

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 August 21, 2023.

Township Clerk Heidi Pieluc 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, Kratz, Settembrino, Mayor Perry
Absent: Hibell

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Township Clerk Heidi Pieluc and Deputy Township Clerk Kaaren Sena

PLEDGE OF ALLEGIANCE

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

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

CERTIFICATE OF APPRECIATION/PROCLAMATIONS

Proclamation Recognizing August 31, 2023, as Overdose Awareness Day in the Township of Middletown

WHEREAS: Middletown, New Jersey acknowledges the harm and hardship caused by drug overdose; and

WHEREAS: We recognize the purpose of International Overdose Awareness Day as remembering loved ones lost to addiction and ending the stigma of drug-related deaths; and

WHEREAS: We resolve to play our part in reducing the toll of overdose in our community which has claimed the lives of 50 Monmouth County residents as of March 31, 2023, along with countless others who have been affected; and

WHEREAS: We affirm that the people affected by overdose are our loved ones –

children, parents, siblings, friends, and neighbors – who are deserving of our compassion and support. Now,

THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim August 31, 2023 as **Overdose Awareness Day** in Middletown Township. Middletown is partnering with the Prevention Coalition of Monmouth County to support this cause by displaying purple flags at Crossroads at the Lincroft Annex for the 50 Monmouth County residents lost due to overdose, as well as two white flags to represent all individuals who lost their lives to an overdose throughout 2022. We encourage our community to reach out to the Middletown Municipal Alliance for the prevention of substance use and Crossroads at the Lincroft Annex should they or a loved one need help with battling addiction.

Proclamation Recognizing September 2023 as Recovery Month in the Township of Middletown

WHEREAS: National Recovery Month (Recovery Month) is a national observance held every September to educate Americans about how substance use treatment and mental health services can enable those with a mental and/or substance use disorder to live a healthy and rewarding life; and

WHEREAS: Mental health and substance use disorders affect all communities nationwide. With commitment and support, those impacted can embark on a journey of improved health and overall wellness. The focus of Recovery Month is to celebrate all the people that make the journey of recovery possible by embracing the theme, “Recovery is For Everyone: Every Person, Every Family, Every Community.” Recovery Month spreads the message that people can and do recover every day; and

WHEREAS: Through Recovery Month, people become more aware and able to recognize the signs of mental health and substance use disorders and encourage people in need of recovery services to seek help. Managing the effects of these conditions helps individuals achieve healthy lifestyles, both physically and emotionally; and

WHEREAS: The Recovery Month observance continues to work to improve the lives of those affected by mental health and substance use disorders by raising awareness and educating communities about the effective services that

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are available; and

WHEREAS: To help more people achieve and sustain long-term recovery, we encourage community members to reach out to the Middletown Municipal Alliance for the prevention of substance use and Crossroads at the Lincroft Annex should they or a loved one need help with battling addiction. Now,

THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim the month of September 2023 as **Recovery Month** in Middletown Township and call upon our community to observe this month with compelling programs and events that support this year's 33rd anniversary of Recovery Month. Visit www.rm.facesandvoicesofrecovery.org for more information.

Proclamation Recognizing September 2023 as Prostate Cancer Awareness Month in the Township of Middletown

WHEREAS: Prostate cancer is the most commonly diagnosed cancer in American men, with 1 in 8 men being diagnosed in their lifetime. It is also the third leading cause of cancer death behind lung and colon cancer; and

WHEREAS: This year, approximately 288,300 men will be diagnosed with prostate cancer in the United States alone – one man every 2 minutes. Roughly 34,700 will die this year from the disease, which is about 3,500 more than 2020 – one man every 15 minutes; and

WHEREAS: In New Jersey, an estimated 9,460 new cases of prostate cancer will be diagnosed and an estimated 730 deaths will occur in 2023; and

WHEREAS: If caught early, prostate cancer has a five-year survival rate of nearly 100%. However, late-stage prostate cancer has a five-year survival rate of 31%; and

WHEREAS: Many more men are expected to be diagnosed at a later stage in 2023 because of delayed screenings and treatment due to COVID-19; and

WHEREAS: Education regarding prostate cancer and early detection strategies is critical to saving lives and protecting people from the emotional,

economic, and social burdens of this disease; and

WHEREAS: All men are at risk for prostate cancer, so we encourage residents to learn more and get screened.

Now,

THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim September 2023, and every September going forward, as **Prostate Cancer Awareness Month** in the Township of Middletown. We encourage our community to join us in recognizing this month and help raise awareness for this important cause.

Proclamation Recognizing August 6, 2023, as International WeLoveU Foundation Day in the Township of Middletown

WHEREAS: The International WeLoveU Foundation (WeLoveU) is an NGO founded by Chairwoman Zahng Gil-jah in 2001 and is associated with the United Nations Department of Global Communications; and

WHEREAS: The foundation is currently active in over 50 countries with a mission to support creating a healthier and more sustainable environment for all; and

WHEREAS: WeLoveU tirelessly strives to support the 17 Sustainable Development Goals and has carried out 2,037 activities in 67 countries, touching the lives of countless individuals and helping protect the environment with nearly 300,000 participants; and

WHEREAS: Plastic pollution has rapidly become a global crisis, severely affecting the marine environment.

At least 8 million tons of plastic enter the ocean annually — threatening human health, food safety and contributing to climate change; and

WHEREAS: The Oceans and Waterways Cleanup campaign launched by WeLoveU aims to reduce plastic pollution by educating people’s harmful effects on human health, marine life, and climate change and mobilizing volunteers to clean their local shorelines. The campaign

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honors the United Nation’s declaration of the Decade on Ecosystem Restoration, fulfilling Sustainable Development Goals 13 and 14 — Climate Action and Life Below Water. Now,

THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim August 6, 2023 as **International WeLoveU Foundation Day** in the Township of Middletown. We extend our gratitude to the foundation and its volunteers across the State of New Jersey for hosting a cleanup at Leonardo Beach. Their actions have a profound effect on the health of our people, our waterways, and our environment and we encourage the community to celebrate and support their efforts.

