

Workshop Meeting

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 6, 2021.

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 07, 2021.

Roll Call Vote: Present: Clarke, Hibell, Kratz, Settembrino, Mayor Perry
Absent:

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Assistant Administrator Jim Van Nest 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.

CERTIFICATE OF APPRECIATION/PROCLAMATIONS

**Middletown Township Public Library 9/11 Memorial Gardens Fund Donation
Presentation to the Township of Middletown**

Township Clerk Heidi Brunt invited Bob Bucco to join Mayor Perry at the front of the room. Mayor Perry introduced Bob Bucco who discussed the 9/11 Memorial Gardens a solid foundation to preserve history. Mr. Bucco presented Mayor Perry with a donation check in the amount of \$5,000.

**Proclamation Supporting Drive Sober or Get Pulled Over 2021 Year
End Holiday Crackdown**

WHEREAS: Approximately one-third of all fatal traffic crashes in the United States in 2019 involved impaired drivers; and

WHEREAS: Impaired driving crashes kill over 10,000 people in the United States each year; and

WHEREAS: Impaired driving crashes cost the United States more than \$44 billion a year; and

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WHEREAS: Drunk driving was responsible for almost a quarter of all fatal traffic crashes in New Jersey two years ago and resulted in the death of 129 people; and

WHEREAS: An enforcement crackdown is planned to combat impaired driving; and

WHEREAS: The year-end holiday season is traditionally a time for social gatherings which include alcohol; and

WHEREAS: The State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2021 Year End Holiday Crackdown*; and

WHEREAS: The project will involve increased impaired driving enforcement from December 3, 2021 through January 1, 2022; and

WHEREAS: An increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

THEREFORE: Be it resolved I, Mayor Tony Perry and the Middletown Township Committee, declare Middletown's support for the *Drive Sober or Get Pulled Over 2021 Year End Holiday Crackdown* from December 3, 2021 through January 1, 2022 and pledge to increase awareness for the dangers of drinking and driving.

PUBLIC HEARING OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2021-3323 - An Ordinance Authorizing the Partial Vacation of a Conservation Easement Across Block 885, Lot 1.01 On the Tax Map of the Township of Middletown, County of Monmouth and State of New Jersey

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.

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Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2021-3324 - Ordinance Establishing Fair Market Value and Authorizing and Directing the Acquisition of Properties Located in The Township of Middletown Designated as Block 136, P/O Lot 7, Block 265, P/O Lots 31.03, 31.04, 62-68, And 70, Block 276, P/O Lots 77.01, 77.022, 77.03 And 78, Block 133, P/O Lots 11 And 12, Block 136, P/O Lot 5, Block 137, P/O Lot 2.06, Block 139, P/O Lot 7, Block 26, P/O Lot 2.01 By Purchase or Eminent Domain

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.

INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2021-3325 – An Ordinance Providing Funding for Sidewalk Improvements Throughout the Township for The Township of Middletown and Appropriating \$235,000 For Such Purpose.

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 December 20, 2021.

Township Clerk Heidi Brunt read the following ordinance by title:

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Ordinance 2021-3326 – Bond Ordinance Providing an Appropriation Of \$2,575,000 For Acquisition of Fair View Fields Property Located on Oak Hill Road by And for The Township Of Middletown In The County Of Monmouth, New Jersey And Authorizing The Issuance Of \$2,446,250 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
 Absent: None

Township Clerk Heidi Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on December 20, 2021.

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2021-3327 – Ordinance Establishing Fair Market Value for Property Identified as Block 865, Lot 134 Generally Known as Fair View Fields Within the Township of Middletown and Authorizing Acquisition of Block 865, Lot 134 By Purchase or Eminent Domain For The Purpose Of Maintaining The Public Recreational Facilities On Site

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 December 20, 2021.

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2021-3328 – An Ordinance Authorizing the Vacation of a Portion of Texas Avenue Within 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

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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 December 20, 2021.

CONSENT AGENDA

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 21-256 through 21-272.

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 Brunt stated the motion carried to adopt the consent agenda.

