

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 May 16, 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, 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.

**ADMINISTRATION OF THE OATH OF OFFICE**

**Promotion to Police Sergeant – Nicholas Haines**

Township Clerk Heidi Brunt invited Officer Nicholas Haines and his family to join Mayor Perry and Chief Weber at the front of the room. Chief Weber spoke about Sergeant Haines accomplishments after joining the force in 2013. Mayor Perry swore in Sergeant Haines.

**CERTIFICATE OF APPRECIATION/PROCLAMATIONS**

**Presentation Honoring Students Attending United States Military Academy at West Point**

Township Clerk Heidi Brunt invited Fiona Maguire, Jack Latore, Robert M. Manse III, James Miguel Conway, Quinn Arthur and Robert Manse who earned their appointment to the United States Military Academy at West Point to join Mayor Perry at the front of the room. Tricia Maguire spoke about the process of applying to West Point. Mayor Perry spoke about their great accomplishment and read the certificate that was presented to each of them.

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**Presentation Recognizing Special Forces Cheerleading Team for Winning World Championship**

Township Clerk Heidi Brunt invited Coach Brook Palle, Coach Lucia Millan the Special Forces Cheerleading Team to join Mayor Perry at the front of the room. Mayor Perry spoke to the team about how proud he is of all of them and presented each of them with a certificate of appreciation.

**Proclamation Recognizing May 15-May 21, 2022 as Police Week in the Township of Middletown**

**WHEREAS:** The Congress and President of the United States have designated the week of May 15 through May 21, 2022 as National Police Week; and

**WHEREAS:** The members of the Middletown Township Police Department play an essential role in safeguarding the rights and freedoms of the Township of Middletown; and

**WHEREAS:** All citizens should know and understand the duties, responsibilities, hazards, and sacrifices of law enforcement agencies. It is also important that members of our law enforcement agencies recognize their duty to serve the people by protecting life and property, shielding them against violence and disorder, and defending the innocent against deception and the weak against oppression; and

**WHEREAS:** The individuals of the Middletown Township Police Department unceasingly provide a vital public service. Now,

**THEREFORE:** I, Mayor Tony Perry and the Middletown Township Committee, proclaim May 15 through May 21, 2022 as **Police Week** in the Township of Middletown. We invite all citizens and patriotic, civic, and educational organizations to join us at our annual Police Memorial Service held at the Police Memorial in front of Town Hall on Friday, May 20th at 11 AM to remember all law enforcement officers we lost. By their faithful and loyal devotion to their responsibilities, law enforcement agencies have rendered a dedicated service to their communities and have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

**Proclamation Recognizing May 11, 2022 as School Nurse Day in the Township of Middletown**

**WHEREAS:** Students today face more complex and life-threatening health problems requiring care in school; and

**WHEREAS:** The COVID-19 pandemic has emphasized the essential role school nurses play in student health and academic success; and

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**WHEREAS:** School nurses have served a critical role in improving public health and in ensuring students' academic success for more than 100 years; and

**WHEREAS:** School nurses act as a liaison to the school community, families, and healthcare providers on behalf of children's health by promoting wellness and improving health outcomes for our nation's children; and

**WHEREAS:** School nurses understand the link between health and learning and can make a positive difference for children every day. Now,

**THEREFORE:** I, Mayor Tony Perry and the Middletown Township Committee, proclaim May 11, 2022 as **School Nurse Day** in the Township of Middletown to celebrate and acknowledge the accomplishments of our school nurses. We encourage our residents to join us in offering gratitude to our school nurses for helping keep our community members healthy and safe.

