

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 January 19, 2021.

Deputy Township Clerk Sena called the meeting to order and read the following notice:

The Notice Requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to The Star Ledger, The Independent and Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 7, 2021.

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

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Assistant Township Administrator James Van Nest (virtual) and Deputy Township Clerk Kaaren Sena.

PLEDGE OF ALLEGIANCE

Deputy Township Clerk Sena led the assembly in the Pledge of Allegiance.

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

CERTIFICATE OF APPRECIATION/PROCLAMATION

Life Saving Valor Award Presented to Five Middletown North Students

Mayor Perry presented a Life Saving Valor Award to five Middletown High School North Students who were attending the meeting with their parents virtually. The students were Tyler Armagan, Ryan Day, Joseph Dietrich, Kieran Foley and Drew Scalice. Each student was presented with a personalized Life Saving Valor Award which read as follows:

In recognition of forming a human chain with your friends to save two young children when their sled careened into an icy pond on December 17, 2020.

You are a community hero and we are so grateful that everyone remained safe due to your quick thinking. We commend you for being a role model and hope that your selfless actions will inspire fellow citizens to go above and beyond to help others.

APPROVAL OF MINUTES

Deputy Township Clerk Sena 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:

December 21, 2020 Regular Meeting and January 3, 2021 Reorganization Meeting.

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

Deputy Township Clerk Sena stated Motion carries to approve the minutes.

CONSENT AGENDA

Deputy Township Clerk Kaaren Sena requested a motion to adopt a consent agenda including Resolutions 21-46 through 21-59 and Bingo and Raffle Applications.

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

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

Deputy Township Clerk Kaaren Sena stated the motion carried to adopt the consent agenda.

Resolution 21-46 – Parliamentary Procedures

BE IT RESOLVED by the Township Committee of the Township of Middletown, County of Monmouth and State of New Jersey that the Township Committee will adopt Robert's Rules of Order for use as parliamentary procedure for all Township Committee Meetings.

Resolution 21-47 - Resolution Authorizing Relocation Agreement and Ground Lease Amendment by and Between Mw Cell Reit 1 LLC, Crown Atlantic Company LLC, Township of Middletown, And Middletown Municipal Complex Urban Renewal LLC

WHEREAS, in 1996, the Township of Middletown (“**Middletown**”) initially entered a Ground Lease Agreement for the cellular tower site on the town hall property, which has undergone various expansions, assignments and amendments since that time that will currently continue through June 30, 2033; and

WHEREAS, on June 28, 2019, Middletown conveyed Block 815, Lot 1.02 (the “**Property**”) including the cellular tower site for the redevelopment of the new town hall complex, but did not convey or assign its interests in the cell tower site lease; and

WHEREAS, to facilitate the redevelopment of the new town hall, which is underway, the redeveloper, public utilities, cell tower site tenants and Middletown have collectively worked to secure agreement and approval on plans to relocate some of the facilities, utilities and access ways servicing the cell tower site requiring the entry of a relocation agreement and lease amendment to be entered between the various parties.

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 authorizes and directs the Mayor to execute the attached form of Relocation Agreement and Third Amendment to Ground Lease Agreement and Grant of Easement by and between MW Cell REIT 1 LLC, Crown Atlantic Company LLC, Middletown Municipal Complex Urban Renewal LLC and the Township of Middletown attached hereto and made part hereof subject to the terms and conditions contained therein.

Resolution 21-48 - Resolution Authorizing Entry of New Municipal Services Agreement with The Village at Chapel Hill Condominium Association, Inc.

WHEREAS, the Village at Chapel Hill Condominium Association, Inc. and the Township of Middletown had previously entered a Municipal Services Agreement under the Municipal Services Act (N.J.S.A. 40:67-23.2) in 2012; and

WHEREAS, the 2012 Municipal Services Agreement was determined to no longer be reflective of the current municipal services provided to all Township residents, therefore, requiring it to be renegotiated and updated to reflect current conditions, including the 2018 change to the Township-wide garbage and recycling collection system.

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 of Middletown and the Village at Chapel Hill Condominium Association, Inc.

Resolution 21-49 - Resolution Authorizing Issuance of Requests for Proposals for Marketing of Recyclable Materials Collected from Township Recycling Convenience Centers

WHEREAS, N.J.S.A. 40A:11-5(s) provides an exemption from public bidding for the marketing of recyclable materials collected from municipal convenience centers; and

WHEREAS, the Township of Middletown ("**Township**") operates two municipal convenience centers, one at its Kanes Lane facility and one at the Train Station Parking Lot that are collection points for a wide variety of recyclable materials; and

WHEREAS, the Township's prior contracts have expired and it has been recommended by the Department of Public Works that the Township seek new proposals for the marketing of recyclable materials collected at the Township's convenience centers.