Resolution 21-256 - Resolution Awarding Contract for Engineering Services for Hubbard Avenue Safe Routes to School Project

WHEREAS, the Township of Middletown (the “Township”) applied for and received grant from the United States Federal Highway Administration for the Hubbard Avenue Pedestrian Improvement Project (the “Project”), which is located within the Township; and

WHEREAS, to assist in the efficiency of delivery of grant funds to local units, the New Jersey Department of Transportation, Division of Local Aid and Economic Development (“NJDOT”) launched the Safe Routes to School (“SRTS”) Design Assistance Program; and

WHEREAS, the SRTS program is based upon a scope of work and budget agreed upon by the Township and NJDOT which includes funds dedicated for design assistance for the Project; and

WHEREAS, by Resolution 21-222, the Township Committee approved the execution of a Federal Aid Agreement between the Township and NJDOT relating to the Project; and

WHEREAS, using its procurement process and in compliance with the federal Brooks Act, NJDOT issued requests for proposals for professionals and solicited bids for engineering services to assist local units in the SRTS Design Assistance Program; and

WHEREAS, as a result, NJDOT has established a pool of engineering design consultants through a quality-based selection process to provide local units with prequalified, experienced professionals to aid in the development of the SRTS project for local units to select from; and

WHEREAS, the use of a procurement process like that employed by NJDOT in connection with the SRTS program is a mandatory prerequisite to obtaining and utilizing SRTS grant funds.

WHEREAS, the firm of Greeman-Pedersen, Inc. (“GPI”) has been determined to be qualified and have agreed to provide professional engineering services pursuant to the grant award of up to \$342,522.40 for Preliminary Engineering Services, \$225,895.10 for Final Design Services and \$35,555.30 for Construction Engineering Services, subject to the Certification of availability of funds being provided by the Chief Financial Officer.

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 firm of GPI, 100 Corporate Drive, Suite 301, Lebanon, NJ 08833 is hereby offered and awarded professional services contract to serve as the Township’s engineer in amounts not to exceed \$342,522.40 for Preliminary Engineering Services, \$225,895.10 for Final Design Engineering Services and \$35,555.30 for Construction Engineering Services.

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

Resolution 21-257 - 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 #65MCESCCPS) 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

WHEREAS, the Chief Financial Officer for Middletown Township has certified that free and unencumbered funds in the amount of \$60,000.00 are available for this purpose in account/line-item number 1-01-26-315-100-205. 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 \$60,000.00.

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Resolution 21-258 - Authorizing the Purchase of One (1) John Deere 50G Compact Excavator 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 #65MCESCCPS) pursuant to the provision of N.J.S.A. 40A:11-11; and

WHEREAS, JESCO, Inc., 118 St. Nicholas Ave. South Plainfield, NJ 07080, has been awarded the ESCNJ Contract No. 18/19-25 (expiration 2/21/23) for Grounds Equipment; and

WHEREAS, under Contract 18/19-25, JESCO, Inc., can provide one (1) John Deere 50G Compact Excavator for the Department of Public Works; and

WHEREAS, the Chief Financial Officer for Middletown Township has certified that free and unencumbered funds in the amount of \$71,096.01 are available for this purpose in account/line-item number C-04-55-921-321-005. 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 JESCO, Inc. for the delivery of one (1) John Deere 50G Compact Excavator in the amount of \$71,096.01.

Resolution 21-259 - Authorizing the Award of a Non-Fair and Open Contract to Pinnacle Indoor Sports to Conduct a Feasibility Study for The Creation of an Indoor Recreation Facility

WHEREAS, Middletown Township has a need to hire a specialist to conduct a feasibility study for the creation of an indoor recreation facility at 202 Main Street, Port Monmouth New Jersey 07758 as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Purchasing Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for one (1) year; and

WHEREAS, Pinnacle Indoor Sports, in the aggregate is expected to receive in excess of the pay to play threshold of \$17,500.00; and

WHEREAS, Pinnacle Indoor Sports, has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form, which certifies that Pinnacle Indoor Sports, has not made any reportable contributions to a political or candidate committee in Middletown Township in the previous one year, and that the contract will

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prohibit Pinnacle Indoor Sports from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer for Middletown Township has certified that free and unencumbered funds in the amount of \$32,500.00 are available for this purpose in account/line-item number T-03-56-802-120-004. A copy of the said certification is attached hereto and made part hereof.