**Proclamation Recognizing May 30, 2022 as Memorial Day in the Township of Middletown**

**WHEREAS:** **Memorial Day**, once called Decoration Day, originated after the United States Civil War and was designated a national holiday by Congress in 1971; and

**WHEREAS:** **Memorial Day** serves as a national day of remembrance for all the individuals who have given their lives in service to the United States of America; and

**WHEREAS:** By honoring these proud service members, we renew our commitment to upholding the democratic ideals they fought and died to preserve; and

**WHEREAS:** Communities nationwide will join together on May 30, 2022 to pause and remember our fallen heroes; and

**WHEREAS:** On Monday, May 30<sup>th</sup>, Middletown Township will pay tribute to those who made the ultimate sacrifice to safeguard our country. Now,

**THEREFORE:** I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim May 30, 2022 as **Memorial Day** in Middletown Township. We call upon the community to join us in honoring our fallen heroes by attending the Township's Memorial Day Parade on Monday, May 30<sup>th</sup>, beginning at 10:00 AM at Bayshore Middle School.

**Proclamation Recognizing May 15 – May 21, 2022 as EMS Week in the Township of Middletown**

**WHEREAS:** Emergency medical services (EMS) is a vital public service, and members of EMS teams are ready at a moment's notice to provide lifesaving care to those in need 24 hours a day, seven days a week; and

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**WHEREAS:** Access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**WHEREAS:** EMS teams have grown to fill a gap by providing important, out-of-hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

**WHEREAS:** The EMS system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out-of-hospital medical care providers; and

**WHEREAS:** The members of EMS teams, whether career or volunteer, engage in thousands of hours of specialized training and education to enhance their lifesaving skills; and

**WHEREAS:** It is important to recognize the value and the accomplishments of EMS providers this week and every week; now

**THEREFORE:** I, Mayor Tony Perry and the Middletown Township Committee, proclaim May 15 through May 21, 2022 as **EMS Week** in the Township of Middletown. We thank our EMS members for their service and encourage our residents to make a difference by volunteering with them!

### **APPROVAL OF MINUTES**

Township Clerk Heidi Brunt requested a motion to approve the minutes.

It was moved by Mayor Perry, seconded by Committeeman Settembrino and carried to adopt the minutes of the following meetings:

April 18, 2022 Regular Meeting, May 2, 2022 Workshop 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 2022-3341 - Bond Ordinance Providing an Appropriation Of \$1,400,000 For Construction of a Skateboard Park in Kunkel Park by And for The Township of Middletown in The County of Monmouth, New Jersey And Authorizing the Issuance Of \$1,330,000 In Bonds or Notes of The Township for Financing Part of The Appropriation**

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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: Hibell, Kratz, Settembrino, Mayor Perry  
                          Nays: None  
                          Abstention: None  
                          Absent: None  
                          Recuse: Clarke

Township Clerk Heidi Brunt stated motion carried to pass this ordinance.

Township Clerk Heidi Brunt read the following ordinance by title:

**Ordinance 2022-3342 - Ordinance Authorizing the Vacation of a Portion of Barberie Place Within the Township of Middletown and Accepting Drainage Easement and Right of Way Associated with The Area to Be Vacated**

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.

Township Clerk Heidi Brunt read the following ordinance by title:

**Ordinance 2022-3343 - Ordinance Approving Entry into A Contract of Purchase of Real Estate Identified as Block 532, Lot 45 (Comptons Creek, Port Monmouth)**

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.

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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.

Township Clerk Heidi Brunt read the following ordinance by title:

**Ordinance 2022-3344 - Ordinance Amending Ordinance No. 2021-3314 Modifying the Easements Area on Block 136, Lot 3, Main Street Row, And Brainard Avenue Row, Which Easements Are Upon Portions of Township-Owned Property Pursuant to The Raritan Bay and Sandy Hook Bay, Hurricane and Storm Damage Reduction Project, Port Monmouth, New Jersey, Phase II (Contract 5)**

Mayor Perry opened the meeting for public comments.

