

Workshop Meeting

A Workshop 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 April 3, 2023.

Township Clerk Heidi Brunt called the meeting to order and read the following notice:

The Notice Requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to The Asbury Park Press, The Middletown Sun and Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 05, 2023.

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

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Township Engineer Ted Maloney, Assistant Administrator James VanNest, and Deputy Township Clerk Kaaren Sena

PLEDGE OF ALLEGIANCE

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

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

PUBLIC HEARING OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2023-3366 – An Ordinance Amending and Supplementing §§ 355-10 And 11 Of the Code of The Township of Middletown Governing Skate Park Rules And Regulations

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 the motion carried to pass this ordinance.

Workshop Meeting

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2023-3367 – Calendar Year 2023 Ordinance to Exceed the Municipal Budget Appropriation Limits and To Establish a Cap Bank (N.J.S.A. 40A: 4-45.14)

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 the motion carried to pass this ordinance.

INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2023-3368 - Ordinance Authorizing Entry of New Lease Agreement with The Middletown Township Cultural Arts Council, Inc., A Nonprofit Corporation for Township Owned Property and Improvements Located Upon Block 809, Lot 26 (36 Church Street)

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 April 17, 2023.

CONSENT AGENDA

Township Clerk Heidi Brunt requested a motion to adopt a consent agenda including Resolutions 23-115 through 23-129 removing Resolution 23-128 from the agenda.

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

Workshop Meeting

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

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

Resolution 23-115 - Authorizing the Purchase of one (1) 2023 Dodge Durango AWD Sport Utility Vehicle Through the Cranford Police Cooperative Pricing System of New Jersey

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 one (1) 2023 Dodge Durango Pursuit Sport Utility Vehicle, for the Middletown Township EMS Department; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$ 39,451.00. are available for this purpose in account/line-item number 2-01-44-915-200-800. 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 one (1) 2023 Dodge Durango AWD Sport Utility Vehicle in the amount of \$39,451.00.

Resolution 23-116 - Resolution Authorizing Change Order No. 1 For Dog Park at Tindall Park

WHEREAS, the Township Committee contracted with Mixalia Enterprises for Dog Park at Tindall Park s in the amount of \$532,000.00; and

WHEREAS, the contractor and Township have encountered unforeseen circumstances requiring the change order as proposed; and

Workshop Meeting

WHEREAS, the Township requires additional estimated quantities as listed on Change Order No. 1 increasing the contract by \$26,685.12, making the total amount of the contract to date \$558,685.12 and;

WHEREAS, the amount of the change orders requested is a net increase of \$26,685.12, which represents in total less than the aggregate maximum increase of 20% allowed by N.J.A.C 5:34-11-3(a)(9); and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$26,685.12 is available for this purpose in account/line-item number(s) C-04-55-918-224-001. 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 Change Order No. 1, with an increase in the amount of \$26,685.12, be authorized and executed by the appropriate officials.

Resolution 23-117 - Resolution Authorizing the Award of Contract for Professional Engineering Services for Construction Administration and Inspection

WHEREAS, the Township of Middletown (the “**Township**”) construction administration and inspection services in relation to the 2023 Grading Plan and Final As Built Grading Plan project; and

WHEREAS, pursuant to the fair and open process and Resolution No. 23-14, the Township previously qualified multiple engineering firms to provide consulting engineering services; and

WHEREAS, the Township has received a proposal from Boro Engineering Associates to provide the required professional engineering services in the amount not to exceed \$80,000.00, which the Township Engineer has 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 authorizes the award of a contract to Boro Engineering, 23 Larchmont Drive, Colts Neck NJ 07722 for professional engineering services related to the 2023 Grading Plan and Final As Built Grading Plan project in an amount not to exceed \$80,000.00.
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.

Workshop Meeting

Resolution 23-118 – Resolution Amending Resolution 23-11 Awarding Professional Services Contract for Bond Counsel

WHEREAS, the Township awarded a professional services contract to Gibbons PC to provide services as Bond Counsel for 2023; and

WHEREAS, Gibbons PC was assigned a not to exceed amount for 2023 of \$30,000.00; and

WHEREAS, due to the nature of the work to be performed, assigning a not to exceed amount for the year is impractical and therefore there is a need to update the process for the assignment of work.

NOW THEREFORE BE IT RESOLVED, going forward, work performed under this contract will be awarded on a project basis pursuant to the rates provided in Gibbon’s proposal for 2023, subject to the certification of available funds by the Chief Financial Officer.

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 23-119 - Resolution Amending Resolution 23-09 Awarding Professional Services Contract for Architect of Record

WHEREAS, the Township awarded a professional services contract to DMR Architects to provide services as Architect of Record for 2023; and

WHEREAS, DMR Architects was assigned a not to exceed amount for 2023 of \$75,000.00; and

WHEREAS, due to the nature of the work to be performed, assigning a not to exceed amount for the year is impractical and therefore there is a need to update the process for the assignment of work.

