

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 January 17, 2023.

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 Middletown Sun and Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 05, 2023.

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

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Chief Financial Officer Colleen Lapp, Township Engineer Ted Maloney, Deputy Township Clerk Kaaren Sena 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.

CERTIFICATE OF APPRECIATION/PROCLAMATIONS

Proclamation Recognizing January 29 – February 4, 2023, as Catholic Schools Week in the Township of Middletown

WHEREAS: Catholic Schools Week is a national celebration of Catholic education in the United States of America. This annual event has been recognized since 1974 and always begins the last Sunday in January and culminates at the end of that week; and

WHEREAS: Catholic education has demonstrated its ability to contribute to national welfare throughout America's history by educating people about the Catholic faith, empowering those who follow it, and promoting the religious freedom that is granted to every U.S. citizen; and

WHEREAS: The commitment of Catholic schools to Christian values and the Christian

Regular Meeting

moral code renders a profound service to society which can benefit from spiritual values and good moral conduct for its success; and

WHEREAS: Middletown is proud to be home to several Catholic schools, such as Saint Mary School, Saint Leo the Great School, and Christian Brothers Academy. Catholic schools strengthen both our community and nation by instilling knowledge in our youth and keeping viable the right to freedom of religion under law. Now,

THEREFORE:I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim January 29 – February 4, 2023 as **Catholic Schools Week** in the Township of Middletown and urge the citizens of our community to join in observance of this week with appropriate ceremonies and activities.

PUBLIC HEARING OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2023-3363 – Ordinance Amending § 240-15 Of the Code of The Township of Middletown Governing Rates for Additional Solid Waste and Recycling Carts

Mayor Perry opened the meeting for public comments.

Don Watson, 1 Collinson Drive, questioned the fee changes for garbage. It was discussed that the additional can fee also includes tipping fees.

Hearing no further 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:

Regular Meeting

Ordinance 2023-3364 – Ordinance Adopting The 100 Schultz Drive Redevelopment Plan Within the Exit 109 Redevelopment Plan Area Consisting of Block 1086, Lot 30

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 2023-3365 – Ordinance Amending § 7-32 Of the Code of The Township of Middletown Governing the Township Attorney's Position

Mayor Perry opened the meeting for public comments.

Don Watson, 1 Collinson Drive, questioned a conflict of interest if Brian Nelson writes his own contract? Township Attorney Brian Nelson explained the need of ordinance amendment and revises ordinance to acknowledge separate positions for Township Attorney.

Hearing no further 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.

Regular Meeting

CONSENT AGENDA

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 23-48 through 23-64 removing 23-54 from the consent agenda and including Firefighter Applications.

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

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

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

Resolution 23-48 - Resolution Authorizing Application for Grant for The Tanya Keller Community Center

WHEREAS, the Township of Middletown (the “Township”) desires to apply for and obtain a grant from the New Jersey Department of Community Affairs (“DCA”), in an amount not to exceed \$100,000 to carry out a project to complete Phase 2 of improvements to the Tonya Keller Community Center.

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

1. It hereby authorizes and directs the Mayor and Township Administrator to make an application to the DCA for a grant not to exceed \$100,000 to carry out a project to complete Phase 2 of improvements to the Tonya Keller Community Center.

2. It hereby recognizes and accepts that the DCA may offer a lesser or greater amount; and therefore, upon receipt of the grant agreement from the DCA, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the DCA, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township and the DCA.

3. It hereby designates the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Resolution 23-49 - Resolution Authorizing the Township of Middletown, Through the Middletown Township Police Department, To Participate in The Defense Logistics Agency Law Enforcement Support Office 1033 Program to Enable the Middletown Township Police Department to Request and Acquire Excess Department of Defense Equipment.

WHEREAS the United State Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program the Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies: and

WHEREAS DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting law enforcement agency: and

WHEREAS, participation in the 1033 Program allows municipal and county law enforcement agencies to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county law enforcement agencies, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property: and

WHEREAS N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the TOWNSHIP COMMITTEE of the TOWNSHIP OF MIDDLETOWN that the MIDDLETOWN TOWNSHIP POLICE DEPARTMENT is hereby authorized to enroll in the 1033 Program for a one-year period from January 1st, 2023, to December 31, 2023.