Hearing no comments from the public it was moved by Mayor Perry and seconded by Committeeman Settembrino 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 2022-3345 – Bond Ordinance Providing an Appropriation Of \$300,000 For Construction of a Portion of The Cost of a Dog Park and Dog Park Parking Lot in Tindall Park by And for The Township of Middletown in The County of Monmouth, New Jersey And Authorizing the Issuance Of \$285,000 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, Settembrino, Mayor Perry  
                          Nays: None  
                          Abstention: None

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Absent: None

Township Clerk Heidi Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on June 6, 2022.

Township Clerk Heidi Brunt read the following ordinance by title:

**Ordinance 2022-3346 – Bond Ordinance Providing An Appropriation of \$300,000 For Construction Of A Portion Of The Cost Of A Dog Park And Dog Park Parking Lot in Tindall Park By And For The Township of Middletown**

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

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

Township Clerk Heidi Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on June 6, 2022.

**CONSENT AGENDA**

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 22-144 through 22-159 removing Resolutions 22-145 and 22-148 for separate vote.

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 22-144 – 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;

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**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 two Fireworks Displays on private property by the NAVESINK COUNTRY CLUB located at 50 Luffburrow Lane, Red Bank on the dates provided on their applications for:

May 29<sup>th</sup>, 2022 (or rain date of May 30<sup>th</sup> if required) and  
July 2<sup>nd</sup>, 2022 (or rain date of July 5<sup>th</sup> if required)

**Resolution 22-145 – REMOVED FROM CONSENT AGENDA FOR SEPARATE VOTE**

**Resolution 22-146 - Cancellation of Community Development Mortgages**

**BE IT RESOLVED** by the Township Committee of the Township of Middletown that the mortgages of the Township securing the Community Development and Neighborhood Preservation Program loan/grants in connection with the following properties be and hereby are authorized to be canceled because these mortgages have been repaid, expired or otherwise satisfied.

<u>Block</u>	<u>Lot</u>	<u>Borrower</u>	<u>Address</u>	<u>Amount</u>
694	12	Lorna Wilson	217 First Ave	22,650

**BE IT FURTHER RESOLVED** that the Mayor and other authorized appropriate and responsible officials including the Township Administrator, the Director of Planning, the Community Development Director, or Township Attorney be and they are hereby authorized and directed to execute on behalf of the Township of Middletown such certifications and other documentation as may be required by the Monmouth County Clerk.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be provided by the Office of the Township Clerk to the following:

- A. Community Development

**Resolution 22-147 - Resolution Authorizing the Award of a Contract for Online Tax Sale Hosting Services**

**WHEREAS**, the Township advertised for and received bids for contract #22-11 – Online Tax Sale Hosting Services in accordance with N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, one proposal was received and publicly opened on May 10<sup>th</sup>, at 10:00 a.m.; and



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**WHEREAS**, the Township Tax Collector has recommended that the award of contract #22-11 be awarded to Realauction.com, LLC, 861 SW 78<sup>th</sup> Ave., Suite B-102, Plantation, FL 33324 with their price of \$15.00 per sale; not to exceed \$60,000.00; and

**WHEREAS**, the contract term shall begin, May 17<sup>th</sup>, 2022 and end May 16<sup>th</sup>, 2023; and

**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$60,000.00 are available for this purpose in account/line-item number(s) 2-01-20-145-100-203. 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 contract #22-11 – Online Tax Sale Hosting Services be awarded to Realauction.com, 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 22-148 – REMOVED FROM CONSENT AGENDA FOR SEPARATE VOTE**

**Resolution 22-149 - Resolution Authorizing the Award of a Contract for ADA Improvements to Township Parks – Phase 2**

**WHEREAS**, the Township advertised for and received bids for ADA Improvements to Township Parks – Phase 2 in accordance with N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, two proposals were received and publicly opened on May 10<sup>th</sup>, 2022 at 11:00 a.m.; and

**WHEREAS**, the Township Engineer has recommended that the award of the contract for ADA Improvements to Township Parks – Phase 2 be awarded to Jads Construction Co. PO Box 513, South River, NJ 08882 the lowest bidder with their price of \$129,225.00; and

**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$129,225.00 are available for this purpose in account/line-item number(s) C-04-55-918-227-004 and C-04-55-918-227-200. 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 ADA Improvements to Township Parks – Phase 2 be awarded to Jads Constuction Co., 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 22-150 - Resolution of the Township Committee Authorizing Appointment of Special Law Enforcement Officers Class I**

**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, represents that the applicants named below meet 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 individuals are hereby appointed as Special Law Enforcement Officers – Class I in the Middletown Township Police Department for the calendar year of 2022.