THEREFORE, BE IT RESOLVED, by the Township Committee of Middletown Township, County of Monmouth, State of New Jersey that Middletown Township enter into an agreement with Pinnacle Indoor Sports to conduct a feasibility study for the creation of an indoor recreation facility in the not to exceed amount of \$32,500.00 and that the Business Entity Disclosure Certification and Political Contribution Disclosure form, and Determination of Value be placed on file with this resolution.

Resolution 21-260 - Resolution Authorizing Award of Contract to Vendor with A State Contract for The Purchase of Three (3) 2022 Ford Explorer Police Interceptors

WHEREAS, Middletown Township, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, Winner Ford, 250 Haddonfield-Berlin Road Cherry Hill, NJ 08034, has been awarded New Jersey State Contract No. 20-FLEET-01189; and

WHEREAS, under Contract 20-FLEET-01189, Winner Ford, can provide three (3) 2022 Ford Explorer Police Interceptors for the Police Department; and

WHEREAS, the Chief Financial Officer for Middletown Township has certified that free and unencumbered funds in the amount of \$95,913.00 is available for this purpose in account/line-item number 1-01-44-915-200-800. 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 Winner Ford for the delivery of three (3) 2022 Ford Explorer Police Interceptors in the amount of \$95,913.00.

Resolution 21-261 – Resolution Authorizing Award of Contract to Vendor with a State Contract for The Purchase of Four (4) Chevrolet Tahoes

WHEREAS, Middletown Township, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State

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contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, Gentilini Motors, 2703 Fire Road, Egg Harbor Township, NJ, has been awarded New Jersey State Contract No. 21-FLEET-01485; and

WHEREAS, under Contract 21-FLEET-01485, Gentilini Motors, can provide four (4) Chevrolet Tahoes for the Police Department; and

WHEREAS, the Chief Financial Officer for Middletown Township has certified that free and unencumbered funds in the amount of \$157,159.68 are available for this purpose in account/line-item number 1-01-44-915-200-800. 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 Gentilini Motors for the delivery of four (4) Chevrolet Tahoes in the amount of \$157,159.68.

Resolution 21-262 - Resolution Authorizing the Chief Financial Officer to Conduct Financial Matters Until First Regular Meeting in January 2022

WHEREAS, the Township Committee will not be convening any regular business meetings until mid-January 2022; and

WHEREAS, bills will need to be authorized for payment prior to the next regular business meeting of the Township Committee; and

WHEREAS, outstanding bills may only be paid with funds that have already been budgeted for and encumbered by purchase orders.

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 to pay bills budgeted for and encumbered through the Township's first regular meeting in January 2022.

BE IT FURTHER RESOLVED that the Township Committee shall be provided with its regular report relating to any bills authorized for payment during this period by the Chief Financial Officer.

Resolution 21-263 - Resolution Authorizing a Chapter 159 Additional Item of Funding in the 2021 Budget – “2021 Year End Holiday Drive Sober Crackdown Grant”

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local

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Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Middletown has received a \$6,000.00 grant from the NJ Dept. of Law and Public Safety, Division of Highway Traffic Safety and wishes to amend its 2021 budget to include this amount as revenue, and

NOW THEREFORE BE IT RESOLVED, that the Township Committee of Middletown Township, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2021 budget in the sum of \$6,000.00 which is now available as revenue under Special Item of Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

NJ Dept. of Law and Public Safety, Division of Highway Safety
“2021 Year End Holiday Drive Sober Crackdown Grant”

BE IT FURTHER RESOLVED that a sum of \$6,000.00 is hereby appropriated under the caption of General Appropriations – Operations Excluded from “CAPS”:

NJ Dept. of Law and Public Safety, Division of Highway Safety
“2021 Year End Holiday Drive Sober Crackdown Grant”

BE IT FURTHER RESOLVED, that the Chief Financial Officer forward a copy of this resolution to the Director of Local Government Services.