APPROVAL OF MINUTES

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

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

July 17, 2023, Regular Meeting

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

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

PUBLIC HEARING OF PROPOSED ORDINANCES

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2023-3380 – An Ordinance Banning Smoke Shops And Vape Shops As A Permitted Use In Any Zone District In The Township Of Middletown And Requiring Licensure For All Pre-Existing Smoke Shops And Vape Shops And For The Pre-Existing Sale Of Electronic Smoking Devices And Smoking Device Paraphernalia In Business Establishments

Mayor Perry opened the meeting for public comments.

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Hearing no comments from the public it was moved by Mayor Perry and seconded by Committeeman Settembrino to close public hearing and carried to adopt this ordinance on second and final reading.

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

Township Clerk Heidi Pieluc stated the motion carried to pass this ordinance.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2023-3381 – Bond Ordinance Providing An Appropriation Of \$1,350,000 For The Acquisition Of Easements For The Port Monmouth Flood Control Project By And For The Township Of Middletown In The County Of Monmouth, New Jersey And Authorizing The Issuance Of \$1,282,500 In Bonds Or Notes Of The Township For Financing Part Of The Appropriation.

Mayor Perry opened the meeting for public comments.

Hearing no comments from the public it was moved by Mayor Perry and seconded by Committeeman Settembrino to close public hearing and carried to adopt this ordinance on second and final reading.

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

Township Clerk Heidi Pieluc stated the motion carried to pass this ordinance.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2023-3382 – Bond Ordinance Providing An Appropriation Of \$355,000 For Various Improvements To Poricy Park And Croydon Park By And For The Township Of Middletown In The County Of Monmouth, New Jersey And Authorizing The Issuance Of \$337,250 In Bonds Or Notes Of The Township For Financing Part Of The Appropriation

Mayor Perry opened the meeting for public comments.

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Hearing no comments from the public it was moved by Mayor Perry and seconded by Committeeman Settembrino to close public hearing and carried to adopt this ordinance on second and final reading.

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

Township Clerk Heidi Pieluc stated the motion carried to pass this ordinance.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2023-3383 – Bond Ordinance Providing An Appropriation Of \$1,025,000 For Various Capital Improvements By And For The Township Of Middletown In The County Of Monmouth, New Jersey And Authorizing The Issuance Of \$734,445 In Bonds Or Notes Of The Township For Financing Part Of The Appropriation.

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

Township Clerk Heidi Pieluc stated the motion carried to pass this ordinance.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2023-3384 – 2023/2024 Salary Ordinance

Mayor Perry opened the meeting for public comments.

Hearing no comments from the public it was moved by Mayor Perry and seconded by Committeeman Settembrino to close public hearing and carried to adopt this ordinance on second and final reading.

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

Township Clerk Heidi Pieluc stated the motion carried to pass this ordinance.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2023-3385 – Ordinance Amending Township’s LOSAP Ordinances To Allow For Rate Adjustments By Resolution

Mayor Perry opened the meeting for public comments.

John Drucker, Resident and Volunteer Firefighter, commented he is a lifelong resident and LOSAP coordinator. Volunteers answer thousands of calls and 75,000 volunteer hours. He thanked the Township Committee for LOSAP support increase.

Hearing no further comments from the public it was moved by Mayor Perry and seconded by Committeeman Settembrino to close public hearing and carried to adopt this ordinance on second and final reading.

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

Township Clerk Heidi Pieluc stated the motion carried to pass this ordinance.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2023-3386 - An Ordinance Providing Funding For Site Remediation Costs And Various Improvements At The Municipal Complex For The Township Of Middletown And Appropriating \$250,000 For Such Purpose.

Mayor Perry opened the meeting for public comments.

Hearing no comments from the public it was moved by Mayor Perry and seconded by Committeeman Settembrino to close public hearing and carried to adopt this ordinance on second and final reading.

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

Township Clerk Heidi Pieluc stated the motion carried to pass this ordinance.

INTRODUCTION OF PROPOSED ORDINANCES

Ordinance 2023-3387 - Ordinance Amending The Port Of Belford Redevelopment Plan Within The Port Of Belford Redevelopment Plan Area

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

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

Township Clerk Heidi Pieluc stated motion carried to pass this ordinance on first reading with a public hearing to be held on September 18, 2023.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2023-3388 - Ordinance Amending And Supplementing The Code Of The Township Of Middletown Establishing Procedures And Standards Regarding Deployment Of Small Wireless Facilities Within Public Rights-Of-Way

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

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

Township Clerk Heidi Pieluc stated motion carried to pass this ordinance on first reading with a public hearing to be held on September 5, 2023.

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Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2023-3389 - Ordinance Authorizing Acceptance Of Deed Of Conservation Easement Upon A Portion Of Block 698, Lot 12.01 (59 Oakland Avenue)

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

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

Township Clerk Heidi Pieluc stated motion carried to pass this ordinance on first reading with a public hearing to be held on September 5, 2023.

CONSENT AGENDA

Township Clerk Heidi Pieluc requested a motion to adopt a consent agenda including Resolutions 23-199 through 23-230.

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

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

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

Resolution 23-199 – Resolution Authorizing Award Of Contract To A Vendor With A National Cooperative Contract For (3) Three 2024 Chevrolet Trail Blazers

WHEREAS, the Township of Middletown as a contracting unit, may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf of the Sourcewell National Cooperative, pursuant to the provision of Local Public Contract Law P.L. 2011, C.139 (the “Law” or “Chapter 139”) and N.J.S.A.52:34-6.2 and the regulations promulgated in Local Finance Notice LFN 2012-10, which permits contracting units to use contracts awarded by national or regional cooperatives or other states that were

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competitively bid. The law supplements existing law on the use of such contracts and is intended to provide additional flexibility to local government in the area of procurement; and

WHEREAS the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with; and

WHEREAS, the Qualified Purchasing Agent has complied with the public notification provisions of public advertisement and has received no protests in accord with law and regulation; and

WHEREAS, the Qualified Purchasing Agent, recommends the utilization of this contract based on the requirements of State Law; and

WHEREAS, under Sourcewell Contract #091521-NAF National Auto Fleet Group, an authorized dealer for Chevrolet vehicles, can provide the Township with three (3) new 2024 Chevrolet Trailblazers in the amount of \$90,656.37 per their quote dated July 13, 2023; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$90,656.37 are available for this purpose in account/line-item number(s) 3-01-26-315-100-205. 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 that National Auto Fleet Group, under Sourcewell Contract #091521-NAF be utilized to provide three (3) new Chevrolet Trailblazers in the amount of \$90,656.37.

