

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 February 20, 2024.

Township Clerk Heidi Pieluc 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 Middletown Sun and Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 11, 2024.

Roll Call Vote: Present: Clarke, Hibell, Kratz, Settembrino, Mayor Perry
Absent: None

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Township Clerk Heidi Pieluc Chief Financial Officer Colleen Lapp, and Deputy Township Clerk Kaaren Sena

PLEDGE OF ALLEGIANCE

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

Township Clerk Heidi Pieluc 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 Belford Engine Fire Company Volunteer George McGowan for 50 Years of Service

Township Clerk Heidi Pieluc invited George McGovern along with the Middletown Fire Chief's to join Mayor Perry at the front of the room.

Mayor Perry congratulated and thanked George McGowan for his service and dedication since joining the Fire Department in 1973. He was the first Captain to serve two consecutive years in 1984 and 1985. The Mayor presented him with a key to the city. George McGowan spoke and said that he was caught by surprise for the second time with this honor.

Regular Meeting

Presentation Recognizing Judge Steven P. Monaghan

Township Clerk Heidi Pieluc invited Judge Monaghan and Judge Berube to join Mayor Perry at the front of the room.

Mayor Perry thanked Judge Monaghan for his years of public service and presented him with a plaque.

APPROVAL OF MINUTES

Township Clerk Heidi Pieluc 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 18, 2023, Regular Meeting, January 7, 2024 Reorganization Meeting, February 5, 2024 Workshop Meeting.

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

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

PUBLIC HEARING OF PROPOSED ORDINANCES

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2024-3404 – **Ordinance Amending Sections 254-9 And 254-12 Of the Code of The Township of Middletown Expanding Fire Lane and Zone Enforcement Authority to The Police**

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.

Regular Meeting

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

Township Clerk Heidi Pieluc stated the motion carried to pass this ordinance.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2024-3405 – Ordinance Authorizing and Accepting Subdivision Deeds to Effectuate Lot Line Adjustment Between Block 502, Lot 2 And Block 502, Lot 5 (To Become Block 502, Lot 5.01) And Consolidation of Block 502, Lot 1, A Portion of Lot 2, Lot 7, And Block 503, Lots 10 And 11 (To Become Block 502, Lot 2.01)

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 Pieluc stated the motion carried to pass this ordinance.

INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2024-3406 – Ordinance Amending 2023-3384 – 2023/2024 Salary Ordinance

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

Regular Meeting

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

Township Clerk Heidi Pieluc stated motion carried to pass this ordinance on first reading with a public hearing to be held on March 4, 2024.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2024-3407 - Ordinance Amending § 12-15 Of the Code of The Township of Middletown Creating Two Additional Seats on The Veterans Affairs Committee

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 Pieluc stated motion carried to pass this ordinance on first reading with a public hearing to be held on March 4, 2024.

Township Clerk Heidi Pieluc read the following ordinance by title:

CONSENT AGENDA

Township Clerk Heidi Pieluc requested a motion to adopt a consent agenda including Resolutions 24-85 through 24-100

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:

Regular Meeting

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

Resolution 24-85 - Resolution Authorizing Payment of Compensated Absence Benefits for Retirement of John White

WHEREAS, John White has been employed by the Township of Middletown (the “**Township**”) since January 25, 1999; and

WHEREAS, effective January 31, 2024, John White retired with 25 years of service to the Township; and

WHEREAS, upon retirement as a Superintendent in the Department of Public Works, John White is entitled to compensated absence benefits in accordance with the Township’s contracts governing blue collar public works employees, therefore, entitling him to \$6,653.80 upon his retirement; and

WHEREAS, in accordance with N.J.S.A. 40A:9-165, the governing body must authorize all benefit related compensation for non-contractual management employees; and

WHEREAS, the Chief Financial Officer certifies that sufficient documentation exists as to the amount of the accumulated compensated absence benefits John White is entitled to and that funds are available to pay the amount due.

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 payment of \$6,653.80 to John White for accumulated compensated absence benefits made upon his retirement.