BE IT FURTHER RESOLVED that the **MIDDLETOWN TOWNSHIP POLICE DEPARTMENT** is hereby authorized to acquire items of non-controlled property designated “DEMIL A”, which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the next twelve months, based on the needs of the **MIDDLETOWN TOWNSHIP POLICE DEPARTMENT**, without restriction; and

BE IT FURTHER RESOLVED that **MIDDLETOWN TOWNSHIP POLICE DEPARTMENT** is authorized to acquire “DEMIL B through Q” property, if it shall become available in the next six months, upon passage of a separate resolution specifying the type of controlled property sought; and

BE IT FURTHER RESOLVED that the Chief of Police or his designee shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the **MIDDLETOWN TOWNSHIP POLICE DEPARTMENT** shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately shall be valid to authorize requests to acquire “DEMIL A” property that may be made available through the 1033 Program until December 31st, 2023 and requests to acquire “DEMIL B through Q” property that may be made available through the 1033 Program until June 30, 2023.

1. The Township Clerk shall send a certified copy of this resolution to each of the following:
 - a. Police Department

Resolution 23-50 - Resolution Authorizing Execution of Equitable Sharing Agreement of Forfeited Assets with Department of Justice

WHEREAS, the Middletown Township Police Department has applied for a pro rata share of forfeited assets from the U.S. Department of Justice derived from criminal prosecutions; and

WHEREAS, to receive such funds an Equitable Sharing Agreement must be entered with the U.S. Department of Justice on an annual basis.

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 Committee hereby authorizes and directs the Mayor and Chief of Police to execute an Equitable Sharing Agreement with the U.S. Department of Justice via the electronic portal by the agency administrator pursuant to the terms and conditions of the Agreement attached hereto and made part hereof.

Resolution 23-51 - Establishment of Official Newspapers

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLETOWN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

1. During the year 2023, the official newspapers for this municipality shall be The Middletown Sun, The Two River Times and The Asbury Park Press pursuant to NJSA 40:53-1 and NJSA 40:53-2.

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

- a. The Middletown Sun
- b. The Two River Times
- c. The Asbury Park Press

Resolution 23-52 - 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 2023 is estimated not to exceed \$30,000, 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 23-53 - Resolution Authorizing Cancellation of Certain Outstanding Accounts Payable Items to Be Credited to Surplus

WHEREAS the following Accounts Payable Items remain unexpended:

WHEREAS it is necessary to formally cancel said items so that the following unexpended amounts may be credited to Surplus;

PO Number	Vendor	Amount
16-02084	Mitchell Humphrey & Co.	\$7,000.00
19-01908	Rahway Typewriter Company, Inc.	\$300.00
20-04614	State Toxicology Laboratory	\$3,540.00
20-04725	Bob's Uniform Shop	\$1,151.86
	TOTAL	\$11,991.86

NOW THEREFORE BE IT RESOLVED, by the Township Committee, that the unexpended amounts be cancelled and that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

Resolution 23-54 – Resolution Ratifying Memorandum of Agreement (“MOA”) With the Crossing Guards Unit of CWA Local 1032

This Resolution Removed from Consent Agenda

Resolution 23-55 - Resolution Awarding Contract for Delta Dental Administrative and Network Services

WHEREAS, the Township of Middletown for the past several years has engaged the services of Delta Dental Plan of NJ, Inc. for providing dental claims administrative and dental network services as part of the health benefits for Township employees; and

WHEREAS, it is necessary to ratify and approve the continuation of that Contract for dental claims administrative and network services for the year 2023 with the administrative services and costs for an estimated cost not to exceed \$30,000; and

WHEREAS, authorization for the award of this contract as an extraordinary unspecifiable service does not require public bidding pursuant to N.J.S.A. 40A:11-5(1)(m) as an insurance-related contract subject only to certification of availability of funds by the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middletown that the Mayor and Township Clerk are authorized to execute the agreement with Delta Dental Plan of NJ, Inc. for the provision of dental claims administrative and network services for the year 2023 for the Township health benefit program for employees at the administrative fees as set forth in the attached contract made part hereof for an estimated contract amount not to exceed \$30,000.