**Special Law Enforcement Officers Class I –**

SLEO I Wilson Cartagena  
SLEO I Bryan Flannigan  
SLEO I Adrianna Lanfranco  
SLEO I James Kearns  
SLEO I Dennis Natale

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 22-151 - Resolution Committing the Township of Middletown to The Sustainable Land Use Pledge**

**WHEREAS**, land use is an essential component of overall sustainability for a municipality; and

**WHEREAS**, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

**WHEREAS**, well planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

**WHEREAS**, given New Jersey’s strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead;

**NOW THEREFORE**, the Township of Middletown resolves to take the following steps with regard to our municipal land-use decisions with the intent of making Middletown a truly sustainable community. It is our intent to include these principles in the next Master Plan revision and Reexamination Report and to subsequently update our land-use, zoning, natural resource protection, and other ordinances to reflect these principles.

1. Regional Cooperation - We pledge to reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when making land-use decisions.
2. Transportation Choices - We pledge to create transportation choices with a “complete streets” approach by considering all modes of transportation, including walking, biking, transit and automobiles through, when planning transportation projects and reviewing development applications. We will reevaluate our parking with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.
3. Natural Resource Protection - We pledge to take action to protect the natural resources of the State for environmental, recreational and agricultural value, avoiding or mitigating negative impacts to these resources. Further, we pledge to complete an update to the Township’s Natural Resources Inventory when feasible to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning. Mix of Land Uses - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our Township and the region.

4. Housing Options - We pledge, through the use of our Zoning Ordinance and Master Plan Housing Element, to foster a diverse mix of housing types and locations, including single- and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels.
5. Green Design - We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.
6. Municipal Facilities Siting - We pledge, to the extent feasible, to take into consideration factors such as walkability, bikeability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

**Resolution 22-152 - Resolution Authorizing Submission of Application and Execution of Grant Contract with The New Jersey Department of Transportation for The Township of Middletown East Road Improvements Project – Phase II**

**WHEREAS**, the Township of Middletown is seeking funding from the New Jersey Department of Transportation in support of roadway improvements to East Road.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown that it formally authorizes the submission of a grant application for the above stated project and authorizes the execution of a grant agreement for the same.

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized and directed to submit an electronic grant application identified as **MA-2023-East Road Improvements - Phase II-00016** to the New Jersey Department of Transportation on behalf of the Township of Middletown.

**BE IT FURTHER RESOLVED** that that the Mayor 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.

**Resolution 22-153 - Resolution Concurring with The Township of Middletown Planning Board’s Redevelopment Investigation Findings and Designating the Delineated Area of Block 1131, Lots 30-32, And Block 1086, Lots 29-30 As an Area in Need of Redevelopment for Non-Condensation Purposes**

**WHEREAS**, on February 7, 2022, by Resolution No. 22-75, the governing body, acting as the Township’s Redevelopment Entity, authorized and requested the Township of Middletown Planning Board (“**Planning Board**”) to undertake a preliminary investigation (“**Investigation**”) to determine whether Block 1086, Lots 29 and 30; Block 1089, Lots 1 and 2; and Block 1131, Lots 30, 31, and 32 (the “**Area of Investigation**”) qualify as an “area in

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need of redevelopment” 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**, pursuant to N.J.S.A. 40A:12A-6, the Planning Board specified and gave public notice that on May 4, 2022, a hearing would be held for the purpose of hearing 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 under the LRHL for non-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 the designated Area of Investigation dated April 2022 (“the **Investigation Report**”), which is attached hereto and made part hereof as **Exhibit A**; and