Resolution 24-86 - Resolution Appointing Susan Schroeder Clark as A Judge of The Middletown Municipal Court

WHEREAS, pursuant to N.J.S.A. 2B:12-5 and approval from the Assignment Judge of the Monmouth Vicinage of the Superior Court of New Jersey, the Township of Middletown (the “**Township**”) maintains two municipal court judgeships; and

WHEREAS, N.J.S.A. 2B:12-4 and § 27-4 of the Township Code provide that municipal court judges shall serve a term of three years and until a successor is appointed and qualified, and shall be compensated at the rate or salary set forth in the Township’s annual salary ordinance; and

Regular Meeting

WHEREAS, James E. Berube, Jr., Esq. serves as Presiding Judge of the Municipal Court to a term that was renewed on January 1, 2023; and

WHEREAS, Stephen P. Monaghan, Esq. also serves as a Judge of the Municipal Court to a term that was renewed on January 1, 2023; and

WHEREAS, on January 11, 2024, Stephen P. Monaghan, Esq. informed the Township that effective March 1, 2024, he will be resigning as a Judge of the Municipal Court; and

WHEREAS, in accordance with N.J.S.A. 2B:12-4a, the Township wishes to fill the vacancy being left by Judge Monaghan's resignation with Susan Schroeder Clark, Esq. for the remainder of his term running through December 31, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that Susan Schroeder Clark, Esq. is hereby appointed to serve as a Judge of the Middletown Municipal Court for the remainder of Judge Monaghan's term through December 31, 2025, and shall be compensated during said term pursuant to the Township's applicable salary ordinance.

Resolution 24-87 - 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 2024 is estimated not to exceed \$55,000, 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

Regular Meeting

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 24-88 - Resolution Authorizing Award of Contract to A Vendor with A National Cooperative Contract For (2) Two 2025 Kenworth T480 Conventional Single Axle Chassis

WHEREAS, the Township of Middletown as a contracting unit, may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf of the Sourcewell National Cooperative, pursuant to the provision of Local Public Contract Law P.L. 2011, C.139 (the "Law" or "Chapter 139") and N.J.S.A.52:34-6.2 and the regulations promulgated in Local Finance Notice LFN 2012-10, which permits contracting units to use contracts awarded by national or regional cooperatives or other states that were competitively bid. The law supplements existing law on the use of such contracts and is intended to provide additional flexibility to local government in the area of procurement; and

WHEREAS the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with; and

WHEREAS, the Qualified Purchasing Agent has complied with the public notification provisions of public advertisement and has received no protests in accord with law and regulation; and

WHEREAS, the Qualified Purchasing Agent, recommends the utilization of this contract based on the requirements of State Law; and

WHEREAS, under Sourcewell Contract #060920-KTC Gabrielli Truck Sales, an authorized dealer for Kenworth T480 Conventional Single Axle Chassis, can provide the Township with two (2) new 2025 Kenworth T480 Single Axle Chassis in the amount of \$584,812.86 per their quote dated January 26, 2024; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of **\$584,812.86** are available for this purpose in account/line-item number(s) C-04-55-922-355-003. 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 Gabrielli Truck Sales, under Sourcewell Contract #060920-KTC be utilized to provide two (2) new 2025 Kenworth T480 Conventional Single Axle Chassis in the amount of \$584,812.86.

Resolution 24-89 - Resolution Authorizing Entry of County of Monmouth Municipal Open Space Grant Agreement for Bodman Park Field Improvements

WHEREAS, the Monmouth County Board of County Commissioners (the “**County**”) has enacted an Open Space Trust Fund and established a Monmouth County Municipal Park Improvement Grant Program to assist municipalities by providing additional funding needed to make park improvements in municipal parks and open space; and

WHEREAS, on or about July 13, 2023, the Township of Middletown (the “**Township**”) made an application to the County for funding for certain field improvements at Bodman Park (Application No. 23-10); and

WHEREAS, the Township desires to enter into a Grant Agreement with the County for receipt of \$342,000 for improvements to Bodman Park, including the installation of synthetic turf field surface on the infield and outfield of existing baseball field #3, lighting, field upgrades, batting cages, and parking.

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 or Township Administrator are hereby authorized and directed to enter into the attached Grant Agreement with the County for the above-referenced project pursuant to the terms and conditions contained therein.

