

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 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 7, 2022.

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

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

PLEDGE OF ALLEGIANCE

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

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

ADMINISTRATION OF THE OATH OF OFFICE

Mayor Perry administered the Oath of Office to the following officers being promoted.

Sergeant Anthony J. Gigante – Promotion to Lieutenant
Police Officer Stephen G. Greenwood – Promotion to Sergeant
Police Officer Brady M. Carr – Promotion to Sergeant

CERTIFICATE OF APPRECIATION/PROCLAMATIONS

2021 Mayor’s Challenge Check Presentation to Infinite for Love Kids Fighting Cancer

Township Clerk Heidi Brunt invited Middletown Recreation Director Janet Dellett and the Gorsenger Family to join the Mayor at the front of the room.

The Mayor presented a check from the Mayor’s Challenge to Infinite for Love for Kids Fighting Cancer.

Presentation Recognizing the Concordia Family for Middletown Luminaria Night Fundraiser

Township Clerk Heidi Brunt invited the Middletown Township Fire Department Chief’s and the Concordia Family to join the Mayor at the front of the room.

The Mayor presented the Concordia Family with a Making A Difference Award for spearheading the Luminaria night fundraiser to support the Fire Department. A \$4,000 donation check was presented to the Middletown Township Fire Department.

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:

October 4, 2021 Executive Session, October 18, 2021 Executive Session, November 15, 2021 Executive Session, December 6, 2021 Executive Session, December 20, 2021 Executive Session, December 20, 2021 Regular Meeting, January 2, 2022 Reorganization Meeting..

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

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

INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following Ordinance by title:

Ordinance 2022-3329 – Bond Ordinance Providing an Appropriation Of \$340,000 For Various Park Acquisitions and Improvements by And for The Township of Middletown in The County of Monmouth, New Jersey And Authorizing the Issuance Of \$255,000 In Bonds or Notes of The Township for Financing Part of The Appropriation

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, Mayor Perry
 Nays: None
 Abstention: None
 Absent: Settembrino

Township Clerk Heidi Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on February 7, 2022.

CONSENT AGENDA

Township Clerk Heidi Brunt requested a motion to adopt a consent agenda including Resolutions 22-46 through 22-57 removing 22-56 for separate vote and Bingo and Raffle Applications and Firefighter Application.

It was moved by Mayor Perry, seconded by Committeeman Settembrino 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 22-46 – Resolution Authorizing Shared Service Agreement Between the Township of Middletown and The County of Monmouth Concerning for The Raritan Bay and Sandy Hook Bay Hurricane and Storm Damage Reduction Project

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, 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, the County of Monmouth ("County") is a partner with the Township of Middletown ("Township"), the New Jersey Department of Environmental Protection ("NJDEP") and the United States Army Corps of Engineers ("Army Corps") to facilitate the Raritan Bay and Sandy Hook Bay, Hurricane and Storm Damage Reduction Project in the Port Monmouth section of Middletown Township, New Jersey (the "Flood Control Project"); and

WHEREAS, the Port Monmouth section of Middletown Township has been subjected to several impactful storms resulting in coastal storm damage and tide-induced flooding which is of significant public concern as it threatens the safety of both life and property; and

WHEREAS, the Flood Control Project requires the acquisition of easements and other rights in land so that required facilities can be constructed; and

WHEREAS, the Township has vacant land holdings in the Port Monmouth section which have been identified in the Monmouth County Open Space Plan for additions to Bayshore Waterfront Park and the Township has indicated its willingness to convey title to its vacant lands in the Port Monmouth section to the County for additions to Bayshore Waterfront Park; and

WHEREAS, the Township Committee finds it advisable for the Township to enter into a Shared Services Agreement with the County that provides for the assistance of the County Park System in the acquisition of the required easements and other rights in land from private landowners, the Township and the County which are necessary for the Flood Control Project and which also provides for the conveyance of title in its lands by the Township to the County for additions to Bayshore Waterfront Park; and

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

1. The Recitals set forth above are incorporated herein by reference.
2. The Mayor and Clerk of the Township are hereby authorized and directed to enter into a shared service agreement with Monmouth County, in a form approved by counsel, which provides for the assistance of the County Park System in acquiring the required easement and rights in land for the Flood Control Project in exchange for the conveyance of title in certain vacant parcels of land of the Township of Middletown to the County of Monmouth for additions to Bayshore. Waterfront Park and other related purposes.
3. The terms of the Agreement shall take effect upon the adoption of appropriate Resolutions and execution of the Agreement by the parties thereto.