BE IT FURTHER RESOLVED that notice of this contract award shall be published by the Township Clerk in the Township’s official newspaper and a complete copy of the contract be maintained by the Clerk.

Resolution 23-56 - Resolution Awarding Third Party Health Care Claims Administration Services

WHEREAS, the Township of Middletown for several years has engaged the services of Meritain Health, Inc., for the provision of employee and retiree health benefits claims administration services for its self-insured group health plan benefits programs; and

WHEREAS, the Township annually evaluates the service provided and fees charged and concluded, based on the recommendations of the Township’s Assistant Administrator

Regular Meeting

and insurance consultants to continue the services being provided by Meritain Health, Inc. in 2023 for an estimated amount not to exceed \$360,000; and

WHEREAS, authorization for the award of this contract does not require public bidding pursuant to N.J.S.A.40A:11-5(1)(m) as an insurance-related contract subject only to certification of availability of funds by the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown that the Mayor and Township Clerk are hereby authorized and directed to execute a contract with Meritain Health, Inc., 1719 State Highway 10, Parsippany, New Jersey 07054 to provide health benefits claims administration services for the Township's self-insured health benefits programs for employees and retirees at the rates set forth in the contract attached hereto and made part hereof for an estimated amount not to exceed \$360,000 in 2023.

BE IT FURTHER RESOLVED that notice of this contract award shall be published by the Township Clerk in the Township's official newspaper and a complete copy of the contract be maintained by the Clerk.

Resolution 23-57 - Resolution Authorizing Payment of Compensated Absence Benefits for Retirement of Robert Stefanski

WHEREAS, Robert Stefanski has been employed by the Township of Middletown (the "**Township**") since November 1, 1987; and

WHEREAS, effective December 31, 2022, Robert Stefanski retired with just over 35 years of service to the Township; and

WHEREAS, upon retirement as a Deputy Chief of Police, Robert Stefanski is entitled to compensated absence benefits in accordance with the Township's contracts governing the PBA and SOA, as applicable, during his 35 years of employment with the Township totaling \$149,032; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that it hereby authorizes the payment of \$149,032 to Robert Stefanski for accumulated compensated absence benefits made upon his retirement.

Resolution 23-58 - 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 and Special Crossing Guards, 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, II, and Special Crossing Guards in the Middletown Township Police Department for the calendar year of 2023.

Special Law Enforcement Officers Class I –

Matthew Viaud

Adrianna Lanfranco

Brian Flannigan

James Kearns

Wilson Cartagena

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 23-59 - Resolution Authorizing Filing of Complaint with The State Council on Local Mandates in Relation to Excess Costs Associated with Motor Vehicle Thefts and Associated Crimes Resulting from Bail Reform

WHEREAS, pursuant the New Jersey Constitution (the “**State Constitution**”), the New Jersey Council on Local Mandates (the “**Council**”) is charged with determining whether any statute, rule or regulation constitutes an “unfunded mandate” in violation of Article VIII, § 2, ¶ 5 of the State Constitution and N.J.S.A. 52:13H-2 imposed against a local government entity; and

WHEREAS, since the enactment of the bail reform law in January 2017, motor vehicle thefts and associated crimes in Monmouth County have increased by 40% with more than one-third of those being arrested and released committing the same crime again; and

WHEREAS, the Township of Middletown (the “**Township**”) has been forced to increase police patrols and significantly increase expenditures to combat the surge in auto thefts and associated crimes that statistically correlates with the enactment of the bail reform law; and

WHEREAS, since the bail reform was enacted, the Township’s taxpayers have been forced to cover hundreds of thousands of dollars of unfunded costs associated with combating and investigating auto thefts and associated crimes on an annually reoccurring basis; and

WHEREAS, the bail reform law, therefore, violates N.J.S.A. 52:13H-2 because the State has “not authorize[d] resources to offset the additional direct expenditures required for the implementation of the law . . .”; and

WHEREAS, under the State Constitution, the Council is empowered to act to eliminate such unfunded mandates imposed upon municipal governments by the State.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that it hereby authorizes and directs the Township Attorney to file a Complaint with the Council to address the above-recited unfunded mandate that the bail reform law has imposed upon municipal governments.

Resolution 23-60 – Resolution Authorizing the Payment of Bills for January 17, 2023

The Township Committee hereby approves the payment of bills for January 17, 2023 in the amount of \$2,478,340.53.