Resolution 21-264 - Resolution Authorizing a Chapter 159 Additional Item of Funding in the 2021 Budget – FY2021 Additional Senior Center Title IIIB Grant Funding

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Middletown has received an award of \$9,181.00 from the County of Monmouth for the Senior Center Grant and wishes to amend its 2021 budget to include this amount as revenue, and

NOW THEREFORE BE IT RESOLVED, that the Township Committee of Middletown Township, New Jersey hereby requests the Director of the Division of Local

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Government Services to approve the insertion of an item of revenue in the 2021 budget in the sum of \$9,181.00 which is now available as revenue under Special Item of Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

County of Monmouth

Division on Aging, Disabilities and Veterans Services

Senior Center Title IIIB Grant Funding

BE IT FURTHER RESOLVED that a sum of \$9,181.00 is hereby appropriated under the caption of General Appropriations – Operations Excluded from the “CAPS”:

County of Monmouth Division on Aging, Disabilities and Veterans Services Senior Center Title IIIB Grant Funding

BE IT FURTHER RESOLVED, that the Chief Financial Officer forward a copy of this resolution to the Director of Local Government Services.

Resolution 21-265 - Resolution Approving s Financing Agreement with Toll NJ XII, L.P.

WHEREAS, TOLL NJ XII, L.P. (hereinafter referred to as the "Sponsor") proposes to construct a 70 unit affordable housing project in (hereinafter referred to as the "Project") and 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 et seq., and all applicable guidelines (the foregoing hereinafter 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, or about to be shown, on the Official Assessment Map of the Township of Middletown, Monmouth County; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor, or its successors and assigns, and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, the Project may or will 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; and the New Jersey Housing and Mortgage Finance Agency, New Jersey Housing and Mortgage Finance Agency Special Needs Housing Trust Program; or other applicable programs, and

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WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the Agency; 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; and

WHEREAS, the Sponsor has presented to the Township Committee a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown that:

- (1) The Township Committee finds and determines that the proposed Project will meet or meets an existing housing need as determined by an Order of the Superior Court; and,
- (2) The Township Committee does hereby adopt this Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and
- (3) The Township Committee does hereby adopt this Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the Township in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit "B"; and
- (4) The Township Committee hereby authorizes and directs the Mayor and the Clerk to execute, on behalf of the Municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "B"; and
- (5) The Township Committee understands and agrees that the revenue projections set forth in Exhibit "A" are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the Municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and Municipality.

Resolution 21-266 - Resolution of Need for Affordable Housing Units Sponsored By Toll NJ XII, L.P.

WHEREAS, TOLL NJ XII, L.P.(hereinafter referred to as the “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, or to be 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 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 21-267 - Resolution Authorizing Cancellation of The Unexpended 2021 Balance For The Borough Of Highlands Clerk Shared Services

WHEREAS, the following Current Fund 2021 budget appropriations balances remain unexpended:

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WHEREAS, it is necessary to formally cancel said balances due to the termination of the Borough of Highlands Clerk Shared Services Agreement effective September 2021

Account Number	Description	Amount
Current Fund		
1-01-20-120-100-100	TWP Clerk S&W	(15,555.46)
1-01-42-101-200-276	Interlocal - Boro of Highlands Clerk	15,555.46
	TOTAL	\$0.00

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

Resolution 21-268 - Resolution Authorizing the Transfer of Appropriations In The Local Budget Of The Township Of Middletown For The Year 2021

WHEREAS, Section 40A:4-58 of the Revised Statutes of New Jersey authorizes the transfer of appropriations, during the last two (2) months of the calendar year, to said budget where adopted heretofore by the governing body by two-thirds vote thereof.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown, as follows:

1. That the excess in the appropriations listed in the column designed “FROM” be transferred to the appropriations listed in the column designated “TO” as follows:

	CURRENT FUND	FROM	TO
Account Number			
1-01-25-240-100-100	Police S&W	\$38,000.00	
1-01-20-140-100-201	MIS - Materials & Supplies		\$14,000.00
1-01-31-440-200-200	Utilities - Telephone O/E		\$24,000.00
	TOTAL	\$ 38,000.00	\$ 38,000.00

2. The Township Clerk is hereby authorized and directed to transmit to the Chief Financial Officer and Township Auditor, a certified copy of this resolution.