Resolution 22-47 - Resolution by the Township Committee, Authorizing Various Volunteer Appointments to The Boards and Commissions of Middletown, Monmouth County, New Jersey

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

CATHERINE ROGERS	SEAT IV	01/01/2019-12/31/2022
	Unexpired Term	

2. That the following individual is hereby appointed to the Middletown Landmarks Commission pursuant to the "Code of the Township of Middletown" for terms as set forth below:

ROSEANN ETESON	SEAT VII	01/01/2021-12/31/2024
	Unexpired Term	

- 3. That the following individual is hereby appointed to the Middletown Library Board of Trustees pursuant to the "Code of the Township of Middletown" for terms as set forth below:

MAUREEN MCCORMACK SEAT II 01/01/2022-12/31/2022
 Superintendent's Designee

- 4. 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. Zoning Board
 - c. Landmarks Commission
 - d. Library Board of Trustees

Resolution 22-48 - Resolution Accepting Deeds of Conservation Easement Associated with Minor Subdivision Application as To Block 234, Lot 5.02

WHEREAS, pursuant to Resolution No. 2021-101, on June 2, 2021, the Township's Planning Board granted minor subdivision approval relative to the subdivision of Block 234, Lot 5, commonly known as 21 Briarcliff Place, Middletown, New Jersey; and

WHEREAS, this Resolution and Minor Subdivision Deed created Block 234, Lots 5.01 and 5.02; and

WHEREAS, as a condition of approval, the applicant is required to provide the Township with an acceptable deed of conservation easement, which have been submitted by the applicant, as attached hereto as **Exhibit A**.

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 accepts the deeds of conservation easement attached hereto and made part hereof as **Exhibit A**.

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

Resolution 22-49 - 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 2022 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 22-50 - A Resolution Authorizing the Submission of An Application to The New Jersey Department of Transportation's Local Transportation Projects Fund Grant Program

WHEREAS, the Township of Middletown desires to improve transit access, walkability, safety, and livability in the Campbell's Junction neighborhood by obtaining a grant from the New Jersey Department of Transportation (NJDOT) through the 2022 Local Transportation Projects Fund (LTPF) Grant; and,

WHEREAS, LTPF is a program of the NJDOT which provides funds to governmental entities so they may substantially improve the safety and usability of local transportation infrastructure; and,

WHEREAS, the Township of Middletown has worked diligently to implement projects that improve the accessibility, safety, use and maintenance of the area's roadways and public transportation; and,

WHEREAS, the Township of Middletown has completed plans to redesign the NJ Transit bus stop located at Campbell's Junction; and,

WHEREAS, the Township of Middletown proposes within its aforementioned plans, the installation of a new sidewalk and transit shelter at Campbell's Junction on Leonardville Road; and,

NOW THEREFORE BE IT RESOLVED that the Mayor and Township Council of the Township of Middletown, State of New Jersey, formally authorize submission of the electronic grant application identified as **LTPF-2022-Campbell's Junction Improvements-00032** to the New Jersey Department of Transportation for funding under the Local Transportation Projects Fund Program on behalf of the Township of Middletown.

Resolution 22-51 - Resolution Authorizing the Award of a Contract for Brush Grinding and Mulching Operations

WHEREAS, the Township advertised for and received bids for contract #22-01 – Brush Grinding and Mulching Operations in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, two proposals were received and publicly opened on January 5th, 2022, at 10:00 a.m.; and

WHEREAS, the Township Engineer has recommended that the award of contract #22-01 – Brush Grinding and Mulching Operations be awarded to Mazza Mulch Inc. 3230A Shafto Road, Tinton Falls, NJ 07753, the lowest bidder with their price of 1,257,600.00; and

WHEREAS, the initial contract term shall begin January 21st, 2022 and end January 20th, 2024; and

WHEREAS, the appropriation to be charged is Budget Line Item #2-01-26-305-100-810, and that 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 Middletown Township that the award for contract #22-01 – Brush Grinding and Mulching Operations be awarded to Mazza Mulch Inc., 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 22-52 - Resolution Authorizing Disposition of Surplus Property

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

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

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

WHEREAS, the Township Administrator recommends that the surplus fire trucks in question, which are more specifically identified herein, be sold to the 911 Fund for nominal consideration.