Regular Meeting

Resolution 23-61 - Resolution Authorizing Quitclaim Deed Releasing Affordability Controls for Accessory Apartment Unit Located At Block 178, Lot 2, Commonly Known As 25 Nevada Avenue

WHEREAS, pursuant to the Fair Housing Act, the Township of Middletown (the "**Township**") is responsible for the administration of affordable housing units within its borders; and

WHEREAS, the Township and Jeffrey Paris and Linda Paris (the "**Owners**") entered into an Affordable Housing Agreement, Declaration of Covenants, Conditions and Restrictions of Accessory Apartments (the "**Agreement**") dated May 11, 2012, effective November 1, 2012 (the "**Effective Date**"), relating to certain real property located at Block 178, Lot 2 on the official tax map of the Township of Middletown, County of Monmouth, and more commonly known as 25 Nevada Avenue (the "**Property**") owned by the Owners; and

WHEREAS, the Agreement was recorded in the Office of the Monmouth County Clerk on October 25, 2012 in Deed Book: OR-8978 at Page 2087&c against the Property; and

WHEREAS, pursuant to the Agreement, the Owners were restricted to rent the accessory apartment (the "**Accessory Apartment**") situated on the Property to certified modified income households only in order to maintain the affordability controls for a period of no less than ten (10) years from the Effective Date; and

WHEREAS, pursuant to Agreement, the affordability controls, covenants and restrictions set forth in the Agreement (the "**Restrictions**") expired on November 1, 2022 (the "**Expiration Date**"); and

WHEREAS, the Expiration Date has passed, and the Owners have 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 as the Owner is not required to and/or was not willing to renew the Property's affordability controls.

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 an 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 23-62 - Resolution Authorizing Acceptance of Grant Funds From New Jersey Department Of Human Services, Division Of Family Development Hiring And Retention Bonus Grant Program

WHEREAS, the Middletown Preschool, which is governed and operated pursuant to the Township Code, submitted an application for a child care hiring and retention bonus grant through the New Jersey Department of Human Services, Division of Family Development; and

WHEREAS, the New Jersey Department of Human Services, Division of Family Development has acted favorably on the grant application and awarded \$5,385 to the Middletown Preschool.

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. The Mayor, Township Administrator, or other authorized appropriate and responsible officials be and hereby authorized and directed to execute a grant agreement with the State of New Jersey in an amount up to that awarded for the proposed project, and to seal the grant agreement.
2. Upon receipt of the grant funds, the Township's Chief Financial Officer is authorized to compensate the following staff members in the amounts listed below, while utilizing \$77 per individual towards employer payroll tax liabilities:

Regular Meeting

Maximilian Hogan	\$1,000
Alexandra Gallo	\$1,000
Maria Gato	\$1,000
Debra Flanagan	\$1,000
Victoria Davis	\$1,000

Resolution 23-63 - Resolution Awarding Contract for Prescription Administration Services

WHEREAS, The Township of Middletown for the past several years has engaged the services of BeneCard Services, Inc. for the provision of employee and retiree prescription claims administration services and Medicare drug subsidy services; and

WHEREAS, it is necessary to ratify and approve the continuation and extension of that contract for prescription services for the year 2023 in order to maintain the continuity of said services, with a maximum estimated expenditure under said contract being estimated to be no more than \$32,000; and

WHEREAS, authorization for the award of this contract as an extraordinary unspecifiable service does not require public bidding pursuant to N.J.S.A.40A:11-5(1)(m) as an insurance-related contract subject only to certification of availability of funds by the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED BY The Township Committee of the Township of Middletown that the Mayor and Township Clerk are hereby authorized and directed and to execute a contract with BeneCard Services, Inc. to provide prescription claims administrative Medicare retiree drug subsidy services for the year 2023 for the Township health benefit program for employees and retirees at the rates set forth in the contract attached hereto and made part hereof in an amount estimated not to exceed \$32,000.

BE IT FURTHER RESOLVED that notice of this contract award shall be published by the Township Clerk in the Township’s official newspaper and a complete copy of the contract be maintained by the Clerk.