Resolution 23-200 – Resolution of the Township of Middletown, Monmouth County, New Jersey Endorsing Revolution NJ and the 250th Anniversary of The Founding Of the United States in 2026

WHEREAS, 2026 marks the 250th anniversary of the founding of the United States of America; and

WHEREAS, to observe this momentous occasion, the U.S. Semiquincentennial Commission, established by Congress (P.L. 114-196) in 2016, and it's supporting non-profit America250, will plan and commemorate on a national level the celebration of our nation's semiquincentennial; and

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WHEREAS, New Jersey played a significant role during the American Revolution when it saw more battles and skirmishes than any other state and was truly the Crossroads of the American Revolution; and

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature in 2018 authorized the creation of a program to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey's pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation's past, present, and future; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established Revolution NJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, Revolution NJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events; and

WHEREAS, Monmouth County also has a rich history integral to the independence effort, including the critical Battle of Monmouth; and

WHEREAS, Monmouth County Board of County Commissioners has established by way of resolution, Monmouth County's Committee that will commemorate our nation's semiquincentennial, highlighting Monmouth County's role in the fight for independence, and will coordinate events and activities throughout Monmouth County, working with public and private entities; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of our great nation and the role New Jersey and Monmouth County have played over the past 250 years, as well as its present and future role as part of the United States, with particular focus on the individuals, ideas, and events that shaped our Country and

WHEREAS, preserving, studying, celebrating and enjoying our history strengthens our communities by way of building bonds amongst our residents, engages our youth in the education about our nation and its founding principles, improves our economies by promoting our unique history and attracting visitors to our community.

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NOW, THEREFORE, BE IT RESOLVED, that the Township of Middletown hereby endorses Revolution NJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey.

Resolution 23-201 - Appointment Of Special Law Enforcement Officers - Class III

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, Class II, Class III), 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 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 individual is hereby appointed as Special Law Enforcement Officer – Class III, in the Middletown Township Police Department for the calendar year of 2023.

Special Law Enforcement Officer Class III – Patrick Jacques

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 23-202 - Resolution Middletown Township Participating in the New Jersey Coast Coalition (NJCC)

WHEREAS, the New Jersey Coastal Coalition (NJCC) is a 501 (c)3 non-profit organization, incorporated in the State of New Jersey, who formed as the Atlantic-Cape Coastal Coalition in 2013 as a result of Superstorm Sandy and changed their name in early 2018 reflecting their desire to include all coastal communities; and

WHEREAS, the NJCC's mission is to build more resilient communities at the Jersey Shore by developing policies and practices that will anticipate future concerns and to create solutions to be shared by all participants; and

WHEREAS, Township staff have been attending meetings of the NJCC and have had mutual exchange from the NJCC with the Township of Middletown Floodplain Manager and Community Rating System Users Group meetings; and

WHEREAS, participation in the NJCC provides the Township of Middletown with networking and shared resources opportunities, which can better prepare the Township and its residents for future flood events; and

WHEREAS, the Township of Middletown has determined it is in the best interest of the Township and Monmouth County to formalize its participation and become a member of the NJCC; and

WHEREAS, the County of Monmouth also encourages its municipalities to participate in the NJCC.

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

1. The Township of Middletown hereby formalizes its desire to be an active participant in the New Jersey Coastal Coalition and directs staff to continue to dedicate time as needed towards this endeavor.
2. Copies of this Resolution shall be made available to the Monmouth County Board of Commissioners, the Monmouth County Administrator, the Monmouth County Planning Director, Monmouth County Municipalities, and the NJ Coastal Coalition.

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Resolution 23-203 - Cancellation of Community Development Mortgages

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

<u>Block</u>	<u>Lot</u>	<u>Borrower</u>	<u>Address</u>	<u>Amount</u>
957	2	Patsy & Jaqueline Gagliardo	412 Pine Street	1,535.00

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 23-204 – Cancellation of Community Development Mortgages

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

<u>Block</u>	<u>Lot</u>	<u>Borrower</u>	<u>Address</u>	<u>Amount</u>
513	13	Jerry Colson	91 Union Ave, Belford	25,500

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 23-205 - Resolution Authorizing Award Of Contract To Vendor With A State Contract For The Purchase Of Firefighter Protective Clothing

WHEREAS, The Township of Middletown, 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, **Safe-T Skylands Area Fire Equipment, 23 Hamburg Turnpike, Unit A Riverdale NJ 07457** is an authorized dealer of Honeywell First Responder products, has been awarded New Jersey State Contract No. 17-FLEET-00810 Firefighter Protective Clothing and Equipment through Honeywell; and

WHEREAS, under Contract 17-FLEET-00810, **Safe-T Skylands Area Fire Equipment**, can provide Firefighter Protective Clothing the Fire Department; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of **\$125,202.24** is available for this purpose in account/line-item number **3-01-25-265-100-202** and **3-01-25-265-100-202**. 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 **Safe-T Skylands Area Fire Equipment** for the delivery of Firefighter Protective Clothing in the amount of **\$125,202.24**

Resolution 23-206 - Resolution Adopting 2010 Amendments Of New Jersey Smoke Free Air Act Into Existing Smoking Policy

WHEREAS, The Township of Middletown is dedicated to providing a healthy and productive work environment. As required by N.J.S.A. 26:3D-55, it has been our policy to provide a tobacco-free worksite since 1994. This policy applies to all employees, clients, contractors, vendors and visitors; and

WHEREAS, Signed into law in 2006, the New Jersey Smoke-Free Air Act applies to all enclosed areas of business facilities in New Jersey where employees perform work and for which the employer is responsible. In January, 2010, an amendment was passed to prohibit the use of electronic smoking devices in indoor public places.