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 following surplus fire trucks shall be donated to the 911 Fund by the Township:

1. Year: 1975 Make: Mack Model: CF600 Vin# CF685F1796
2. Year: 1995 Make: Pierce Model: Lance Vin# 14P1CT02P5SA00045

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

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

Resolution 22-53 - Resolution Authorizing Award of Contract to Vendor with National Cooperative Contract for GPS Vehicle Tracking Devices

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 #020221-NWF Verizon Connect can provide the Township with a GPS vehicle tracking system contract for a period of three years beginning February 1st, 2021 in the amount of \$131,790.00 per their quote dated December 21, 2021; and

WHEREAS, the Chief Financial Officer for Middletown Township has certified that free and unencumbered funds in the amount of \$10,982.50 are available for this purpose in account/line-item number(s) 2-01-26-315-100-235 and 2-01-26-290-101-280. Availability of

funds for the remaining balance of the contract amount is contingent upon the necessary funds being appropriated by the governing body in the 2022 and subsequent Municipal Budgets, inclusive of amount appropriated in the temporary budget as required by N.J. A.C. 5:34-5.3 (a). 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 Verizon Connect, under Sourcewell Contract #020221-NWF be utilized to provide a GPS vehicle tracking system in the amount of \$131,790.00.

Resolution 22-54 - Resolution to Cancel Emergency Appropriation Authorized by Resolution 21-232

WHEREAS, on October 4, 2021, the Township Committee adopted Resolution 21-232, which authorized an emergency appropriation from the current fund in the amount of \$1,500,000.00 for capital expenses for the new municipal complex that were required to be ordered due to shipping delays caused by the COVID-19 pandemic; and

WHEREAS, the Township Committee subsequently adopted a bond ordinance to fund the aforementioned emergency appropriation, which obviates the need for an appropriation from the current fund; and

WHEREAS, it is therefore necessary to formally cancel the emergency appropriation authorized by Resolution No. 21-232.

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 unexpended \$1,500,000 emergency appropriation authorized by Resolution 21-232 is hereby cancelled as of December 31, 2021.

Resolution 22-55 - Resolution Authorizing Shared Services Agreement with Holmdel for Provision of Animal Control Services

WHEREAS, the Township of Holmdel has the need for animal control services, which have been provided by Middletown since 2015; and

WHEREAS, the Township of Middletown is willing and able to continue to provide such qualified services; and

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) the parties wish to enter a shared services agreement for animal control services.

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 and directed to execute the Shared Services Agreement attached hereto and made part hereof with Holmdel pursuant to the terms and conditions contained therein for a term

of three (3) years commencing on January 1, 2022 with an annual payment of \$21,372.50 being made to the Township for the services rendered.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded with executed copies of the Agreement to the Township of Holmdel and the Chief Financial Officer.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:65-4b, a certified copy of this Resolution and Agreement shall be filed with the Department of Community Affairs Division of Local Government Services.

Resolution 22-56 - Removed for Separate Vote

Resolution 22-57 – Resolution Authorizing the Payment of Bills for January 18, 2022

The Township Committee hereby approves a resolution for the payment of bills for January 18, 2022 in the amount of \$2,528,850.29.

BINGO AND RAFFLE APPLICATIONS

VFW #2179 Middletown Township	22-01
VFW #2179 Middletown Township	22-02
VFW #2179 Middletown Township	22-03
VFW #2179 Middletown Township	22-04
VFW #2179 Middletown Township	22-05
VFW #2179 Middletown Township	22-06
Mater Dei Prep PTO	22-07

FIREFIGHTER APPLICATION

Michael Mumm

RESOLUTION REMOVED FROM CONSENT AGENDA FOR SEPARATE VOTE

Township Clerk Heidi Brunt requested a motion to adopt Resolutions 22-56 that was removed from the Consent Agenda for a separate vote.

