collectively, the “Owner”) in 2006 for the sum of \$140,073 subject to restrictions contained in an Affordable Housing Agreement (the “Agreement”); and

WHEREAS, the Agreement provides that the Unit must be sold during the term of the Agreement at a price determined by regulations established by the Council on Affordable Housing (“COAH”) and updated by the Affordable Housing Professionals of New Jersey, and in the event of the owner’s inability to sell the Unit to an income-eligible person within a specified period, the Township may purchase the Unit at the COAH specified price for later resale to an income-qualified person, so as to continue the Unit as a credited affordable housing unit pursuant to the Plan; and

WHEREAS, the Owner of the Unit has been unable to sell the Unit to an income-eligible person within the time prescribed in the Agreement and the recommendation of the Township’s Director of Planning and Township Administrator is to acquire the Unit utilizing funds available from the Township’s Affordable Housing Trust Fund so as to retain it as a credited affordable housing unit in the Township’s Plan and arrange for the subsequent conveyance of the Unit to an income-eligible person; and

WHEREAS, the Maximum Resale Price of the Unit is currently \$216,486, and in light of the Township’s accommodation to purchase the Unit, the Owner has agreed to a reduction in the purchase price in the amount of \$5,000 for the total purchase price of \$211,486 (the “Purchase Price”).

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middletown that the Township as the Affordable Housing Authority is authorized to contract for and take all necessary actions required to acquire the affordable housing unit located at Block 795, Lot 11.04 on the official Tax Map of the Township, commonly known as 154 Ironwood Court, Middletown, New Jersey from Michael and Michelle Matick at the COAH specified price of \$216,486 minus the Owner Reduction for a total purchase price of \$211,486 (the “Purchase Price”) so as to retain the Unit as part of its

Regular Meeting

Affordable Housing Plan subject to available funds from the Affordable Housing Special Trust.

BE IT FURTHER RESOLVED, that the Mayor, Township Clerk and Township Attorney are authorized to execute the appropriate contract, a form of which is annexed hereto as Exhibit “A”, and all documents necessary to effectuate the purchase of the affordable housing unit as set forth therein and to deliver the Purchase Price to Owner.

BE IT FURTHER RESOLVED, that if any sentence, paragraph or section of this resolution, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this resolution shall lose its force and effect, such judgement or action shall not affect, impair or void the remainder of this resolution.

BE IT FURTHER RESOLVED, that this resolution shall be effective immediately upon passage according to law.

Bingo and Raffle Applications

Thompson Middle School PFA	22-72
Thompson Middle School PFA	22-73
St. Benedict Catholic Church & School	22-74
St. Benedict Catholic Church & School	22-75
St. Benedict Catholic Church & School	22-76
St. Benedict Catholic Church & School	22-77
Ladies Ancient Order of Hibernians	22-78
Navesink Hook & Ladder Fire Co.	22-79
Navesink Hook & Ladder Fire Co.	22-80
Harmony School PTO, Inc.	22-81
Harmony School PTO, Inc.	22-82
Harmony School PTO, Inc.	22-83

TOWNSHIP COMMITTEE ACTING AS THE ABC ISSUING AUTHORITY

Township Clerk Heidi Brunt requested a motion to adopt resolution 22-203 Authorizing the Place to Place transfer Plenary Retail Distribution License 1331-44-043

It was moved by Mayor Perry and seconded by Deputy Mayor Hibell and carried to adopt Resolution 22-186

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

Regular Meeting

Absent: None

Resolution 22-203 - Resolution Authorizing Place-To-Place for Liquor License Transfer Plenary Retail Distribution License 1331-44-043

WHEREAS, Middletown Bottle King, Inc., 1060 RT 35 SOUTH MIDDLETOWN, NJ 07748 submitted an application for a Place-to-Place Transfer on May 18, 2022, and

WHEREAS, the application has been deemed complete and the Township of Middletown has no objection to the place-to-place transfer to the new location of 1126 RT 35 SOUTH MIDDLETOWN, NJ 07748; and