**WHEREAS**, the Investigation Report determined that Block 1086, Lots 29 and 30, and Block 1131, Lots 30, 31, and 32 within the Area of Investigation evidence conditions and characteristics that qualify these properties as an “area in need of redevelopment” because they satisfy the “b” statutory criterion in N.J.S.A. 40A-12A-5; and

**WHEREAS**, the Investigation Report determined that Block 1089, Lots 1 and 2 did not satisfy the redevelopment criteria pursuant to N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Investigation Report demonstrates significant vacancies in the buildings within Block 1086, Lots 29 and 30, and Block 1131, Lots 30, 31, and 32 for at least two consecutive years when compared to industry standards for vacant office space, which is demonstrated through the pictures, narrative, Township records and uncontested testimony of Mr. Reiner; and

**WHEREAS**, on May 4, 2022, 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**, the hearing was open to all persons from the public who were generally interested in or would be affected by a finding that the properties within the Area of Investigation constitute an area in need of redevelopment under N.J.S.A. 40A:12A-5 and/or N.J.S.A. 40A:12A-3; and

**WHEREAS**, on May 4, 2022, 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 May 4, 2022, the Planning Board recommended that the Township Committee of the Township of Middletown designate Block 1086, Lots 29 and 30, and Block 1131, Lots 30, 31, and 32 as a non-condemnation area in need of redevelopment due to the

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substantial evidence that they meet the criteria enumerated in the Investigation Report, pursuant to N.J.S.A. 40A:12A-5(b).

**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 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 1086, Lots 29 and 30, and Block 1131, Lots 30, 31, and 32 are 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 non-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 the properties located within the delineated Area of Investigation as those names are listed within the official Tax Assessor’s records within ten (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 22-154 - Authorizing the Purchase of Two (2) 2022 Ford Bronco Sport SUVs Through the Educational Services Commission of New Jersey**

**WHEREAS**, the Township may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf of the Educational Services Commission of New Jersey Cooperative Purchasing System (Co-Op #65MCECCPS) pursuant to the provision of N.J.S.A. 40A:11-11: and

**WHEREAS**, Beyer Ford, 170 Ridgedale Ave., Morristown, NJ 07960, has been awarded the ESCNJ Contract No. 20/21-09 (expiration 9/14/22) for Cars, Crossovers, Pickup Trucks, SUVs and Vans; and

**WHEREAS**, under Contract 20/21-09, Beyer Ford, can provide two (2) 2022 Ford Bronco Sport SUVs, for the Department of Public Works; and

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**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$54,485.84 are available for this purpose in account/line-item number 2-01-26-315-100-205. 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 of Middletown enter into an agreement with Beyer Ford for the delivery of two (2) 2022 Ford Bronco Sport SUVs in the amount of \$54,485.84.

**Resolution 22-155 - Resolution Authorizing Tax Collector to Transfer Unclaimed Redemption Monies To General Fund**

**WHEREAS**, the holder of Tax Sale Certificate 09-00155 was notified of the redemption of said Certificate on or about May 8, 2017; and

**WHEREAS**, there exists unclaimed redemption monies in the Tax Collector's Redemption Account No. 449901137 in the amount of \$218.09 relating to Tax Sale Certificate 09-00155; and

**WHEREAS**, the Tax Collector has contacted the holder of Tax Sale Certificate 09-00155, Trebies Properties, LLC, on several occasions since the redemption date to collect the redeemed Certificate, however said Certificate has not been surrendered; and

**WHEREAS**, N.J.S.A. 54:5-57.1 provides that if the owner of a tax lien shall fail to surrender a Tax Sale Certificate within five years of being notified of redemption pursuant to N.J.S.A. 54:5-57, the unclaimed redemption monies shall escheat to the Municipality; and

**WHEREAS**, the Tax Collector of the Township of Middletown wishes to transfer the unclaimed redemption monies from the Township of Middletown Redemption Account in the amount of \$218.09 to the General Fund of the Township of Middletown.