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

3. The administration of the Township of Middletown is dedicated to promoting health and wellness and recognizes that tobacco is an extremely addictive substance. This worksite will provide education on the impact of tobacco use with the purpose of raising awareness of the effects of tobacco use. This worksite will promote the use of all available resources, including the New Jersey Quitline (1-866-657-8677) and Tobacco Free for a Healthy NJ Quit Centers to assist those tobacco users who wish to cease their use of such products and will develop a systematic referral system to New Jersey cessation resources.
4. The Township of Middletown will conduct an analysis of health insurance benefits for coverage of effective tobacco dependence treatment and/or prescription or over-the-counter medications. As it becomes available, employees will be informed about health insurance coverage and programs that include tobacco cessation medication and counseling.
5. This policy is being posted and copies are being made available to anyone who requests one. Per Article III Smoking on Municipal Grounds Section 404, 11, this policy will be supervised and enforced by the Middletown Department of Health in accordance with New Jersey State law. Signs will be displayed, including no smoking signs with information about the worksite policy.
6. Smoking and use of any tobacco products/E-cigarettes/vapes are prohibited in:
 - All enclosed areas where work is performed, including rest rooms, meeting rooms, lunchrooms & private offices
 - All employer-owned and all employer-leased vehicles used by employees.
 - All employee-owned vehicles used in the course of work whenever other employees or another person is in the vehicle for work-related reasons.
7. The Middletown Municipal Complex will be designated as 100% Tobacco and E cigarette -Free campus. The Tobacco-Free Policy applies to all Middletown Municipal facilities, property, and vehicles. Smoking and the use of tobacco

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products and E cigarettes shall not be permitted in any enclosed place, including, but not limited to, all offices, hallways, waiting rooms, restrooms, meeting rooms and common areas. Smoking and the use of tobacco products shall also be prohibited outdoors on all Middletown Municipal property, including, but not limited to, any property or portion thereof, owned, leased or subsidized by the Township of Middletown which is routinely accessed by the general public, including but not limited to parks, recreation facilities, the municipal complex, and lands upon which any such building, structure or facility is located, including, but not limited to the surrounding surface parking lots, walkways, paths and lands appurtenant thereto.

Resolution 23-207 – Resolution Of the Township Committee of The Township of Middletown, Monmouth County, New Jersey, Authorizing the Official Filing of the 2022 Municipal Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

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and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

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as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - AA local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Middletown, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution 23-208 - Resolution Authorizing a Chapter 159 Additional Item of Funding in the 2023 Budget – “National Opioids Settlement Fund”

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

Regular Meeting

WHEREAS, the Township of Middletown has received a \$32,054.44 grant from the National Opioids Settlement Fund which will bill overseen by the NJ Dept. of Human Services and wishes to amend its 2023 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 2023 budget in the sum of \$32,054.44 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:

“National Opioids Settlement Fund”

BE IT FURTHER RESOLVED that a sum of \$32,054.44 is hereby appropriated under the caption of General Appropriations – Operations Excluded from “CAPS”:

“National Opioids Settlement Fund”

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

Resolution 23-209 - Resolution Authorizing The Award Of A Contract For Multizone Curbside Leaf Collection

WHEREAS, the Township advertised for and received bids for contract #23-05 – Multizone Curbside Leaf Collection in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, five proposals were received and publicly opened on July 13th 2023, at 10:00 a.m.; and

WHEREAS, one proposal was deemed non-responsive for the equipment listed on their equipment listing; and

WHEREAS, the Township Director of Public Works has recommended that contract #23-05 be awarded as follows for the 2023 and 2024 work periods:

1) Work Items A, B, C, D, & F

- a. Valesco Enterprises, LLC – 6 Chestnut St., Port Monmouth, NJ 07758 with their total price of \$413,500.00.

2) Work Items E, G, I, & L

- a. Bennett Property & Design Works, Inc. – 32 Kanes Ln., Middletown, NJ 07748 with their total price of \$489,240.00.

Regular Meeting

3) Work Items H, J, & K

- a. Faircut Services, LLC – 17 Timber Dr., Montville, NJ 07045 with their total price of \$390,480.00.

Total Contract Amount (2023 & 2024): **\$1,293,220.00**

WHEREAS, the initial contract term shall cover both the 2023 and 2024 work periods as outlined in the bid specifications with the option for two, 1 (one) year extensions (2025 & 2026 work periods); and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$647,390.00 are available for this purpose in account/line-item number(s) 3-01-26-290-100-208. Availability of funds for the remaining balance of the contract amount is contingent upon the necessary funds being appropriated by the governing body in the 2024 and subsequent Municipal Budgets, inclusive of amount appropriated in the temporary budget as required by N.J. A.C. 5:34-5.3 (a). A copy of the said certification is attached hereto and made part hereof.

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown that the award for contract #23-05 – Multizone Curbside Leaf Collection be awarded to the Contractors above, pursuant to the terms of their bids at the above prices, and that the appropriate officials are hereby authorized to execute the contracts with the contractors.

Resolution 23-210 - Amending Resolution 23-67 - State Contract Purchase Thresholds

WHEREAS, resolution 23-67 authorized the Township of Middletown to purchase various goods and services from authorized vendors under the State of New Jersey Cooperative Pricing Program 1-NJCP as authorized by N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-77.15; and

WHEREAS, it is necessary to amend the maximum amount allocated to the state contract vendors below from which purchases may be made during the calendar year 2023.

NOW THEREFORE BE IT RESOLVED by the Township Committee that the Purchasing Agent on behalf of the Mayor and the Township Administrator as Contracting Agent is hereby authorized to process purchase orders with the vendors listed below in accordance with the terms of the State Contracts as indicated, in the not to exceed amount listed for each; and

BE IT FURTHER RESOLVED that no certification of funds from the Chief Financial Officer has been attached because these contracts are open-ended pursuant to

Regular Meeting

N.J.A.C. 5:30-11-10. If needed, individual purchase orders will be processed prior to release of the order to the vendor.

