A Special 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 December 7, 2020.

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 Star Ledger, The Independent and Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 09, 2020.

Roll Call Vote: Present: Fiore, Hibell, Settembrino, Snell
Absent: Mayor Perry

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

PLEDGE OF ALLEGIANCE

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

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

PUBLIC HEARING OF PROPOSED ORDINANCES

None

INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2020-3301 - Ordinance Amending Portions of Chapter 127 of The Code of the Township of Middletown Governing Parks and Recreation Areas and Facilities.

It was moved by Deputy Mayor Fiore and seconded by Committeeman Settembrino to pass this ordinance on first reading.

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

Township Clerk Heidi Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on December 21, 2020.

CONSENT AGENDA

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 20-231 through 20-243.

It was moved by Deputy Mayor Fiore, seconded by Committeeman Settembrino and carried to adopt the consent agenda:

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

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

Resolution 20-231 – Resolution Authorizing the Execution of a Quitclaim Deed Releasing Ownership Unit from Affordability Controls for Property Located at Block 640, Lot 36, Commonly Known as 85 Tindall Road

WHEREAS, on July 5, 2001, the Township of Middletown ("Middletown") entered into an Affordable Housing Agreement, Declaration of Covenants, Conditions and Restrictions – Accessory Apartment ("Agreement") with Gerard and Janet Logan (the "Owners") relating to their property located at Block 640, Lot 36, more commonly known as 85 Tindall Road (the "Property"); and

WHEREAS, the address of the accessory apartment, as defined in the Agreement, is 85 Tindall Road, Middletown, New Jersey 07748 (the "Accessory Apartment"); and

WHEREAS, the Agreement was recorded in the Office of the Monmouth County Clerk on November 16, 2001 in Deed Book 8063 at Page 2741, and on December 12, 2001 in Deed Book 8067, Page 8849, against the Property; and

WHEREAS, pursuant to the Agreement, the Owners were restricted to rent the Accessory Apartment to certified low and modified income households only in order to maintain the affordability controls; and

WHEREAS, pursuant to Agreement, the affordability controls, covenants and restrictions set forth in the Agreement (the "Restrictions") were set to expire on November 16, 2011 (the "Expiration Date"); and

WHEREAS, the Expiration Date has passed and the Owner has requested that the Restrictions be discharged and released from the Property's title; and

WHEREAS, it is the recommendation of the Township's Director of Planning and Township Administrator to release the Restrictions on the Property by executing a Quit Claim Deed Releasing Ownership Unit from Affordability Controls 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 the Township's Administrative Agent is hereby authorized in accordance with N.J.A.C. 5:80-26.5(i) to take all necessary actions required to release the affordable housing restrictions on the Property.

BE IT FURTHER RESOLVED that the Mayor, Township Clerk and Township Attorney are authorized to execute the appropriate release and all documents necessary to effectuate the release the affordable housing restrictions on the Property as set forth herein.

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

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

Resolution 20-232 - Resolution Consenting to Amendment of Lincroft Senior Citizens Housing Corporation Bylaws

WHEREAS, the Lincroft Senior Citizens Housing Corporation (the "**LSCHC**") has requested the Township of Middletown's (the "**Township**") consent to amend its bylaws to more accurately reflect current conditions, procedures and operations; and

WHEREAS, in order to amend its bylaws, the LSCHC is required to submit such amendments to the Township and the New Jersey Housing and Mortgage Finance Agency ("**HMFA**"); and

WHEREAS, the Township wishes to grant its consent for the reasons cited above.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that it hereby authorizes and directs the Mayor to execute the attached form of Letter of Consent included with the proposed amended form of bylaws of the LSCHC.