Resolution 23-64 - Resolution Authorizing Chief Financial Officer to Issue Payments for Port Monmouth Flood Control Settlements and Declarations of Taking

WHEREAS, in conjunction with the Army Corp of Engineers and New Jersey Department of Environmental Protection, the Township of Middletown (the “Township”) is in the process of acquiring numerous easements and property through negotiations and condemnation for the completion of the Port Monmouth Flood Control Project; and

Regular Meeting

WHEREAS, the Township has already authorized these acquisitions by Ordinance and Resolution and Ordinance to finance the same that will be reimbursed by the federal government; and

WHEREAS, numerous checks are required to be issued to property owners and to the Superior Court on a timely basis under the Eminent Domain Act to multiple parties who are often adverse to the Township and unwilling to execute purchase orders in the normal course.

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 Chief Financial Officer, or her duly authorized designee, are hereby authorized and directed to issue checks in the absence of payee signatures upon the request of the Township Attorney for the settlement of individual easement or property acquisitions to individual property owners and the Clerk of the Superior Court relating to the Port Monmouth Flood Control Project.

BE IT FURHTER RESOLVED that this Resolution shall be effective immediately and through December 31, 2023.

FIREFIGHTER APPLICATIONS

Ryan Fairhurst, Port Monmouth Fire Company; Kevin Tormey, Independent Fire Company

TOWNSHIP COMMITTEE ACTING AS THE ABC ISSUING AUTHORITY

Township Clerk Heidi Brunt requested a motion for Resolution 23-65

It was moved by Mayor Perry and seconded by Deputy Mayor Hibell to adopt Resolution 23-65

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

Resolution 23-65 – Resolution Authorizing the Renewal of Liquor Licenses with a Special Ruling for the 2022-2023 Licensing Term

WHEREAS, applications have been made to the Middletown Township Committee for Liquor License in the Township of Middletown for the licensing year beginning July 1, 2022 and ending June 30, 2023 accompanied by an assigned fee per Chapter 240-1 A of the Code of the Township of Middletown.

WHEREAS, the premises where the licenses are sought have been duly inspected by the Office of the Chief of Police of the Township of Middletown, have received, a special ruling for renewal from the Director of the NJ ABC, and it appearing that the applications are in due form and that all legal formalities have been met.

License Number	Licensee	Status
1331-33-026-004	Standard Hedge LLC	Inactive

BE IT FURTHER RESOLVED that the Township Clerk issue the necessary licenses pursuant to this resolution and that a certified copy of this resolution be forwarded to the Director of Alcoholic Beverage Control of the State of New Jersey, provided that in each case payment of \$200.00 filing fee by the licensee have been made to the Division of Alcoholic Beverage Control in accordance with P.L. 1970, Chapter 77.

TOWNSHIP COMMITTEE COMMENTS:

Committeeman Clarke, congratulated Santorini Marshall Arts Center’s grand opening. He commended the Fire Fighters and Police Department for an amazing job in the Hazlet fire.

Committeeman Settembrino, None

Committeewoman Kratz, None

Deputy Mayor Hibell, None

Mayor Perry, discussed the “Safe Streets NJ Initiative” and the rise in auto thefts and passing resolution 23-59 tonight regarding a complaint about the excess costs associated with crime. Bail reform has been an extraordinary issue since it’s inception. He announced more information can be found on the website www.safestreetsnj.com

Regular Meeting

PUBLIC COMMENTS:

Keyvanjah, Mahnaz, 161 Cherry Tree Lane, trying to demo house. Asked why the Township will not issue demo permit? Mayor Perry responded that the Township will be demolishing the property. The Mayor reiterated that the Township officials are knocking the house down since the property is not being maintained since the fire and it is a health and construction hazard.

Bruce Stafford, 39 Brainard Avenue, discussed a serious flood issue on December 22nd and December 23rd. He complained about the valve being opened. He spoke with Val Robertson, left message for Ted Maloney. He followed up and left message for Ted again with Val Robertson on January 5th and still has not received a call back or response. He also discussed the Army Corp. cutting the berm and placed timbers. Ted Maloney responded that the Road Department was sent, and the valve was functioning and discussed the slide gates. Mayor Perry requested the reports at the time of the flood and will contact Mr. Stafford.

ADJOURNMENT

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adjourn at 7:45 pm.

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