EXISTING VENDOR	STATE CONTRACT #	CATEGORY	EXISTING AMOUNT	NEW AMOUNT
Elite Emergency Lights LLC	17-Fleet-00749	Vehicle Lighting and Installation	\$80,000.00	\$364,000.00
Parts Authority	20-Fleet-00984	Non-OEM Parts and Acces.	\$60,000.00	\$80,000.00

Resolution 23-211 - Resolution Amending Resolution 23-66 - National Contract Purchase Thresholds

WHEREAS, resolution 23-66 authorized the Township of Middletown to purchase aftermarket automotive and truck parts from vendors on Sourcewell contract number #032521-GPC; and

WHEREAS, it is necessary to amend the maximum amount allocated to the national contract vendors below from which purchases may be made during the calendar year 2023.

NOW THEREFORE BE IT RESOLVED by the Township Committee that the Purchasing Agent on behalf of the Mayor and the Township Administrator as Contracting Agent is hereby authorized to process purchase orders with the vendors listed below in accordance with the terms of the national contracts as indicated, in the not to exceed amount listed for each; and

BE IT FURTHER RESOLVED that no certification of funds from the Chief Financial Officer has been attached because these contracts are open-ended pursuant to N.J.A.C. 5:30-11-10. If needed, individual purchase orders will be processed prior to release of the order to the vendor.

EXISTING VENDOR	CONTRACT #	CATEGORY	EXISTING AMOUNT	NEW AMOUNT
Naylor's Auto Parts	#032521-GPC	Aftermarket automotive and truck parts	\$72,000.00	\$107,000.00
F&C Automotive Supply	#032521-GPC	Aftermarket automotive and truck parts	\$100,000.00	\$125,000.00

Regular Meeting

Resolution 23-212 - Resolution Authorizing Emergency Award Of Contract For Drainage & Roadway Repairs

WHEREAS, there was a public emergency declared April 3rd, 2023 due to damage to a curb inlet and the surrounding road surface; and

WHEREAS, N.J.S.A. 40A:11-6 permits a contract to be negotiated or awarded without public advertisement for bids, notwithstanding the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.12, contracts awarded under such circumstances are also exempted from pay to play regulations.

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 ratifies the award of an emergency contract to S. Brothers Inc., PO Box 317, South River, NJ 08882 for the repair of the curb inlet and surrounding road surface in the amount of \$29,360.00.

Resolution 23-213 - Resolution Authorizing Award Of Contract To Vendor With A State Contract For The Purchase Of Decorative Garbage/Recycling Stations For Township Parks

WHEREAS, The Township of Middletown, 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, Ben Shaffer Recreation, PO Box 844, Lake Hopatcong, NJ 07849 has been awarded New Jersey State Contract No. 16-FLEET-00135; and

WHEREAS, under Contract 16-FLEET-00135, Ben Shaffer Recreation, can provide 114 decorative garbage/recycling stations for the Department of Public Works; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$299,763.76 is available for this purpose in account/line-item number C-04-55-922-354-001. A copy of the said certification is attached hereto and made part hereof.

Regular Meeting

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 Ben Shaffer Recreation for the delivery of 114 decorative garbage/recycling stations in the amount of \$299,763.76.

Resolution 23-214 - Resolution Authorizing Emergency Award Of Contract For Repair Of Sewer Pipe At The Senior Center

WHEREAS, there was a public emergency declared February 2nd, 2023 due to damage to a sewer pipe at the Senior Center; and

WHEREAS, N.J.S.A. 40A:11-6 permits a contract to be negotiated or awarded without public advertisement for bids, notwithstanding the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.12, contracts awarded under such circumstances are also exempted from pay to play regulations.

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 ratifies the award of an emergency contract to Rapid Recovery Services, LLC, 9 Stephansburg Rd., Washington, NJ 07865 for the repair of the sewer pipe in the amount of \$83,500.00.

Resolution 23-215 - Resolution Approving Additional Funds For Previously Approved Contract

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

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

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

Regular Meeting

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

Resolution No.	Entity	Service	NTE Amount	Additional Funds
23-13	Dasti & Staiger, P.C.	Conflicts Counsel	\$25,000.00	\$10,000.00

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

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

Resolution 23-216 - Resolution Establishing The Department Of Recreation Temporary Change Fund For Middletown Day Only

WHEREAS, there is a need to establish a temporary change fund for the Department of Recreation to provide change for Middletown Day only;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown, County of Monmouth hereby authorizes the establishment of a temporary change fund in the amount of \$1,000.00 for the Department of Recreation for Middletown Day only.

Resolution 23-217 - Resolution Cancelling Taxes On Various Properties Either Owned By Or Being Acquired By The Township Of Middletown

WHEREAS, the Township of Middletown (“Middletown”) seeks to cancel taxes that have been assessed against certain real property that it owns that was recently acquired or is in the process of acquiring for the Port Monmouth Flood Control Project and for affordable housing purposes (the “Properties”), as follows:

Block	Lot
136	5
149	6
276	77.022
474	2

; and

Regular Meeting

WHEREAS, Middletown further seeks to authorize the Tax Collector to cancel any future taxes on the Properties for calendar year 2023 as appropriate.

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 cancels any current tax balances on the Properties for 2023 that were assessed by the Township of Middletown.

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to cancel any future taxes on the Properties for calendar year 2023 as appropriate.

Resolution 23-218 - Resolution Authorizing Award Of Contract To Vendor With A State Contract For The Purchase Of Three (3) 2024 Ford Edge Se 4wd SUV's

WHEREAS, the Township of Middletown, 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 on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, Hertrich Fleet Services, 1427 Bay Road Milford, DE 19963 has been awarded New Jersey State Contract No. 20-FLEET-01387; and

WHEREAS, under Contract 20-FLEET-01387, Hertrich Fleet Services Inc, can provide (3) three 2024 Ford Edge SE 4WD(s) for the Police Department; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$109,492.35 are available for this purpose in account/line-item number(s) 3-01-44-915-200-800. 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 Hertrich Fleet for the delivery of three (3) 2024 Ford Edge SW 4WD SUV(s) in the amount of \$109,492.35.