WHEREAS, the License has been properly renewed for the current license term, and the applicant/licensee is qualified to be licensed according to the requirements of Title 33 of the New Jersey Statutes as well as local ordinances consistent with Title 33 and the applicant/licensee has disclosed the necessary requirements for this application.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown that the Township Committee, acting. as the local A.B.C. Board, approves the Place-to-Place transfer of Plenary Retail Distribution License #1331-44-043 held by Middletown Bottle King, Inc at its new location; and

BE IT FURTHER RESOLVED that a certified copy of the Resolution and Application be provided by the Office of the Township Clerk to each of the following: NJ State Division of the Alcohol Beverage Control, Middletown Township Police Department, and Middletown Bottle King, Inc., 1126 RT 35 SOUTH MIDDLETOWN, NJ 07748.

Township Clerk Heidi Brunt requested a motion to adopt resolution 22-204 Authorizing the Renewal of Liquor Licenses with Special Rulings for the 2022-2023 Licensing Term.

It was moved by Mayor Perry and seconded by Deputy Mayor Hibell and carried to adopt Resolution 22-204

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

Resolution 22-204 - Resolution Authorizing the Renewal of Liquor Licenses with Special Rulings for the 2022-2023 Licensing Term

WHEREAS, applications have been made to the Middletown Township Committee for Liquor Licenses in the Township of Middletown for the licensing year beginning July 1,

Regular Meeting

2022 and ending June 30, 2023 accompanied by an assigned fee per Chapter 240-1A of the Code of the Township of Middletown.

WHEREAS, the premises where the licenses are sought have been duly inspected by the Office of the Chief of Police of the Township of Middletown, have received a special ruling for renewal from the Director of the NJ ABC, and it appearing that the applications are in due form and that all legal formalities have been met.

License Number	Licensee	Status
1331-33-018-006	Thomas W. Stavola	Inactive
1331-33-030-011	John Orrico	Inactive

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:

Committeewoman Kratz, congratulated Mr. Sommerville on his 50 years of service, it is so impressive. She also congratulated the Middletown High School North Boys Track and Field Team for their winning the State Sectional Championship. She stated there are a lot of winning teams coming out of High School North these days. She commented she is looking forward to the Joyce P. Murphy Children's Garden.

Committeeman Clarke, congratulated Tom Sommerville for his 50 years of service and his hard work and dedication. He congratulated the Middletown North Boys Track and Field team on winning the State Sectional Championship. He also commented on the new 988 hotline phone number for mental health issues and encouraged people to pass this information on to others.

Committeeman Settembrino, also wanted to congratulate Thomas Sommerville on his 50 years of service. He wanted to bring attention to the Middletown High School North Boys Track and Field Team which shows that actions speak louder than words, great representation for the Township.

Deputy Mayor Hibell, congratulated Tom Sommerville he is they guy on the top shelf with the tool belt who knows everything.

Mayor Perry, he emphasized the importance of the 988 crisis center hotline and that the duty of the governing body is to ensure that residents have all the resources they need. Please do not hesitate spread the word and to pass this number along. He congratulated the Hesse family for Charlies at Lincroft and unbelievable business and the loss of Larry Hess earlier

Regular Meeting

this year. He thanked Commissioner Tom Arnone and the Board for the numerous grants awarded to non-profits. Among the recipients were No Limits Café and The Middletown Arts Center.

PUBLIC COMMENTS:

Tara Fleming, 49 Brandywine Way, commented that she read the Patch update regarding the funding for the Kings Highway roadwork. She asked the Committee if they could contact New Jersey Transit regarding the condition of the train bridge. Mayor Perry responded that they will be contacting them and asking them to replace the bridge. She also inquired if there were any updates on the Microgrid, Mayor Perry responded that conversations are continuing.

ADJOURNMENT

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adjourn at 8:00 pm.

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

Clerk Brunt stated motion carried to adjourn.

Respectfully submitted,

Heidi R Brunt
Township Clerk

Approved:

Anthony S. Perry, Mayor