Resolution 24-90 - Resolution Authorizing the Award of Contract for Professional Engineering Services for McClees Creek Flood Study

WHEREAS, the Township of Middletown (the “**Township**”) requires professional engineering services in relation to the McClees Creek Flood Study; and

WHEREAS, pursuant to the fair and open process and Resolution No. 24-17, the Township previously qualified multiple engineering firms to provide consulting engineering services; and

WHEREAS, the Township has received a proposal from T&M Associates to provide the required professional engineering services in the amount not to exceed \$98,500.00, 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:

Regular Meeting

1. It hereby authorizes the award of a contract to T&M Associates 11 Tindall Road Middletown, NJ 07748 for professional engineering services related to McClees Creek Flood Study in an amount not to exceed \$98,500.00.
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 24-91 - Resolution Authorizing the Award of Contract for Professional Engineering Services for Construction Administration And Inspection

WHEREAS, the Township of Middletown (the “**Township**”) requires construction administration and inspection services in relation to the East Road Roadway Improvements – Phase 2 project; and

WHEREAS, pursuant to the fair and open process and Resolution No. 24-17, the Township previously qualified multiple engineering firms to provide consulting engineering services; and

WHEREAS, the Township has received a proposal from T&M Associates to provide the required professional engineering services in the amount of \$68,800.00, 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 T&M Associates, 11 Tindall Road, Middletown, NJ 07748 for professional engineering services related to the East Road Roadway Improvements – Phase 2 project in an amount not to exceed \$68,800.00.
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 24-92 - Resolution Authorizing the Extension of The Contract for Tree Trimming & Removal

WHEREAS, the Township advertised for and received bids for contract #22-06 – Tree Trimming and Removal in accordance with N.J.S.A. 40A:11-1 et seq.; and

Regular Meeting

WHEREAS, Flynn’s Tree Service (the Contractor) was awarded the initial two year contract with options for two (2) one (1) year extensions; and

WHEREAS, it is the recommendation of the Director of the Department of Public Works to execute the first one (1) year extension as services are being performed in an effective and efficient manner by the Contractor; and

WHEREAS, pursuant to the pricing provided for extension year one, pricing will remain at \$70.00 per hour; not to exceed \$180,000.00; and

WHEREAS, the contract term shall begin April 25th, 2024, and end April 24th, 2025; and

WHEREAS, the appropriation to be charged is Budget Line Item #4-01-26-290-100-276, and no amount of this contract shall be chargeable until certification of available funds are made and upon receipt of a properly executed Purchase Order.

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown that the contract for Tree Trimming and Removal is renewed with Flynn’s Tree Service and is hereby extended for a period of one year pursuant to the terms of their bid submitted on April 5th, 2022, and that the appropriate officials be and are hereby authorized to execute the contract with the contractor.

Resolution 24-93 – Resolution Authorizing the Extension of The Contract for Marketing of Corrugated Cardboard, Commingled Material, Mixed Paper, Single Stream Recycling, And Lead Acid Batteries Collected from The Township of Middletown’s Recycling Centers

WHEREAS, the Township advertised for and received proposals for the marketing of recyclable materials pursuant to the Fair and Open Process (N.J.S.A. 19:44A-20.5); and

WHEREAS, Mazza Recycling Services (the Contractor) was awarded the initial three year contract with options for two (2) one (1) year extensions; and

WHEREAS, it is the recommendation of the Director of the Department of Public Works to execute the first one (1) year extension as services are being performed in an effective and efficient manner by the Contractor; and

WHEREAS, pricing will be pursuant to the pricing provided for extension year one as shown in Exhibit A; and

Regular Meeting

WHEREAS, the contract term shall begin April 20th, 2024, and end April 19th, 2025;
and

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown that the contract for Marketing of Recyclable Materials is renewed with Mazza Recycling Services and is hereby extended for a period of one year pursuant to the terms of their proposal submitted on February 26th, 2021, and that the appropriate officials be and are hereby authorized to execute the contract with the contractor.

Resolution 24-94 - 2024 Resolution Authorizing State Contract & State Approved Cooperative Purchases

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 and various other State approved purchasing cooperatives authorized by N.J.S.A. 40A:11-11, N.J.A.C. 5:34-7.1, 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, two lists have been attached hereto showing state and cooperative contract vendors, contract numbers, and maximum amounts from which purchases may be made during the calendar year 2024.