Resolution 23-219 - Authorizing the Purchase of one (2) 2023 Dodge Durango AWD Sport Utility Vehicle Through the Cranford Police Cooperative Pricing System of New Jersey

Regular Meeting

WHEREAS, the Township may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf of the Cranford Police Cooperative Pricing System of New Jersey Cooperative Purchasing System (Co-Op #47CPCPS) pursuant to the provision of N.J.S.A. 40A:11-11: and

WHEREAS, Hertrich Fleet Services, 1427 Bay Road, Milford, DE 19963, has been awarded the CPCPS Contract No. 47CPCPS (expiration 09/30/2023) for Police and Administrative vehicles; and

WHEREAS, under Contract 47CPCPS, Hertrich Fleet Service, can provide two (2) 2023 Dodge Durango Pursuit Sport Utility Vehicle, for the Middletown Township Police Department; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$ 75,822.00 are available for this purpose in account/line-item number 3-01-44-915-200-800 . 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 Hertrich Fleet Service for the delivery of two (2) 2023 Dodge Durango AWD Sport Utility Vehicle in the amount of \$75,822.00.

Resolution 230-220 - Resolution Authorizing Award Of Contract To Vendor With A State Contract For The Purchase Of Picnic Table, Benches And Game Tables With Chairs

WHEREAS, the Township of Middletown, 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 on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, General Recreation, PO BOX 440, Newton Square, PA 19073 has been awarded New Jersey State Contract No. 16-FLEET-0130; and

WHEREAS, under Contract 16-FLEET-00130, General Recreation Inc, can provide (6) six Steel Picnic Tables with benches, three (3) 6' benches, (3) three Game Tables with four (4)seats, and 2 Game Tables with (2) two seats for the Parks and Recreation Department; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$55,125.00 are available for

Regular Meeting

this purpose in account/line-item number(s) 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 the Township of Middletown, County of Monmouth, State of New Jersey that the Township of Middletown enter into an agreement with General Recreation for the delivery of Picnic Tables, Benches and Game Tables in the amount of \$55,125.00.

Resolution 23-221 - Resolution To Rescind The Petty Cash Fund For Public Assistance

WHEREAS, it is the desire of the Township Committee, of the Township of Middletown, County of Monmouth that the Petty Cash Fund for Public Assistance in the amount of \$2,500.00 be rescinded; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee, of the Township of Middletown, County of Monmouth hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Resolution 23-222 - Resolution To Rescind The Petty Cash Fund For Administration & Executive

WHEREAS, it is the desire of the Township Committee, of the Township of Middletown, County of Monmouth that the Petty Cash Fund for Administration & Executive in the amount of \$275.00 be rescinded; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee, of the Township of Middletown, County of Monmouth hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Resolution 23-223 - Resolution To Change Petty Cash Monetary Amount For The Department Of Public Works

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund, and;

Regular Meeting

WHEREAS, it is the desire of the Township Committee, of the Township of Middletown, County of Monmouth that the petty cash fund for the Department of Public Works be decreased from \$300.00 to \$200.00.

WHEREAS, in accordance with N.J.S.A. 40:5-21 the Township Committee of the Township of Middletown, County of Monmouth the custodian is Vic Wymbs; and

WHEREAS, Vic Wymbs is bonded in the amount of \$1,000,000.00 by virtue of a surety bond.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee, of the Township of Middletown, County of Monmouth hereby authorizes such action two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Resolution 23-224 - RESOLUTION TO CHANGE PETTY CASH CUSTODIAN FOR THE TOWNSHIP OF MIDDLETOWN'S PUBLIC LIBRARY

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund, and;

WHEREAS, Joan Kopp was custodian of the Township of Middletown's Public Library Petty Cash Fund, and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Township Committee of the Township of Middletown, County of Monmouth is changing the custodian to Margaret Anthony; and

WHEREAS, Margaret Anthony is bonded in the amount of \$1,000,000.00 by virtue of a surety bond.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee, of the Township of Middletown, County of Monmouth hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Resolution 23-225 – Resolution Authorizing Agreement With Christian Brothers Academy For Provision Of Class III Special Law Enforcement Officers

WHEREAS, the Christian Brothers Academy (“**CBA**”) is a non-profit corporation, which has operated a private school in the Township since 1959, and is desirous of maintaining a regular police presence on its campus; and

WHEREAS, N.J.S.A. 40A:14-146.10 establishes the position of Class III Special Law Enforcement Officer to provide security to schools in the State of New Jersey when school is in session for students and staff; and

WHEREAS, the Township and CBA both recognize the potential benefits of the provision of such services by Class III Special Law Enforcement Officers to the students and staff; and

WHEREAS, the Township and CBA desire to enter into this Agreement whereby the Township’s Police Department shall provide for Class III Special Law Enforcement Officers to be hired and assigned to CBA.

NOW, THEREFORE, BE IT RESOLVED by 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 Agreement with CBA for the provision of Class III Special Law Enforcement Officers pursuant to the terms and conditions of contained therein, which shall become effective immediately upon execution by all parties.

Resolution 23-226 - Resolution Concurring With The Township Of Middletown Planning Board’s Redevelopment Investigation Findings And Designating A Delineated Area Consisting Of 87 Lots Within The Route 36 Corridor From Palmer Avenue To The West And Leonardville Road To The East As An Area In Need Of Redevelopment For Non-Condensation Purposes

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, by Resolution No. 19-169 adopted on June 3, 2019, the governing body of the Township of Middletown (the “**Township**”), acting as the Township’s Redevelopment Agency, authorized and requested the Township’s Planning Board (“**Planning Board**”) to undertake a preliminary investigation (“**Investigation**”) to determine whether the lots contained in **Exhibit A** (the “**Area of Investigation**”) qualify as an “area in need of redevelopment” according to the criteria set forth under the Local Redevelopment and Housing Law (“**LRHL**”), specifically N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

Regular Meeting

WHEREAS, on October 17, 2022, pursuant to Resolution No. 22-265, the Township added Block 225, Lot 12 and Block 534, Lot 7 to the Area of Investigation; and

WHEREAS, consistent with the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board specified and gave public notice that on the dates of July 20, 2023, July 27, 2023 and August 3, 2023, hearings would be held for the purpose of considering comments from those who are interested in or would be affected by a determination that the properties in the Area of Investigation are an area in need of redevelopment as that term is defined under the LRHL for non-condemnation purposes; and