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adopt Resolution 22-56.

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

Township Clerk Heidi Brunt stated the motion carried to adopt Resolution 22-56.

Resolution 22-56 - Resolution Amending Resolution No. 22-19 Awarding Professional Services Contracts for Qualified Consulting Engineers

WHEREAS, there exists a need for the Township to retain the services of qualified and licensed engineering firms to provide professional engineering services in relation to the maintenance of the Township's 400 miles of roadway, parks and other facilities, and to provide planning and review services that cannot be addressed entirely by the Township Engineer; and

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

WHEREAS, the Township has determined to appoint multiple qualified consulting engineering firms to be assigned on a case-by-case basis by the Township Engineer based on expertise, availability and pricing; and

WHEREAS, the engineering firms of T&M Associates, Colliers Engineering & Design, CME Associates, Boro Engineering, Suburban Consulting Engineers, H2M Associates, Remington & Vernick Engineers and Greenman-Pederson, Inc. are all qualified and have agreed to provide professional engineering services pursuant to the rate schedules provided for in their respective proposals for 2022, subject to the Certification of availability of funds being provided by the Chief Financial Officer.

WHEREAS, Resolution No. 22-19 failed to include Greenman-Pederson, Inc., which has now been included in the list of qualified consulting engineers to be selected from.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that Resolution No. 22-19 is hereby amended to include the engineering firm of Greenman-Pederson, Inc., which is hereby offered and awarded a professional services contract to serve as a Qualified Consulting Engineer for 2022 pursuant to the rate schedules provided for in its proposal for 2022.

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

TOWNSHIP COMMITTEE COMMENTS:

Committeeman Clarke, congratulated the promoted Police Officers. He also congratulated the Gorsegner Family.

Committeeman Settembrino, congratulated the promoted Police Officers. He commended the Concordia and Gorsegner families and said they have done so well during Covid raising money for good causes.

Committeewoman Kratz, commented it is a proud evening for Middletown and it is great to celebrate officers and local families.

Deputy Mayor Hibell, congratulated the Police Officers for their promotions. He congratulated Sergeant Greenwood a third generation Police officer. He announced that the funding for Tindall Park is moving forward. He congratulated the Gorsegner family and John Gorsegner for 54 years of service to the Middletown Township Fire Department.

Mayor Perry, commented it is a great honor to promote Police Officers, we pray for them and their families. He also spoke about meeting with the Board of Education on Port Monmouth School and thanked Joan Minuies and Frank Capone for working with the Township on a feasibility study for community recreation center.

PUBLIC COMMENTS:

Laura Lisinski, 653 Center Avenue, discussed flooding in 2021 and Ian Imber was asked by DPW to address the issue. Now the problem continues and in winter the ice is difficult to travel. The October 2021 discussions have resulted with no answers. Township Engineer Ted Maloney replied this issue is due to an outfall pipe discharge and the need for a design. Mayor Perry stated he wants a interim resolution to the issue. The Township Committee discussed the need to move forward.

Lauren Moe, Center Avenue, spoke about the storm drains. The issues started in 2019. She has lost work and pay when she cannot get vehicles out of the driveway.

Mark Lisinski, Center Avenue, commented that over the years the situation has been bad but over the past few months it has been much worse with the freezing sidewalks.

Alan Silverstein, Resident, inquired about the Port Monmouth Flood Control project. Once the flood wall in Main Street where is the water going to go? Township Administrator Anthony Mercantante responded the water will be pumped back out to the bay. Pump on Port Monmouth Marina, Pews Creek and a second pump will be at the end of Main Street. The water will not have any impact.

Bruce Stafford, inquired when is the contractor going to get back to him on when the motor will be replaced.

Don Watson, 1 Collinson Dr., inquired about the Bond Ordinance for various park improvements. He discussed the use of funding in addition to open space tax increase. Mayor Perry responded and discussed the Bond is part of Green Acres.

ADJOURNMENT

It was moved by Deputy Mayor Hibell, seconded by Committeewoman Snell and carried to adjourn at 8:30 p.m.

Roll Call Vote: Ayes: Clarke, Hibell, Settembrino, Kratz, 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