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 authorizes and directs the solicitation of requests for proposal for the marketing of recyclable materials collected at the Township's two convenience centers.

Resolution 21-50 - Resolution Authorizing Appointment of the Emergency Management Coordinator

Be It Resolved by The Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey, As Follows:

1. That Charles Rogers, III be and is hereby appointed as the Coordinator of Emergency Management for a term of three years expiring December 31, 2023.
2. The Township Clerk shall send a certified copy of this resolution to the following:
 - a. Police Department
 - b. Emergency Management
 - c. Charles Rogers, III

Resolution 21-51 - Resolution Authorizing Renewal of Agreement with the Monmouth County SPCA for Housing of Stray Animals

WHEREAS, the Monmouth County SPCA, a nonprofit organization, provides housing, adoption and related services for stray animals for the Township of Middletown ("**Township**"); and

WHEREAS, there are limited facilities for the housing of stray animals in the County of Monmouth at this time; and

WHEREAS, the estimated cost of renewing this Agreement for 2021 is estimated not to exceed \$40,000, which shall be subject to the certification of availability of funds provided by the Township's Chief Financial Officer; and

WHEREAS, the Township Committee believes it is in the best interest of the taxpayers of the Township to enter into such an Agreement for such services with the Monmouth County SPCA to help ensure the humane disposition of stray dogs and cats.

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 Clerk are hereby authorized to execute an Agreement with the Monmouth County SPCA for the provision of housing, adoption and related services for stray animals pursuant to the terms of the Agreement attached hereto with a copy of the Agreement being maintained for public review during regular business hours at the Township Clerk's Office.

Resolution 21-52 - Resolution Authorizing Renewal of Deer Carcass Removal Agreement with Kelly Winthrop LLC

WHEREAS, in 2006, the State of New Jersey ceased providing deer carcass removal services on local roadways and the New Jersey Council on Local Mandates held that while local governments do not need to provide such services, neither does the State; and

WHEREAS, the County of Monmouth has availed municipalities of the opportunity to participate in a countywide contract awarded to Kelly Winthrop LLC to pick-up deer carcasses, upon request by Township officials, at a greatly reduced rate of \$32.00 per carcass; and

WHEREAS, the Township's Health Director recommends the renewal of this Agreement through the county contract; and

WHEREAS, the estimated cost of renewing this Agreement for 2021 is estimated not to exceed \$3,500, which shall be subject to the certification of availability of funds provided by the Township's Chief Financial Officer; and

WHEREAS, the Township Committee believes it is in the best interests of the taxpayers of the Township of Middletown to renew this Agreement for 2021 to ensure the health and safety of Middletown residents and motorists.

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 Clerk are hereby authorized to execute an Agreement with Kelly Winthrop LLC for the provision of deer carcass removal services pursuant to the terms of the Agreement attached hereto with a copy of the Agreement being maintained for public review during regular business hours at the Township Clerk's Office.

Resolution 21-53 - 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 2021 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

WHEREAS, the total temporary emergency resolutions adopted in the Year 2021 for the Township pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:4-20) including this resolution total \$17,712,918.51 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 - 2021 Temporary Budget Worksheet		
Account Number	Description	Amount
1-01-20-140-100-200	MIS - O/E	114,000.00
1-01-30-410-217-208	Prior Year Bill - 2016 Monmouth County Clerk	24.00
1-01-41-700-100-521	Police - Child Passenger Safety Seat Grant	17,277.00
1-01-41-700-203-529	Police - Body Armor Replacement Fund (BARF)	7,374.87
	TOTAL	138,675.87

2. That said emergency temporary appropriations will be provided for in the 2021 budget under the appropriate titles.
3. That one certified copy of this resolution will be filed with the Director of Local Government Services.

Resolution 21-54 - Appointment of Special Law Enforcement Officer - Class II

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 and Class II); and Special Crossing Guards.

WHEREAS, § 44-7B of the Code of the Township of Middletown (1996) was amended and supplemented by Ordinance No. 2015-3136; and

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 Special Crossing Guards represents that the applicant named below meets all of 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 individual is hereby appointed as Special Law Enforcement Officer-Class II, in the Middletown Township Police Department for the calendar year of 2021.