**NOW THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Middletown hereby authorizes the tax collector to transfer \$218.09 from Account No. 449901137 to the Township's General Fund.

**Resolution 22-156 - Resolution of Need for Affordable Housing Units Sponsored by CIS, Inc.**

**WHEREAS**, the Township of Middletown ("Middletown) and Toll NJ XII, LP ("Toll") are party to a certain Redevelopment Agreement (Agreement) designating Toll as the Developer of a certain tract of land designated therein; and

Regular Meeting

**WHEREAS**, Community Investment Strategies, Inc (“CIS”) has been determined to be a “Qualified Transferee” of Phase II of the redevelopment as referred to in the Agreement; and

**WHEREAS** Toll has transferred the rights and obligations for the construction of Phase II of the redevelopment to CIS consistent with Section 4.2 of the Agreement which is the affordable housing component of the overall development; and

**WHEREAS**, Community Investment Strategies, Inc. (hereinafter referred to as the “Affordable Housing Sponsor”) propose to construct a 70 unit housing project (hereinafter referred to as the “Project”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the “HMFA Requirements”) within the Township of Middletown (hereinafter referred to as the “Municipality”) on a site described as Block 825, Lot 53.02, as shown on the Official Assessment Map of the Township of Middletown, Monmouth County, New Jersey; and

**WHEREAS**, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

**WHEREAS**, the Project may be subject to requirements of the New Jersey Department of Community Affairs (hereinafter referred to as the "Department of Community Affairs"), Neighborhood Preservation Balanced Housing Program in accordance with N.J.S.A. 52:27D-320 and applicable rules promulgated thereunder at N.J.A.C. 5:43-1.1 et seq., and the mortgage and other loan documents executed between the Sponsor and the Commissioner of the Department of Community Affairs, or any other Department of Community Affairs programs as applicable; and

**WHEREAS**, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

**NOW, THEREFORE, BE IT RESOLVED** by the Committee of the Township of Middletown (the “Committee”) that:

- (1) The Committee finds and determines that the Project proposed by the Affordable Housing Sponsor meets or will meet an existing housing need as determined by the Court;
- (2) The Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor’s application for Agency funding to finance the Project.



**Resolution 22-157 – Resolution Authorizing the Payment of Bills for May 16, 2022**

The Township Committee hereby approves a resolution authorizing the payment of bills for May 16, 2022 in the amount of \$30,753,899.52

**Resolution 22-158 - Resolution Authorizing Agreement with Constellation Newenergy, Inc. For Electric Supply Service for A Period Of 18 Months Beginning June 1, 2022**

**WHEREAS**, the Township of Middletown (the “**Township**”) has chosen to avail itself of energy consulting and management services provided by TFS Energy Solutions, LLC d/b/a Tradition Energy, pursuant to Contract 2018-017 procured through the City of Mesquite’s OMNIA Partners, Public Sector, f/k/a/ U.S. Communities Government Purchasing Alliance Request, which is a nationally-recognized purchasing cooperative; and

**WHEREAS**, pursuant to N.J.S.A. 52:34-6.2(b)(3), the Township is authorized to enter into purchases through a nationally-recognized cooperative, provided the Township determines that the use of same “shall result in cost savings after all factors, including charges for service, material, and delivery, have been considered”; and

**WHEREAS**, in accordance with the Electric Discount and Energy Competition Act (P.L. 1999, Chapter 23), Tradition Energy previously sought competitive pricing in the marketplace for electric supply service for the 69 Township accounts shown on **Exhibit A**; and

**WHEREAS**, Tradition Energy utilized its online pricing system to perform an indicative Request for Proposals for preliminary bid prices on March 24, 2020 from Tier 1 electricity suppliers that serve Jersey Central Power and Light (“**JCP&L**”)’s territory for the 69 Township accounts; and