Resolution 20-233 - Resolution Establishing Remote Meeting Procedures During a Declared State of Emergency

WHEREAS, on March 9, 2020 in response to COVID-19, Governor Phil Murphy issued Executive Order 103, which declared a state of emergency that has been extended by the Governor and remains in full force to this day; and

WHEREAS, by way of additional Executive Orders, the Governor has greatly limited the size of indoor gatherings and established extensive social distancing protocols to protect the health, safety and welfare of New Jersey citizens; and

WHEREAS, in accordance with the Executive Orders relating to COVID-19 and the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. ("OPMA"), local governments including the Township of Middletown continue to hold public meetings via remote platforms to ensure the continued operation of local government with participation by the public, in a way that limits public health risk; and

WHEREAS, in March 2020, the New Jersey Department of Community Affairs, Division of Local Government Services ("DLGS") issued "Local Operational Guidance – COVID-19: Guidance for Remote Public Meetings in New Jersey," which provided specific guidance regarding holding remote public meetings under the OPMA; and

WHEREAS, on September 24, 2020, the DLGS issued Local Finance Notice 2020-21 ("LFN 2020-21"), which provided a synopsis of emergency regulations N.J.A.C. 5:39-1.1 through 1.7, which establish standard protocols for remote public meetings governed by the OPMA held during a declared state of emergency; and

WHEREAS, on October 19, 2020, pursuant to 52 N.J.R. 1943(a), the New Jersey Register published emergency rulemaking establishing these new regulations,

WHEREAS, under emergency regulation N.J.A.C. 5:39-1.4(h), local government entities are required to adopt by resolution standard procedures and requirements for public comment made during remote public meetings, as well as for public comments submitted in writing ahead of the remote public meeting.

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 procedures regarding public comments during remote public meetings are hereby adopted:

1. Public comments for a remote public meeting may be made during the designated public comment section of the meeting or submitted in writing to the Township Clerk. Written public comments may be emailed to the Clerk at: townclerk@middletownnj.org or sent via regular mail to the attention of the Township Clerk at: 1 Kings Highway, Middletown, New Jersey 07748. Written public comments may not be submitted via any other form of electronic communication.

2. Written public comments submitted via email or mail must include the individual's name, full address and contact information (telephone number and/or email address). If the information is incomplete and the Township is unable to verify the individual's identity, the written comment will not be read into the record.

3. Written public comments submitted in accordance with this Resolution shall be read into the remote meeting record at the end of the last public comment section. Written public comments containing profanity or vulgarity will not be read into the record. The Mayor or presiding officer of the remote meeting reserves the right to read similar or duplicative comments into the record in a summary fashion and will do so uniformly for all similar/duplicative comments.

4. Members of the public who submit written public comments regarding a proposed ordinance for which a public hearing is scheduled to be held during the remote meeting should review the agenda and ordinance, available on the Township's website prior to the meeting, and designate the ordinance number and title to which their written public comments apply.

5. Written public comments must be received by the Township Clerk by 9:00 a.m. on the day of the remote meeting in order to be included in the meeting. Any written comments received after 9:00 a.m. on the day of the meeting will not be read into the record or become part of the meeting record.

6. The procedures and requirements for making public comments during a remote meeting, along with an explanation of the audio muting function of the electronic communications platform being used, shall be announced at the beginning of the remote public meeting.

7. With respect to public participation at a remote public meeting, the following procedures shall be incorporated:

a. A member of the public who has submitted written comments prior to the meeting in accordance with this resolution, attends the remote public meeting, and participates during the public comment portion, shall be considered as having been recognized for the purposes of public comment without the need to read the written comments of that person.

b. If a member of the public disrupts a remote public meeting, the Mayor or presiding officer of the remote public meeting shall facilitate a dialogue with that member of the public to the extent reasonably permitted by the electronic communications technology.

c. The Mayor or presiding officer of the meeting shall mute or continue muting, or direct appropriate staff to mute or continue muting, any disruptive member of the public and warn them that continued disruption may result in their being prevented from speaking during the remote public meeting or removed from the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption and use of profanity.

d. A member of the public who continues to act in a disruptive manner after receiving an initial warning shall be muted while other members of the public are allowed to proceed with their questions or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment. Should the person remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting.