WHEREAS, Stan Slachetka, PP, FAICP of T&M Associates publicly presented a report entitled “Redevelopment Study & Preliminary Investigation Report Route 36 Corridor, Scattered Sites” dated May 26, 2023, covering the delineated Area of Investigation (the “**Investigation Report**”), which is attached hereto and made part hereof as **Exhibit B**; and

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

WHEREAS, on July 20, 2023, July 27, 2023 and August 3, 2023, the Planning Board received uncontested testimony from Mr. Slachetka, providing a first-hand account of the conditions that he observed during his exhaustive examination of the properties within the Area of Investigation, which confirmed the description of the conditions and findings contained in the Investigation Report; and

WHEREAS, on August 3, 2023, the Planning Board recommended that the Township designate the properties contained in **Exhibit A** as non-condemnation areas in need of redevelopment due to the substantial evidence that the Area of Investigation meets the criteria enumerated in the Investigation Report, pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that it hereby adopts the above recitals, findings of the Planning Board and the Investigation Report attached hereto as **Exhibit B** prepared by Stan Slachetka, PP, FAICP of T&M Associates dated May 26, 2023, as if set forth fully herein, therefore, determining and hereby declaring that the Area of Investigation consisting of the lots contained within **Exhibit A** are hereby determined to be an “area in need of redevelopment” according to the criteria set forth under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3 for non-condemnation purposes.

Regular Meeting

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:12A-6(b)(5)(c), the Municipal Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Commissioner of the Department of Community Affairs for review.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Municipal Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon all record owners of the properties located within the delineated Area of Investigation as those names are listed within the official Tax Assessor's records within 10 days of the adoption hereof.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Municipal Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon each person, if any, who filed a written objection and stated in such submission an address to which notice of this determination may be sent.

BE IT FURTHER RESOLVED that a certified copy of this Resolution and underlying documents shall be available for public inspection during regular business hours at the office of the Municipal Clerk.

Resolution 23-227 - Resolution Designating B. Duva Development, LLC As The Redeveloper Of The Commercial Tract (Block 825, Lot 55.01) Of The Circus Liquors Redevelopment Plan Area Within The Township Of Middletown

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1, et seq., as amended and supplemented ("**LRHL**"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment with a designated private Redeveloper; and

WHEREAS, the Township Committee serves as an instrumentality and agency of the Township of Middletown (the "**Township**") pursuant to the LRHL for the purpose of implementing redevelopment plans and carrying out redevelopment projects within the Township (the "**Redevelopment Entity**"); and

WHEREAS, N.J.S.A. 40A:12A-8 authorizes the Township to enter into contracts or agreements for the planning, construction or undertaking of any development project or redevelopment work in an area in need of redevelopment; and

WHEREAS, pursuant to Resolution No. 17-205 adopted on July 17, 2017 and Resolution No. 17-239 adopted on September 18, 2017, the Township authorized and

requested that the Planning Board undertake a preliminary investigation (the “**Investigation**”) to determine whether Block 825, Lots 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 72, 73, 74, 75, 76, 77, 78, 79, 80 and 81; Block 825, Lot 70; Block 605, Lot 64; Block 638, Lot 31.01; Block 825, Lot 58; Block 870, Lots 1 and 2; and Block 871, Lots 3 and 7.02 (the “**Area of Investigation**”) constitutes an “area in need of redevelopment” for non-condemnation purposes according to the criteria set forth in N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, consistent with the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board specified and gave notice that on December 6, 2017, a hearing would be held for the purpose of hearing all persons who are interested in or would be affected by a determination that the properties in the Area of Investigation are an “area in need of redevelopment” as that term is defined under the LRHL; and

WHEREAS, DMR Architects (“**DMR**”) prepared a “Report of Preliminary Investigation for Determination of an Area in Need of Redevelopment” (the “**Investigation Report**”) for the Area of Investigation that was publicly presented after adequate notice before the Planning Board on December 6, 2017; and

WHEREAS, the Investigation Report determined that Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81, Block 870, Lots 1 and 2, and Block 871, Lot 7.02 evidenced conditions and characteristics that qualify for designation as an “area in need of redevelopment” because they collectively satisfy the applicable criteria of the LRHL under N.J.S.A. 40A:12A-5 and -3; and

WHEREAS, the Planning Board hearing was opened to the public on December 6, 2017 for the purpose of hearing all persons who are interested in or would be affected by a determination that all or a part of the Area of Investigation is a redevelopment area; and

WHEREAS, on December 6, 2017, the Planning Board received direct testimony from Fran Reiner, L.L.A., P.P. of DMR, and Mr. Reiner provided an eye witness account of the conditions that he observed during his exhaustive investigation of the properties within the Area of Investigation, which confirmed the description of the conditions and his findings contained in the Investigation Report; and

WHEREAS, after completing its hearing and investigation of this matter on December 6, 2017, the Planning Board determined to recommend that the Township designate the above-cited portions of the Area of Investigation as an area in need of redevelopment for non-condemnation purposes due to the substantial evidence that these

parcels within the Area of Investigation meet the criteria enumerated in the Investigation Report pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, pursuant to Resolution No. 17-294, on December 18, 2017, the Township adopted a resolution concurring with the Planning Board's findings and designated the above-cited portions of the Area of Investigation as an "area in need of redevelopment" pursuant to the LRHL; and

WHEREAS, on August 21, 2018, pursuant to Ordinance No. 2018-3232, the Township duly adopted the Circus Liquors Redevelopment Plan dated July 2018 consisting of Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, and 81; and Block 870, Lots 1 and 2; and

WHEREAS, on January 9, 2019, the Township's Planning Board adopted Resolution No. 2018-105 granting minor subdivision approval formally establishing the 51.913+/- acre Commercial Tract within the Circus Liquors Redevelopment Plan area, now identified as Block 825, Lot 55.01 on the Township's official tax map; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-8 and N.J.S.A. 40A:12A-9, the Township and B. Duva Development, LLC (the "**Redeveloper**") have entered exclusive negotiations to enter into a Redevelopment Agreement for Block 825, Lot 55.01 within the Circus Liquors Redevelopment Plan Area for the development of commercial and recreational uses.