**WHEREAS**, on April 6, 2020, pursuant to Resolution No. 20-103, the Township authorized the procurement of electric supply services from Constellation NewEnergy, Inc.; and

**WHEREAS**, due to current high energy market prices and extreme volatility, Tradition has recommended that the Township enter a new contract term with Constellation NewEnergy, Inc. for 18 months; and

**WHEREAS**, the Township determined that the pricing available through the national cooperative and its current supplier contract is lower than the pricing otherwise available to the Township; and

**WHEREAS**, procuring electricity supplied through the national cooperative and its current supplier will result in cost savings relative to current market conditions after all factors, including charges for service, material, and delivery, have been considered; and

Regular Meeting

**WHEREAS**, on May 16, 2022, Tradition Energy received updated pricing from Constellation NewEnergy, Inc. for fully-fixed capacity pricing for electric supply service for the Township's 69 accounts for a period of 18 months, pursuant to the draft agreement attached hereto as **Exhibit B** and incorporated by reference (the "**Agreement**"); and

**WHEREAS**, due to current volatility in the marketplace, it is in the best interest of the Township to enter into the Agreement for its 69 Accounts with Constellation NewEnergy, Inc. for electric supply, for a period of 18 months, beginning on the June 1, 2022; and

**WHEREAS**, the estimated cost for electric supply during the 18-month term of the contract is \$347,532; and

**WHEREAS**, the Chief Financial Officer of the Township has certified that adequate funds for such contract are available.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, that it hereby awards a contract to Constellation NewEnergy, Inc. for electric supply service with fully-fixed capacity pricing for a period of 18 months beginning June 1, 2022, consistent with the foregoing.

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized to execute a contract with Constellation NewEnergy, Inc., substantially in the form attached hereto and incorporated by reference, subject to the final review and approval of the Township Attorney.

**BE IT FURTHER RESOLVED** that Constellation NewEnergy, Inc. shall comply with requirements of N.J.S.A. 10:2-1 (Anti-Discrimination in Employment), N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. (Equal Employment Opportunity), 42 U.S.C. 12101 et seq. (Americans with Disabilities Act), and N.J.S.A. 52:32-44 et seq. (New Jersey Business Registration).

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be provided by the Office of the Township Clerk to each of the following:

- A) Purchasing Agent
- B) Constellation NewEnergy, Inc.
- C) Director of the Department of Public Works
- D) Tradition Energy

Regular Meeting

**Resolution 22-159 - Resolution Authorizing Award of Contract with Johnston Communications, Inc. For Electronic Network Equipment, Security and Cabling for Various Township Facilities Through Union County Cooperative Contract No. 8-Uccp 23-2021**

**WHEREAS**, the Township of Middletown (the “**Township**”) requires various electronic network equipment, security and cabling for multiple Township facilities; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-10 and 11 the Township is authorized to purchase certain goods and services through cooperative purchasing arrangements; and

**WHEREAS**, the Township is a member of the Union County Cooperative under which Johnston Communications holds contract no. 8-UCCP 23-2021 for Electronic Network Equipment, Security and Cabling.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, that it hereby awards a contract to Johnston Communications, 36 Commerce Street, Springfield, New Jersey 07081 for Electronic Network Equipment, Security and Cabling for various Township facilities under Union County Cooperative Contract No. 8-UCCP 23-2021 for an amount not to exceed \$490,484.83.

**RESOLUTION REMOVED FROM CONSENT AGENDA FOR SEPARATE VOTE**

Township Clerk Heidi Brunt read the following resolution by title:

**Resolution 22-145 - 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 BEACON HILL COUNTRY CLUB located at 8 Beacon Hill Road, Atlantic Highlands on the date provided on their application for June 30<sup>th</sup> 2022.

It was moved by Mayor Perry and seconded by Committeeman Settembrino to pass Resolution 22-145.