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 lists in accordance with the terms of the State or Cooperative 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 24-95 - Resolution Concurring with The Township of Middletown Planning Board's Redevelopment Investigation Findings and Designating the Delineated Area of Block 825, Lot 55.01 (Commercial Tract of The Circus Liquors Redevelopment Plan Area) As an Area in Need of Redevelopment for Condemnation Purposes

WHEREAS, on September 18, 2017, by Resolution No. 17-239, the governing body of the Township of Middletown (the "**Township**"), acting as the Township's Redevelopment Entity, authorized and requested the Township's Planning Board (the "**Planning Board**") to undertake a preliminary investigation ("**Investigation**") to determine whether 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 638, Lot 31.01; Block 870, Lots 1 and 2; and Block 871, Lots 3 and 7.02 (the "**Area of Investigation**") qualify as an "area in need of redevelopment" for non-condemnation purposes according to the criteria set forth in the Local Redevelopment and Housing Law ("**LRHL**"), specifically N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, Francis Reiner, LLA, PP of DMR Architects publicly presented a "Report of Preliminary Investigation for Determination of an Area in Need of Redevelopment" for the designated Area of Investigation dated December 2017 (the "**Investigation Report**"); and

WHEREAS, the Investigation Report determined that much of the Area of Investigation, including properties now consisting of Block 825, Lot 55.01, evidence conditions and characteristics that qualify the Area of Investigation as an "area in need of redevelopment" because it collectively satisfies the criteria of the LRHL under N.J.S.A. 40A-12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, on December 6, 2017, the Planning Board held a properly noticed public hearing pursuant to the requirements of N.J.S.A. 40A:12A-6 concerning the Area of Investigation; and

WHEREAS, on December 6, 2017, the Planning Board received uncontested testimony from Mr. Reiner, providing a first-hand account of the conditions that he observed during his exhaustive examination of the properties within the Area of Investigation, which confirmed the description of the conditions and findings contained in the Investigation Report; and

WHEREAS, on December 6, 2017, the Planning Board recommended that the Township designate portions of the Area of Investigation, including properties now consisting of Block 825, Lot 55.01, as a non-condemnation area in need of redevelopment

due to the substantial evidence that they 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, on December 18, 2017, the Township adopted Resolution No. 17-294 accepting the Planning Board’s recommendation adopting the findings of the Investigation Study and declaring that the Area of Investigation qualifies as an area in need of redevelopment for non-condemnation purposes based on the criteria set forth under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, on August 20, 2018, pursuant to Ordinance No. 2018-3232, the Township adopted the Circus Liquors Redevelopment Plan (the “**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, on January 9, 2019, pursuant to Resolution No. 2018-105, the Planning Board granted minor subdivision approval resulting in the establishment of Block 825, Lots 53.02, 53.03 and 55.01 within the Redevelopment Plan area on the Township’s official tax map; and

WHEREAS, in accordance with the Redevelopment Plan, site plan approval was granted by the Planning Board for inclusionary affordable residential development upon Block 825, Lots 53.02 and 53.03; and

WHEREAS, the withdrawal of the redeveloper of the Commercial Tract consisting of Block 825, Lot 55.01 in the middle of the COVID-19 pandemic, and the lack of action by the property owner since that time, led the Township to desire to investigate whether Block 825, Lot 55.01 qualifies as an “area in need of redevelopment” for condemnation purposes to advance the redevelopment of the property pursuant to the Redevelopment Plan; and

WHEREAS, on August 21, 2023, by Resolution No. 23-228, the Township authorized and requested the Planning Board to undertake another Investigation Study to determine whether Block 825, Lot 55.01 qualifies as an “area in need of redevelopment” for condemnation purposes according to the criteria set forth in the LRHL, specifically N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, on September 18, 2023, pursuant to Ordinance No. 2023-3390, the Township adopted various amendments to the Redevelopment Plan; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the Planning Board specified and gave public notice that on February 7, 2024, a hearing would be held for the purpose of hearing persons who are interested in or would be affected by a determination that Block 825, Lot 55.01 is an area in need of redevelopment as that term is defined under the LRHL for condemnation purposes; and