<u>Resolution 20-234</u> - Resolution of the Township of Middletown, County of Monmouth, State of New Jersey for the Demolition of Two Single Story Residential Buildings located at 27-29 Ideal Avenue

WHEREAS, the Township of Middletown authorized the receipt of bids for Demolition of Two Single Story Residential Buildings; and

WHEREAS, no bids were received on November 19, 2020 and;

WHEREAS, it is the desire of the Township Committee to authorize the receipt of new bids for the Demolition of Two Single Story Residential Buildings located at 27-29 Ideal Avenue and;

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

That the Township Committee does hereby authorize the receipt of new bids for the Demolition of Two Single Story Residential Buildings located at 27-29 Ideal Avenue. That the Township Purchasing Agent shall determine the time, date and place for the receipt of bids.

That a Notice to Bidders shall be published in regard to the receipt of bids for the Demolition of Two Single Story Residential Buildings located at 27-29 Ideal Avenue in accordance with the specifications prepared by the Township of Middletown.

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. Comptroller
C. Ted Maloney, Director of Public Works

<u>Resolution 20-235</u> - Resolution Authorizing Production Of Duplicate Tax Lien Certificate

WHEREAS, pursuant to N.J.S.A. 54:5-52.1, when authorized by a resolution of the governing body, the Tax Collector shall, in the case of the destruction or loss of a tax title certificate, issue and execute a new certificate of tax sale in place of the one which has been destroyed or lost; and

WHEREAS, US Bank Cust/Pro Cap 8/Pro Cap has indicated the original Certificate of Sale for Unpaid Municipal Liens located in Middletown Township, Tax Sale held December 27, 2019 Certificate #19-00070, Book: OR-9399, Page 7813 has been deemed "lost".

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 Tax Collector, upon receipt of an Affidavit of Loss, to issue a duplicate certificate to US Bank Cust/Pro Cap 8/Pro Cap for the original Certificate of Sale for Unpaid Municipal Liens.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be provided to each of the following:

a. Tax Collector

b. US Bank Cust/Pro Cap 8/Pro Cap
US Bank Global Corp Trust Svcs
50 South 16th Street – Suite 2050
Philadelphia, PA 19102

Resolution 20-236 – Number skipped on Agenda

Resolution 20-237 – Duplicate of 20-233

Resolution 20-238 - Resolution Authorizing Chief Financial Officer to Pay Covid-19 Related Expenses Prior to Next Township Committee Meeting to Qualify For Cares Act Reimbursement

WHEREAS, the next meeting of the Township Committee is not being held until December 21, 2020; and

WHEREAS, in order to receive qualified Cares Act reimbursements in 2020, all Covid-19 related expenses must be paid by December 18, 2020.

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 Township's Chief Financial Officer is hereby authorized and directed to make any qualifying Covid-19 related expense payments prior to the deadline required for submission for Cares Act reimbursements from the County of Monmouth.

Resolution 20-239 - 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.

Block	Lot	Borrower	Address	Amount
409	8	Isa Hanania	24 Brevent Ave	20,700

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 20-240 - Resolution Releasing the Performance Guarantee for Deputy Ventures, LLC, Leonardo, Middletown
Block 375, Lot 15

WHEREAS, the developer of the site known as 22 Benton Avenue, Leonardo (Block 375, Lot 15, Middletown, New Jersey) had posted with the Township a Performance Guarantee in the form of Cash in the amount of $5,082.00; and

WHEREAS, the developer has requested a release of said Performance Guarantee; and

WHEREAS, the Township Engineer, Joseph E. "Ted" Maloney, PE, PP, CME, as set forth in this letter of October 28, 2020 indicates that he has inspected the premises and has found no outstanding deficiencies.