Special Law Enforcement Officer - Class II - James Courtney

2. The Township Clerk shall send a certified copy of this resolution to each of the following:
- 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 21-55 - Resolution Authorizing Donation of 30 Year Old Pumper Truck To Holly Grove Volunteer Fire Department

WHEREAS, pursuant to N.J.S.A. 40A:11-36(2), local government entities may donate property no longer needed for any public purpose to another public entity; and

WHEREAS, the Township of Middletown ("**Township**") owns a 1991 Hush pumper fire truck (VIN No. 46JDBAA85M1003924) ("**Pumper Truck**") that has been replaced and is no longer needed for any public purpose; and

WHEREAS, the Holly Grove Volunteer Fire Department located in Bumpass, Virginia has sought the donation of a pumper truck.

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 authorizes the donation and transfer of title to the Township's Pumper Truck (VIN No. 46JDBAA85M1003924) to the Holly Grove Volunteer Fire Department, 143 Factory Mill Road, Bumpass, Virginia 23024 to be used to provide fire protection services for their residents.

Resolution 21-56 - Appointments to Planning Board

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 members of the Middletown Planning Board pursuant to the "Code of the Township of Middletown" for terms as set forth below:

ROSEANN ETESON
CLASS IV

SEAT XI
Expiring 12/31/2024

JOHN RENTSCHLER
CLASS II/PUBLIC OFFICIAL

SEAT III
Expiring 12/31/2021

- 2. The Township Clerk shall send a certified copy of this resolution to each of the following:
 - a. Each appointee listed above who shall present themselves before the Township Clerk to take and subscribe to the Oath of Office.
 - b. Planning Board

Resolution 21-57 - Appointment to Middletown Housing Authority

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 members of the Middletown Housing Authority for terms set forth below:

SUSAN HEFFERNAN

SEAT II
Expiring 12/31/2025

- 2. The Township Clerk shall send a certified copy of this resolution to each of the following:
 - a. The appointees listed above who shall present themselves before the Township Clerk to take and subscribe to the Oath of Office.
 - b. Middletown Housing Authority

Resolution 21-58 – Resolution Authorizing the Payment of Bills for January 19, 2021

The Township Committee hereby approves a resolution for the payment of bills for January 19, 2021 in the amount of \$2,465,241.06.

Resolution 21-59 - Resolution Authorizing Renewal of Township Administrator/Director of Public Safety’s Employment Agreement for Additional Three Year Term with Two One Year Renewal Options

WHEREAS, in 2014, the Township of Middletown (the “**Township**”) determined that it is in the best interest of the taxpayers to seek out employment contracts with key management employees that govern their salaries and benefits that are sometimes not clearly defined in the absence of a contract; and

WHEREAS, the Township entered into a contract with the Township Administrator, who also serves as the Director of Public Safety, in 2014 that was renewed in 2017 and expired December 31, 2019; and

WHEREAS, the Township Committee wishes to renew the Township Administrator’s contract for a new three year term with two one year renewal options; and

WHEREAS, the Township sought certain concessions relating to fringe benefits that have been accrued over decades of employment to limit the Township’s future exposure with respect to such higher salaried employees; and

WHEREAS, through negotiations, the Township Committee secured significant concessions such as securing the forfeiture of monetary value already accumulated while capping of the accrual of sick time for monetary value upon retirement.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of the New Jersey that the Mayor is hereby authorized and directed to execute the Employment Agreement between the Township and Anthony Mercantante attached hereto and made part hereof pursuant to the terms and conditions contained therein.

BINGO AND RAFFLE APPLICATIONS

VFW #2179 Middletown Township	21-01
American Legion Post #338	20-118-A
Oak Hill Academy	21-02
St. Mary's Church	21-03
Bayshore Middle School PTO	21-04
Bayshore Middle School PTO	21-05
Bayshore Middle School PTO	21-06
Navesink Hook & Ladder Co.	21-07
Vietnam Veterans of America	21-08

TOWNSHIP COMMITTEE COMMENTS:

Committeewoman Snell, commented she was pleased we were able to honor the five High School hero's who saved the children.

Committeeman Clarke, agreed with Committeewoman Snell about the young men we honored tonight.

Committeeman Settembrino, wished everyone a Happy New Year and stated this year we will tough out Covid 19

Deputy Mayor Hibell, also commended the five hero's for their live saving effort.

Mayor Perry, wished everyone a Happy New Year. He stated we continue to work to keep Middletown one of the safest Town's in America. He said that tomorrow we will swear in the 46th President of the United States wished him the best of luck.

PUBLIC COMMENTS:

None

ADJOURNMENT

It was moved by Deputy Mayor Fiore, seconded by Mayor Perry and carried to adjourn at 8:12 p.m.

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

Clerk Brunt stated motion carried to adjourn.

Respectfully submitted,

Heidi Brunt
Township Clerk

Approved:

Anthony S. Perry, Mayor