WHEREAS, Francis Reiner, LLA, PP of DMR Architects publicly presented a “Report of Preliminary Investigation for Determination of an Area in Need of Redevelopment” for Block 825, Lot 55.01 dated January 2024 (the “**Condemnation Investigation Report**”), which is attached hereto and made part hereof as **Exhibit A**; and

WHEREAS, the Condemnation Investigation Report determined that Block 825, Lot 55.01 evidences conditions and characteristics that qualify it as an “area in need of redevelopment” because it satisfies the “a” and “d” statutory criteria in N.J.S.A. 40A-12A-5; and

WHEREAS, regarding criterion “a”, Block 825, Lot 55.01 includes five single family homes, of which four appear to be abandoned and vacant, with three in a state of complete disrepair, reflecting substandard, unsafe, unsanitary and dilapidated conditions such as collapsing structures as well as broken, damaged, rotting, cracked components, that are conducive to unwholesome living or working conditions, as detailed in the Condemnation Investigation Report; and

WHEREAS, also regarding criterion “a”, the former commercial properties within Block 825, Lot 55.01 reflect a history of police incidents and lack access management, signage and striping for parking areas; lack site lighting, visible storm water management, and ADA compliance issues; include lengthy driveway openings without directional signage; and the conditions of the buildings are dilapidated and unsafe and portions are falling down in areas of pedestrian activity, as detailed in the Condemnation Investigation Report; and

WHEREAS, regarding criterion “d”, Block 825, Lot 55.01 includes five single family homes, of which four appear to be abandoned and vacant, with three in a state of complete disrepair, which reflect “dilapidation” that is detrimental to safety, health, and the general welfare of the community, as detailed in the Condemnation Investigation Report; and

WHEREAS, also regarding criterion “d”, the site conditions on the former commercial properties within Block 825, Lot 55.01 reflect excessive pavement with a lack of vehicular access management, directional signage and striping in the parking areas causing confusion for vehicles and pedestrians; no visible stormwater management facilities forcing water and sediment into the Route 35 right of way and exacerbating flooding during peak

rain events causing dangerous conditions; a lack of lighting in parking areas creating unsafe conditions by limiting visibility; poor condition of the parking lot; and no sidewalks or defined pedestrian pathways, as detailed in the Condemnation Investigation Report; and

WHEREAS, on February 7, 2024, the Planning Board held a properly noticed public hearing pursuant to the requirements of N.J.S.A. 40A:12A-6 concerning Block 825, Lot 55.01; and

WHEREAS, the hearing was open to all persons from the public who were generally interested in or would be affected by a finding that Block 825, Lot 55.01 constitutes an area in need of redevelopment for condemnation purposes under N.J.S.A. 40A:12A-5; and

WHEREAS, on February 7, 2024, the Planning Board received testimony from Mr. Reiner, providing a first-hand account of the conditions that he observed during his exhaustive examination of Block 825, Lot 55.01, which confirmed the description of the conditions and findings contained in the Condemnation Investigation Report; and

WHEREAS, on February 7, 2024, the Planning Board recommended that the Township designate Block 825, Lot 55.01 as a condemnation area in need of redevelopment due to the substantial evidence that it meets the criteria enumerated in the Condemnation Investigation Report, pursuant to N.J.S.A. 40A:12A-5(a) and (d).

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 adopts the above recitals, findings of the Planning Board and the Condemnation Investigation Report attached hereto as **Exhibit A** prepared by Francis Reiner, LLA, PP of DMR Architects, as if set forth fully herein, therefore, determining and hereby declaring that Block 825, Lot 55.01 is hereby determined to be an “Area in Need of Redevelopment” according to the criteria set forth under N.J.S.A. 40A:12A-5 for condemnation purposes.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:12A-6(b)(5)(c), the Municipal Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Commissioner of the Department of Community Affairs for review.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Municipal Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon all record owners of Block 825, Lot 55.01 as those names are listed within the official Tax Assessor’s records within 10 days of the adoption hereof.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Municipal Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon each person, if any, who filed a written objection and stated in such submission an address to which notice of this determination may be sent.