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. The above recitals are incorporated by reference as if fully set forth herein.
2. The Redeveloper is hereby designated as the redeveloper of Block 825, Lot 55.01 subject to entry of an acceptable Redevelopment Agreement with the Township within 90 days, which may be extended administratively at the sole discretion of the Township Administrator for a period of 30 days.
3. If, by the expiration of this period, or such later date as established by the Township Administrator in accordance with Section 2 hereof, the Township and the Redeveloper have not executed a mutually acceptable Redevelopment Agreement, the designation of the Redeveloper shall automatically expire without any need for any further action of the Township.

Regular Meeting

4. This Resolution shall supersede any prior expired designations of redevelopers for Block 825, Lot 55.01.
5. The Mayor or Township Administrator are hereby authorized to take all actions and to execute any and all documents necessary to effectuate this Resolution.
6. This Resolution shall take effect immediately.

Resolution 23-228 – Resolution Authorizing And Directing The Township Of Middletown’s Planning Board To Undertake A Preliminary Redevelopment Investigation To Determine Whether The Delineated Area Of Block 825, Lot 55.01 (Commercial Tract Of The Circus Liquors Redevelopment Plan Area) Satisfies The Criteria For Designation As An Area In Need Of Redevelopment For Condemnation Purposes

WHEREAS, N.J.S.A. 40A:12A-1 et seq., the Local Redevelopment and Housing Law (“**LRHL**”), sets forth the criteria for a determination of whether a delineated area of a municipality may be designated as an area in need of redevelopment; and

WHEREAS, N.J.S.A. 40A:12A-6 authorizes the Township of Middletown (the “**Township**”) to adopt a resolution directing its Planning Board to conduct a preliminary investigation to determine whether a delineated area is an area in need of redevelopment according to the criteria set forth under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, on December 18, 2017, pursuant to Resolution No. 17-294, the Township previously designated Block 825, Lot 55.01 (formerly Lots 53-57, 59-68, 69.01, 72-79 and 81) as an “area in need of redevelopment” for non-condemnation purposes; and

WHEREAS, the Township now desires to investigate whether Block 825, Lot 55.01 qualifies as an “area in need of redevelopment” for condemnation purposes to advance a commercial redevelopment project proposed by the designated redeveloper of Block 825, Lot 55.01; and

WHEREAS, the Township seeks to authorize its pre-qualified redevelopment planner, DMR Architects (“**DMR**”), to assist the Planning Board in its preliminary investigation of Block 825, Lot 55.01 to determine if the delineated area qualifies as an area in need of redevelopment for condemnation purposes pursuant to the criteria set forth under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3.

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 Planning Board is hereby authorized and directed to undertake a preliminary redevelopment investigation of Block 825, Lot 55.01 to determine whether it warrants being designated as an “area in need of redevelopment” for condemnation purposes according to the criteria set forth under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3.
2. DMR is hereby authorized to assist the Planning Board in its preliminary investigation of Block 825, Lot 55.01, and to begin preparation of an amended Redevelopment Plan in the event the Planning Board recommends that all or some of the delineated area of investigation constitutes an “area in need of redevelopment” for condemnation purposes.
3. The Township Administrator, DMR, Township Planner, and Township Attorney are each hereby authorized and directed to take any necessary and appropriate actions in connection with the investigation of the delineated area of investigation, and are hereby authorized and directed to take such actions, including but not limited to, the negotiation of any and all documents necessary to undertake the investigation.
4. This Resolution shall become effective immediately upon adoption.

Resolution 23-229 - Appointment To Middletown Township Landmarks Commission

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

1. That the following individual is hereby appointed as a member of the Middletown Township Landmarks Commission for terms set forth below:

KIMBERLY BEST MCCABE

SEAT VI

Expiring 12/31/2024

2. The Township Clerk shall send a certified copy of this resolution to each of the following:
 - a. The appointee listed above who shall present themselves before the Township Clerk to take and subscribe to the Oath of Office.

Regular Meeting

Resolution 23-230 – Resolution Authorizing the Payment of Bills for August 21, 2023

The Township Committee hereby approves a resolution authorizing the payment of bills for August 21, 2023, in the amount of \$54,281,944.64.

TOWNSHIP COMMITTEE COMMENTS:

Committeeman Clarke, congratulated Emergency Services, it is great to see you recognized.

Committeeman Settembrino, commented the ordinance is small thing to do to thank volunteers for their valued time.

Committeewoman Kratz, gave a heartfelt thank you to all our volunteers.

Mayor Perry, thanked Chief Morriseey and John Drucker for their service along with all of the volunteers.

PUBLIC COMMENTS:

Kelly Smith, Port Monmouth Resident, expressed concerns of speeding on Main Street in Port Monmouth. She requested police attention to the matter and requested a sidewalk.

Tatiana Sacopia, Lydia Place, commented she is a small business owner who teaches Zumba in McMahan Park. She asked the Committee to reconsider the 2 hour minimum in the revised fee ordinance it was increased from 1 hour in the previous ordinance.

James Franco, Wilson Avenue, commented that he supports an investigation into the speeding on Main Street in Port Monmouth. There is no speed limit sign posted.

Bruce Stafford, Brainard Avenue, thanked Ted and the Committee for the curb boxes that were replaced last week.

Ashley Tomano, Port Monmouth resident, expressed concern for her family about the speeding on Main Street in Port Monmouth. She stated that the sign with the solar panel never worked and was ignored by drivers.

Regular Meeting

John Spinelli, Leonardo Resident, thanked the Township Committee for the LOSAP increase. He requested information on the Redevelopment Investigation that was accepted in the Master Plan. He also asked the Township Committee to oppose the removal from the State gun law allowing for a concealed gun carry permit.

ADJOURNMENT

It was moved by Mayor Perry, seconded by Committeeman Settembrino and carried to adjourn at 7:48 pm.

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

Township Clerk Heidi Pieluc stated the motion carried to adjourn.

Respectfully submitted,

Heidi R Pieluc
Township Clerk

Approved:

Anthony S. Perry, Mayor