WHEREAS in light of these findings, the Township Engineer recommends that the current Performance Guarantee in the form of Cash in the amount of $5,082.00 be released.

WHEREAS, the Township Committee agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Middletown Township Committee that the performance guarantee be released.

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

a. Joseph E. Maloney, PE – Township Engineer
b. Deputy Ventures, LLC

Resolution 20-241- Authorizing Award of Contract to Vendor(s)with State Contracts for One (1) New 2021 Ford F250 Pick-Up Truck

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

In accordance with the requirements of the Local Public Contract Law N.J.S.A. 40:11-12 et seq., and the regulations promulgated thereunder, the following purchase without competitive bids from vendor(s) with State Contract is hereby approved:

ITEM # 1

VENDOR

WINNER FORD
250 HADDONFIELD BERLIN ROAD
CHERRY HILL, NJ 08034

STATE CONTRACT: # 88726

AMOUNT: $27,247.00

DESCRIPTION

ONE (1) NEW FORD F250 PICK-UP TRUCK FOR THE RECYCLING DIVISION OF THE MIDDLETOWN PUBLIC WORKS DEPARTMENT.

WHEREAS, the Chief Financial Officer of the Township of Middletown has certified that adequate funds for such contract are available, and are designated to line item appropriation of the official budget numbers **G-02-40-700-557-**. A copy of the said certification is attached hereto and made a part hereof and the funds to be expended herein are assigned to line item **017**. A copy of the within resolution and certification shall be certified by the Township Clerk. The Township Attorney is satisfied that the availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.

G-02-40-700-557-017 - $27,247.00

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) Comptroller
C) Ted Maloney, Dir. Public Works
D) Vendor

Resolution 20-242 – Resolution Authorizing the Payment of Bills for December 7, 2020

The Township Committee hereby approves a resolution for the payment of bills in the amount of $3,290,249.66.

Resolution 20-243 - Resolution Authorizing Shared Service Agreement Between The Township Of Middletown And The County Of Monmouth Concerning Community Rating System Project Management Software

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 has acquired a license to utilize the Community Rating System ("CRS") Project Management Software, including its related software products, services and websites (collectively referred to as "CRS Software") which provides for a municipal platform, elevation certificate storage and file management, and a CRS resident platform; and

WHEREAS, the Township of Middletown (the "Township") and the County of Monmouth desire to enter into a shared services agreement whereby Monmouth County will provide the Township with a sublicense to utilize the CRS Software for a term of three (3) years running from January 1, 2021 through December 31, 2023 (the "Agreement"); and

WHEREAS, the Township shall pay Monmouth County a total fee of $6,147.00 in exchange for the sublicense for the CRS Software for the term of the Agreement, which is subject to reduction upon the occurrence of certain contingencies as outlined in the Agreement; 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 the Agreement with Monmouth County with respect to the sublicense for the CRS Software pursuant to the terms and conditions set forth in the Agreement and this Resolution. A copy of the Agreement shall be open for public inspection at the Offices of the Township immediately after passage of this Resolution.
3. The terms of the Agreement shall take effect upon the adoption of appropriate Resolutions and execution of the Agreement by the parties thereto.

DISCUSSION ITEMS

a. Middletown Green Team Grant Update
b. Proposed RFP for Recycling Commodities from Kanes Lane and Train Station Recycling Centers

TOWNSHIP COMMITTEE COMMENTS:

Committeeman Settembrino, None

Committeewoman Snell, attended the IBCA tree lighting and it was a wonderful turnout.

Committeeman Hibell, None

Deputy Mayor Fiore, None

PUBLIC COMMENTS:

None

ADJOURNMENT

It was moved by Mayor Perry, seconded by Deputy Mayor Fiore and carried to adjourn at 7:12 pm.

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

Clerk Brunt stated motion carried to adjourn.

Respectfully submitted,

_____
Heidi R Brunt
Township Clerk

Approved:

_____
Anthony S. Perry, Mayor