Regular Meeting

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

Township Clerk Heid Brunt stated motion carried to adopt Resolution 22-145.

Township Clerk Heidi Brunt read the following resolution by title:

**Resolution 22-148 - Resolution Approving Additional Funds for Previously Approved Contract**

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

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

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

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

Resolution No.	Entity	Service	NTE Amount	Additional Funds
22-64	DMR Architects	Architect of Record	\$50,000.00	\$50,000.00

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown, in the County of Monmouth, State of New Jersey, that it hereby approves modifications to the NTE Amount on the foregoing contract previously approved by the Township Committee, upon the terms set forth in this Resolution.

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

It was moved by Mayor Perry and seconded by Deputy Mayor Hibell to pass Resolution 22-148.

Regular Meeting

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

Township Clerk Heid Brunt stated motion carried to adopt Resolution 22-148.

**Firefighter Application**

Julia Chesek Station 1  
James Kearns Station 6

**Bingo and Raffle Applications**

St. Mary's R.C. Church	22-50
St. Mary's R.C. Church	22-51
St. Mary's R.C. Church	22-52
Christ Church Episcopal	22-53
Christ Church Episcopal	22-54
Christ Church Episcopal	22-55
Court Fulgens Corona #1684	
Catholic Daughters of the Americas	22-56
Breast Intentions	22-57
Breast Intentions	22-58
Nut Swamp Elementary School	22-59
Navesink Hook & Ladder Fire Co.	22-60
Navesink Hook & Ladder Fire Co.	22-61
Navesink Hook & Ladder Fire Co.	22-62
Navesink Hook & Ladder Fire Co.	22-63
NJ Thoroughbred Horse Industry	
Educational Foundation	22-64
Monmouth County Historical Association	22-65

**TOWNSHIP COMMITTEE COMMENTS:**

Committeewoman Kratz – congratulated Sergeant Haines on his promotion. She also congratulated the West Point Applicants and the Special Forces Cheerleading Team on winning the championship.

Committeeman Settembrino, congratulated Sergeant Haines on his promotion, the West Point Applicants and the Special Forces Cheerleading team, it was wonderful to have them here tonight.

Regular Meeting

Committeeman Clarke, congratulated Sergeant Haines and the West Point Applicants. He commended the great inclusive club Special Forces Cheerleading, it shows that Middletown has a little bit of everything available to all. He commended the EMS squad and EMS week.

Deputy Mayor Hibell – congratulated Special Forces Cheerleading, the West Point Applicants and Sergeant Haines on his promotion.

Mayor Perry – spoke about the survivor tree from the WTC on 9/11. He explained that Middletown received a sapling for planting in Middletown. It will be escorted by the Middletown Township Police Department and the Middletown Township Fire Department as Middletown is the Municipality who lost the most residents outside of New York City on 9/11/2001. He announced the Police Memorial Ceremony will be held on May 20, 2022 at 11:00 a.m.

**PUBLIC COMMENTS:**

Mike Barber, 210 Bay Avenue, Leonardo, thanked the Township Committee for preserving the Leonardo Conover Beacon. Mayor Perry responded he is proud of the restoration being done by Middletown employees and a special thanks to Vincent Moran for historical documents he provided on the Conover Beacon.

James, 226 Harmony Road, announced Eagle Scout ceremony is on Saturday. He also commented on Ice World noise nuisance complaints. He has complained on the noise from the sports facility and enforcement of Ordinance 336-2 regarding television, radio and sound devices from 9:00 p.m. to 7:00 a.m. Also, 540-632 screening of equipment machinery that have never been screened. Township Administrator Anthony Mercantante discussed Zoning Applications not pursued and summons will start to be issued. James also stated that ice scrapings are also being dumped into the storm water basins.

Regular Meeting

**ADJOURNMENT**

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adjourn at 8:11 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,

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Heidi R Brunt  
Township Clerk

Approved:

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Anthony S. Perry, Mayor