NOW THEREFORE BE IT RESOLVED, going forward, work performed under this contract will be awarded on a project basis pursuant to the rate schedules provided in DMR’s proposal for 2023, subject to the certification of available funds by the Chief Financial Officer.

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 23-120 - Resolution Of The Township Committee Of The Township Of Middletown Authorizing Form 1b – Dmhas Youth Leadership Grant From The Governor’s Council On Alcoholism And Drug Abuse

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

WHEREAS, The Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Monmouth;

NOW, THEREFORE, BE IT RESOLVED by the Township of Middletown, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Middletown Town Committee does hereby authorize submission of an application for DMHAS Grant funding for the Middletown Municipal Alliance for Year One Grant Term 7/1/22 – 6/30/23 in the amount of:
DMHAS Grant Funding \$ 11,742.25
2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Resolution 23-121 - Resolution Of The Township Committee Of The Township Of Middletown Authorizing Form 1B – DEDR Grant From The Governor’s Council On Alcoholism And Drug Abuse Fiscal Grant Cycle July 2020-June 2025

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

Workshop Meeting

WHEREAS, The Township Council of the Township of Middletown, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth;

NOW, THEREFORE, BE IT RESOLVED by the Township of Middletown, County of Monmouth, State of New Jersey hereby recognizes the following:

3. The Township Council does hereby authorize submission of a strategic plan for the Middletown Municipal Alliance grant for fiscal year **2024** in the amount of:

DEDR	<u>\$ 34,470.00</u>
Cash Match	<u>\$ 8,617.50</u>
In-Kind	<u>\$ 25,852.50</u>

4. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Resolution 23-122 - Resolution for Temporary Emergency Appropriation

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number accounts and no adequate provision has been made in a Year 2023 temporary budget for the aforesaid purposes, and

WHEREAS, NJS 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned, and

WHEREAS, the total temporary emergency resolutions adopted in the Year 2023 for the Township pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:4-20) including this resolution total \$36,168,313.38 for the Current Fund, and

NOW, THEREFORE, BE IT RESOLVED (not less than two thirds of all members of the Township Committee of the Township of Middletown, New Jersey affirmatively concurring) that in accordance with the provisions of NJS 40A:4-20:

1. An emergency temporary appropriation shall be and the same is hereby made for the following purposes:

Attachment 1 - 2023 Temporary Budget Worksheet		4/3/2023 Meeting
Account Number	Description	
Current Fund		
3-01-20-155-100-200	Legal O/E	92,500.00
3-01-20-165-100-200	Engineer O/E	10,000.00
3-01-23-220-100-200	Insurance O/E	1,450,000.00
3-01-23-225-100-200	Unemployment Insurance	(39,830.96)
3-01-25-265-100-200	Fire O/E	25,000.00
3-01-26-290-104-200	DPW Administration & Engineering O/E	6,000.00
3-01-26-305-100-200	Solid Waste & Recycling O/E	560,000.00
3-01-26-310-100-200	DPW Maintenance of Public Property O/E	30,000.00
3-01-26-315-100-200	DPW Fleet Maintenance O/E	75,000.00
3-01-30-410-226-208	Prior Year Bill - 2020 Najarian	3,100.00
3-01-30-410-227-208	Prior Year Bill - 2021 T&M Associates	4,105.50
3-01-31-447-100-275	Utilities - Heating Oil - PBG	4,000.00
3-01-31-460-200-200	Utilities - Fuel O/E	75,000.00
3-01-42-101-200-277	Interlocal Agreement - Boro of Atlantic Highlands Lane Use Board	(6,300.00)
	TOTAL	2,288,574.54

2. That said emergency temporary appropriations will be provided for in the 2023 budget under the appropriate titles.

3. That one certified copy of this resolution will be filed with the Director of Local Government Services.

Resolution 23-123 - Resolution Accepting Deed of Conservation Easement Associated with Block 605, Lot 28.01 (Magnolia Lane) Amended Minor Subdivision Approval

WHEREAS, on March 1, 2023, the Township’s Planning Board granted amended minor subdivision approval associated with Block 605, Lot 28.01 (formerly a portion of Block 605, Lot 28); and

WHEREAS, as a condition of approval, the applicant was required to provide the Township with an acceptable Deed of Conservation Easement (the “Easement”), which has been submitted by the applicant attached hereto as **Exhibit A**; and

WHEREAS, the Planning Board’s Engineer has reviewed the metes and bounds description provided with the Easement and finds it to be correct.

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 accepts the Conservation Easement attached hereto and made part hereof as **Exhibit A** pursuant to the terms and conditions and property descriptions contained therewith for execution and recording by the applicant.