BE IT FURTHER RESOLVED that that a certified copy of this Resolution and underlying documents shall be available for public inspection during regular business hours at the Office of the Municipal Clerk.

Resolution 24-96 - Resolution Authorizing Issuance of Request for Expressions of Interest to Qualified Redevelopers for The Redevelopment of Block 825, Lot 55.01 Consisting of The Commercial Tract of The Circus Liquors Redevelopment Plan Area

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 private Redeveloper; and

WHEREAS, the Township Committee, as the governing body, 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 within the Township (the “**Redevelopment Entity**”); and

WHEREAS, on December 18, 2017, pursuant to Resolution No. 17-294, the Township designated the predecessor lots to Block 825, Lot 55.01 as an area in need of redevelopment for non-condemnation purposes; and

WHEREAS, on August 20, 2018, pursuant to Ordinance No. 2018-3232, the Township adopted the Circus Liquors Redevelopment Plan (the “**Redevelopment Plan**”), which includes Block 825, Lot 55.01; and

WHEREAS, on September 18, 2023, pursuant to Ordinance No. 2023-3390, the Township adopted various amendments to the Redevelopment Plan; and

WHEREAS, on February 20, 2024, pursuant to Resolution No. 24-95, the Township has designated Block 825, Lot 55.01 as an area in need of redevelopment for condemnation purposes; and

Regular Meeting

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 without standard public bidding, but nevertheless enables the Township to solicit proposals from qualified redevelopers through processes that it determines are fair and reasonable; and

WHEREAS, given the geographic and strategic importance of the Redevelopment Plan area that was planned and designed by professionals over many years to contain both residential and commercial components along State Highway 35, the Township wishes to proactively solicit proposals through the issuance of a Request for Expressions of Interest (“**RFEI**”) to qualified redevelopers setting forth the Township’s planning objectives, goals and evaluation criteria.

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 Township Administrator, in conjunction with the Township’s redevelopment professionals, to prepare and issue an RFEI to solicit proposals from qualified redevelopers for the redevelopment of Block 825, Lot 55.01, which shall be returnable approximately 90 days from its date of issuance.

Resolution 24-97 - Resolution Releasing the Performance Guarantee for Cherry 35 Holdings LLC (Block 600, Lot 41)

WHEREAS, the developer of the site known as Cherry 35 Holdings, had posted with the Township a Performance Guarantee in the amount of \$69,417.00; and

WHEREAS, T&M Associates, as set forth in their letter of February 7, 2024, have recommended that the performance guarantee in the form of a Cash Bond in the amount of \$62,475.30 and a cash deposit in the amount of \$6,941.70 be released without the need for a maintenance bond; and

WHEREAS, the Township Committee agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Middletown Township Committee that the Performance Guarantee be released.

Regular Meeting

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

- a. T&M Associates
- b. Planning
- c. Cherry 35 Holdings LLC
Thomas Stavola, Registered Agent
620 Tinton Ave, Bldg B, Ste 200,
Tinton Falls, NJ 07724