3. This resolution shall take effect immediately

4. A copy of this resolution shall be filed forthwith with the Director of New Jersey, Division of Local Government Services.

Resolution 21-269 - Resolution of The Township of Middletown, County of Monmouth, State of New Jersey, Canceling Grant Balance

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WHEREAS, there exists Grant Receivables and Grant Reserves on the Balance Sheet; and

WHEREAS, it is necessary to formally cancel the receivable balance and their offsetting appropriation balance from the balance sheet;

Grant	Year	Cancel Appropriation Amount	Cancel Receivable Amount
Recreational Trails Program Grant	2016		9,635.75
Municipal Alliance DEDR Grant - Muni Share	2020	593.54	
Senior Center Grant Title IIIB	2020	8,682.00	8,682.00
BPU Clean Fleet Electric Vehicle Grant	2021	8,000.00	8,000.00
U Text, U Drive, U Pay Grant	2021	180.00	180.00
Total		\$ 17,455.54	\$ 26,497.75

NOW, THEREFORE, BE IT RESOLVED Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that the following grant receivable and appropriation balance be canceled:

Resolution 21-270 – Resolution Ratifying Award of Contract for Professional Engineering Services for Due Diligence and Site Investigation Completion for Leonardville Road Veterans Housing Project

WHEREAS, the Township of Middletown (the “**Township**”) required professional engineering services for the Township’s acquisition of Block 502, Lots 1 and 7 for the Township’s veterans housing; and

WHEREAS, pursuant to the fair and open process and Resolution No. 21-021, the Township previously qualified multiple engineering firms to provide consulting engineering services; and

WHEREAS, the Township received a proposal from CME Associates to provide the required professional engineering services in the amount of \$66,500, which the Township Engineer deemed acceptable.

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

1. It hereby ratifies the award of a contract to CME Associates, 3759 Highway 1 South, Suite 100, Monmouth Junction, New Jersey 08852 for professional engineering services related to the Township’s veterans housing project in an amount not to exceed \$66,500.

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2. It hereby authorizes and directs the Mayor and the Clerk, subject to final attorney review, to execute an Agreement for the provision of such professional services, a copy of which shall be maintained by the Clerk and advertised in the Township's official newspaper pursuant to law.

Resolution 21-271 - Resolution Establishing Fair Market Value and Authorizing And Directing the Acquisition of Properties Located in The Township of Middletown Designated as Block 265, P/O Lots 31.03, 31.04, 65, 67, 68 And 70, Block 276, P/O Lot 78, Block 133, P/O Lots 11 And 12, Block 136, P/O Lot 5, Block 139, P/O Lot 7 By Purchase or Eminent Domain

WHEREAS, the United States Army Corps of Engineers ("**USACE**") conducted an investigation and identified areas located in the Township of Middletown (the "**Township**") that were subject to significant coastal storm damage and tide-induced flooding; and

WHEREAS, the USACE's investigation resulted in the Raritan Bay and Sandy Hook Bay, Port Monmouth Feasibility Report for Hurricane and Storm Damage Reduction (the "**Feasibility Report**") dated September 25, 2000; and

WHEREAS, under Section 101 of the Water Resources Development Act of 2000, and based on the Feasibility Report, the United States Congress authorized a hurricane and storm damage reduction project in the Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey; and

WHEREAS, the hurricane and storm damage reduction project included the Raritan Bay and Sandy Hook Bay, Port Monmouth, Phase II, NJ Flood Risk Management Project (the "**Project**"); and

WHEREAS, under public law 113-2, the Disaster Relief Appropriation Act of 2013, Chapter 4, Congress appropriated funds for this Project; and

WHEREAS, the USACE is now implementing the Project, which provides for hurricane and storm damage reduction and flood risk management and calls for certain improvements on certain real property, including, but not being limited to the construction of a floodwall and/or levee, road closure gates, interior drainage structures and other related work; and

WHEREAS, pursuant to Ordinance No. 2021-3324, the Township is authorized and directed to acquire by purchase or gift, or, in the alternative, to take, or condemn certain real property identified as necessary components under the Project's Phase II Contracts 4b and 5 for the purchase price and/or fair and just compensation as valued by the appraisal reports issued by J. McHale & Associates, Inc. (the "**Appraiser**"), subject to and upon receipt of final approval required by the Project's Phase II Contracts 4b and 5 and the adoption of a resolution by the Township Committee memorializing the same; and

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WHEREAS, the Township is in receipt of the appraisal reports reviewed and approved pursuant to the Project's Phase II Contracts 4b and 5 for the properties set forth in **Exhibit A** (each a "**Property**" and collectively the "**Properties**") and wishes to proceed with the acquisition of the Properties for the Project.