Workshop Meeting

Resolution 23-124 - Resolution Accepting Deed of Sight Triangle Easement Associated with Block 176, Lot 1.01 (9 Dakota Avenue) Preliminary and Final Subdivision Approval

WHEREAS, on September 7, 2022, the Township’s Planning Board granted preliminary and final subdivision approval associated with Block 176, Lot 1.01 (9 Dakota Avenue); and

WHEREAS, as a condition of approval, the applicant was required to provide the Township with an acceptable Deed of Sight Triangle Easement (the “Easement”), which has been submitted by the applicant attached hereto as **Exhibit A**; and

WHEREAS, the Planning Board’s Engineer has reviewed the metes and bounds description provided with the Easement and finds it to be correct.

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 accepts the Sight Triangle Easement attached hereto and made part hereof as **Exhibit A** pursuant to the terms and conditions and property descriptions contained therewith for execution and recording by the applicant.

Resolution 23-125 - Resolution Adopting and Endorsing Master Plan Reexamination Report and Amended Housing Master Plan Element and Open Space, Recreation and Conservation Master Plan Element

WHEREAS, the Municipal Land Use Law (“MLUL”) at N.J.S.A. 40:55D-89 requires Planning Boards to conduct a general reexamination of their municipality’s master plan and redeveloper regulations at least once every ten years; and

WHEREAS, the Township’s last Reexamination Report was enacted nine years ago in 2014; and

WHEREAS, the Township’s Master Plan includes a Housing Element adopted pursuant to N.J.S.A. 40:55D-28b(3), which the Township wishes to amend; and

WHEREAS, the Township’s Master Plan includes an Open Space, Recreation and Conservation Element adopted pursuant to N.J.S.A. 40:55D-28b(7)-(8), which the Township wishes to amend; and

WHEREAS, on March 22, 2023, the Planning Board of the Township of Middletown (the “Township”) adopted a new Master Plan Reexamination Report, Amended Housing Master Plan Element, and Open Space, Recreation and Conservation Master Plan Element (collectively, the “Reexamination Report”); and

WHEREAS, since the Township’s last Reexamination Report, the Township has designated several areas in need of Redevelopment to help facilitate inclusionary and other

Workshop Meeting

100% affordable housing projects in suitable areas with access to infrastructure, jobs and public transportation; and

WHEREAS, since the Township’s last Reexamination Report, in November 2020, the Township’s voters supported an open space tax referendum, adding an additional cent to the open space tax assessment to promoted additional open space preservation efforts and increase active recreational opportunities with this revenue having begun to be collected in 2022; and

WHEREAS, the Township agrees with the findings, recommendations and objectives outlined in the Planning Board’s Reexamination Report and wishes to adopt and endorse the same as promoting smart growth and planning principles that are in the best interests of the public by promoting the most realistic opportunities for the development of affordable housing in suitable locations where infrastructure, jobs and public transportation are readily available while also preserving the Township’s few remaining environmentally sensitive open and wooded spaces that are wholly inappropriate for such development and promoting enhanced recreational opportunities where appropriate.

NOW, THEREFORE, BE IT RESOLVED by 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 Master Plan Reexamination Report & Amended Housing Master Plan Element and Open Space, Recreation and Conservation Master Plan Element dated March 2023 prepared by the Township’s Director of Planning, Amy H. Citrano, PP AICP, attached hereto as “Exhibit A” is hereby adopted and endorsed in its entirety.
3. This Resolution shall take effect immediately.

Resolution 23-126 - Resolution Authorizing Certification for the Tonnage Grant Application to The New Jersey Department of Environmental Protection

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

Workshop Meeting

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Middletown Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of Middletown Township that Middletown Township hereby certifies the Township has complied with requirements in NJAC 7:26A-11 standards for municipalities.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution 23-127 - Resolution Certifying Compliance with United States Equal Employment Opportunity Commission’s Guidance on The Consideration of Arrest and Conviction Records

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

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 states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Township Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Workshop Meeting

Resolution 23-128 - REMOVED FROM AGENDA

Resolution 23-129 – Resolution Authorizing the Payment of Bills for April 3, 2023

The Township Committee hereby approves a resolution for the payment of bills for April 3, 2023, in the amount of \$9,631,829.39.

FIREFIGHTER APPLICATIONS

Graham Schumann – Station 9 River Plaza

DISCUSSION ITEMS

Street Vacation Request for Garrett Hill Boulevard

Township Administrator Anthony addressed the Township Committee that there are no objections by the public and neighboring properties including the Navy. Ordinance will be introduced at the April 17, 2023, meeting.

Substantial Amendment to the 2019 Annual Action Plan to Reallocate CDBG-CV Funds – Tutoring Grant Program

Township Administrator addressed the Township Committee plans to modify the current program with possible transportation available. An amendment to the HUD plan is needed.

TOWNSHIP COMMITTEE COMMENTS:

None

PUBLIC COMMENTS:

John Spinelli, 93 Burlington Avenue, requested information on the master plan. Mayor Perry explained this is just an amendment to the Master Plan.

Workshop Meeting

ADJOURNMENT

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adjourn at 7:11pm.

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

Township Clerk Heidi Brunt stated motion carried to adjourn.

Respectfully submitted,

Heidi R Brunt
Township Clerk

Approved:

Anthony S. Perry, Mayor