Resolution 24-98 - 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 2024 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 2024 for the Township pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:4-20) including this resolution total \$24,071,045.71 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 - 2024 Temporary Budget Worksheet		2/20/2024 Meeting
Account Number	Description	
4-01-20-100-101-100	Purchasing S&W	10,000.00
4-01-20-110-100-100	Township Committee S&W	200.00
4-01-20-130-100-100	Finance S&W	23,000.00
4-01-20-145-100-100	Tax Collector S&W	16,000.00
4-01-20-150-100-100	Tax Assessor S&W	16,000.00
4-01-20-155-100-200	Legal O/E	33,000.00
4-01-21-180-101-100	Planning Board S&W	1,000.00
4-01-21-185-100-100	Zoning Board S&W	1,000.00
4-01-22-195-100-100	Building Dept. S&W	51,000.00
4-01-23-220-100-200	Insurance O/E	600,000.00
4-01-23-225-100-200	Unemployment Insurance - Unemployment	16,875.00
4-01-25-240-100-100	Police S&W	322,000.00
4-01-25-252-100-101	Emergency Management S&W	700.00
4-01-25-260-100-100	First Aid S&W	100.00
4-01-25-265-101-100	Uniform Fire Safety S&W	29,000.00
4-01-26-290-100-100	Dept of Public Works & Engineering S&W	2,000.00
4-01-26-290-101-100	DPW Storm Response S&W - Storm Overtime	36,875.00
4-01-26-290-101-200	DPW Storm Response O/E	115,056.25
4-01-26-290-102-100	DPW Parks S&W	8,000.00
4-01-26-290-104-200	DPW Administration & Engineering O/E	20,000.00
4-01-26-305-100-100	Solid Waste & Recycling S&W	75,000.00
4-01-26-315-100-100	DPW Fleet Maintenance S&W	8,000.00
4-01-27-330-101-100	Alliance S&W	4,000.00
4-01-27-340-100-000	Animal Control S&W	2,000.00
4-01-30-410-229-208	Prior Year Bill - 2021 eFax Corporate	259.90
4-01-30-410-230-208	Prior Year Bill - 2022 eFax Corporate	316.82
4-01-36-472-200-284	Statutory - Social Security	81,000.00
4-01-36-477-200-284	Defined Contribution Retirement Program (DCRP)	9,000.00
4-01-43-490-100-100	Court S&W	4,000.00
4-01-43-495-100-101	Public Defender S&W	2,000.00
TOTAL		\$1,487,382.97

2. That said emergency temporary appropriations will be provided for in the 2024 budget under the appropriate titles.

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

Resolution 24-99 - Resolution Authorizing Application for Funding to Assist in The Development of The Middletown Veterans Affordable Housing Project

WHEREAS, the Township of Middletown (the “**Township**”) desires to apply for and obtain a grant from the New Jersey Department of Community Affairs (“**DCA**”) for

Regular Meeting

\$1,000,000 to develop a 12 unit affordable housing project for veterans (the “**Veterans Affordable Housing Project**”), which has been appropriated for this purpose in the State budget.

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

1. The Township authorizes and directs the Township Administrator to make an application to the DCA for \$1,000,000 of funding for its Veterans Affordable Housing Project.
2. The Township recognizes and accepts that the DCA may offer a lesser or greater amount, and therefore, upon receipt of the Grant Agreement, does further authorize the execution of any such Grant Agreement.
3. Upon receipt of the fully executed Grant Agreement, the Township further authorizes the expenditure of funds pursuant to the terms of the Grant Agreement.
4. The Township hereby authorizes the person whose name, title and signature appears below as being authorized to sign the Grant Agreement and any other documents necessary in connection therewith.

Anthony P. Mercantante
Township Administrator

Resolution 24-100 – Resolution Authorizing the Payment of Bills for February 20, 2024

The Township Committee hereby approves a resolution authorizing the payment of bills for February 20, 2024, in the amount of \$32,386,298.99.

TOWNSHIP COMMITTEE COMMENTS:

Committeeman Clarke, congratulated George McGowan on his 50 years of service and welcomes the next generation of volunteers.

Committeeman Settembrino, congratulated George McGowan and Judge Monaghan.

Committeewoman Kratz, congratulated George McGowan and Judge Monaghan. She commented it is great to see the new volunteers out in support.

Regular Meeting

Deputy Mayor Hibell, congratulated George McGowan on his 50 years of service.

Mayor Perry, thanked George McGowan, the Fire Chiefs and the younger volunteers dedicated to Middletown.

PUBLIC COMMENTS:

Richard Isakson, Belford Resident, asked the Township Committee what is the plan for the next hurricane? It's now 2024 and the flooding continues. The next hurricane will come and destroy the area. Mayor Perry discussed the legislative bipartisan work. He spoke about easing the DEP regulatory burden to dredge creeks and allow the towns to self-certify. He also discussed the flood gate and Army Corp of Engineers work.

Vince Moran, Leonardo Resident, discussed the 234 Beach Avenue land that is landlocked and should not be bought for open space.

ADJOURNMENT

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adjourn at 7:36 pm.

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

Township Clerk Heidi Pieluc stated the motion carried to adjourn.

Respectfully submitted,

Heidi R Pieluc
Township Clerk

Approved:

Anthony S. Perry, Mayor