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:

That the Township Committee hereby accepts the valuations by the Appraiser for the Properties in the amounts set forth in the appraisal reports reviewed and approved pursuant to the Project's Phase II Contracts 4b and 5 and identified in **Exhibit A** attached hereto, as having been performed in a competent manner and in accordance with the relevant appraisal standards and the applicable law as establishing the fair market value of the Properties (the "**Cost of Acquisition**").

The Mayor, Township Administrator, Archer & Greiner, PC and/or any other attorneys retained by the Township for purposes of the Project, and such other officials, employees and agents of the Township, specifically including, but not limited to professional appraisers, environmental experts, consulting engineers, surveyors and similar professionals as are appropriate, are hereby authorized and directed to execute such documents and to perform all other acts necessary to negotiate in good faith or take, condemn (including the institution of any necessary legal action to acquire the real property including but not limited to action to gain necessary access to the real property for related purposes) or to acquire title to the Properties for dedication to the Project; and the Mayor and Township Clerk are hereby authorized and directed to execute any and all documents necessary for the acquisition of said real property; however, no settlement figure, purchase price or stipulation to purchase in excess of the Cost of Acquisition shall be binding on the Township or its agents until the Township Committee gives final approval to such figure or price by resolution.

The Chief Financial Officer of the Township is hereby authorized and directed to pay the purchase price and/or fair and just compensation to the owner of record in the amount of the Cost of Acquisition for each Property as valued by the appraisal reports issued by J. McHale & Associates, Inc., as well as to pay the Township's share of costs connected with title reports, appraisal reports, attorney's fees, professional consultant's fees, and other costs necessary for the general acquisition of any Property by way of condemnation of the real property.

This resolution shall take effect immediately.

Resolution 21-272 – Resolution Authorizing the Payment of Bills for December 6, 2021

The Township Committee hereby approves a resolution for the payment of bills for December 6, 2021 in the amount of \$5,805,300.23

Firefighter Application

Workshop Meeting

Patrick Schinder

DISCUSSION ITEMS

Tonya Keller Community Center – Basketball Court Upgrade

Planning Director Amy Citrano gave an update on the funding received from the CBDG grant to upgrade the basketball courts which will also include adding additional linework, trees and benches.

Township Sidewalk Upgrades

Township Engineer Ted Maloney discussed the capital funding received through Ordinance 2021-3325. Hoping to get it all done with this capital funding.

Puppy Mill Discussion

Health Director Rich DeBenedetto discussed the Pet Protection Act and the numerous problems with puppy mills.

TOWNSHIP COMMITTEE COMMENTS:

Committeeman Settembrino, None

Committeeman Clarke, thanked the Library for the Memorial Gardens 9/11 donation.

Kim Kratz, wished Middletown Township resident Bridget Levy a Happy 100th Birthday

Deputy Mayor Hibell, None

Mayor Perry, thanked the Library for the donation to the Memorial Gardens 9/11 donation. He announced America lost a man of the greatest generation a great statesman and true leader Bob Dole.

PUBLIC COMMENTS:

Steve Miller, 151 Borden Road, commented on the resolution for the purchase of nine vehicles and that the resolution does not specify what vehicles are being replaced, and why hybrid vehicles are not being purchased.

ADJOURNMENT

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adjourn at 7:50 pm.

Roll Call Vote: Ayes: Hibell, Settembrino, Snell, Mayor Perry

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Nays: None
Abstention: None
Absent: Clarke

Clerk Brunt stated motion carried to adjourn.

Respectfully submitted,

Heidi R Brunt
Township Clerk

Approved:

Anthony S. Perry, Mayor