

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 March 18, 2024.

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 11, 2024.

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

Also present were Township Administrator Anthony Mercantante, Township Attorney Kira Dabby, Township Clerk Heidi Pieluc Chief Financial Officer Colleen Lapp, 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

Presentation of the 2023 Dennis J. Beauregard Veteran of the Year Award to Robert W. Siemer

Township Clerk Heidi Pieluc invited Robert Siemer and Dennis Beauregard to join Mayor Perry at the front of the room. Mayor Perry spoke about the numerous achievements Bob has made over the years. Bob thanked the Mayor and Township Committee and his wife for her support over the years. He said he is accepting this award on behalf of all veterans.

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:

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Executive Session Minutes: December 18, 2023, February 5, 2024, February 20, 2024, March 4, 2024; February 20, 2024, Regular Meeting, March 4, 2024 Workshop 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.

INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2024-3408 – Calendar Year 2024 Ordinance to Exceed the Municipal Budget Appropriation Limits and To Establish a Cap Bank (N.J.S.A. 40A: 4-45.14)

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

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

Township Clerk Heidi Pieluc stated motion carried to pass this ordinance on first reading with a public hearing to be held on April 8, 2024.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2024-3409 - Bond Ordinance Providing an Appropriation Of \$9,200,000 For the Development and Construction of Affordable Housing for Veterans by And for The Township of Middletown in The County of Monmouth, New Jersey And Authorizing the Issuance Of \$4,000,000 In Bonds or Notes of The Township for Financing Part of The Appropriation.

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

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

Township Clerk Heidi Pieluc stated motion carried to pass this ordinance on first reading with a public hearing to be held on April 8, 2024.

CONSENT AGENDA

Township Clerk Heidi Pieluc requested a motion to adopt a consent agenda including Resolutions 24-111 through 24-120 including Firefighter Applications

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

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

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

Resolution 24-111 - Resolution Reducing the Performance Guarantee for Middletown Walk (Phase 1B)

WHEREAS, the developer of the Site known as Middletown Walk at Middletown Major Subdivision (Block 825, Lots 53-57, 69.01, 72-79 & 81) had posted with the Township a Performance Guarantee, in the form of Surety Bonds and Cash Bonds in the following amounts:

Improvement	Original Performance Guarantee	Surety Bond Number	Surety Bond Amount	Cash Bond Amount
Middletown Walk – Phase 1B	\$13,050.00	1040185	\$11,745.00	\$1,305.00

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

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WHEREAS, the Consulting Engineer, as set forth in his letter of January 4, 2024, indicates they have inspected the premises and has recommended that the performance guarantee in the form of surety bonds and 10% Cash bonds be reduced as follows:

Improvement	Reduced Performance Guarantee	Reduced 90% Surety Bond Amount to be Posted	Reduced 10% Cash Bond Amount to Remain
Middletown Walk – Phase 1B	\$3,915.00	\$3,523.50	\$391.50

WHEREAS, the Township Committee agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Middletown Township Committee that the Performance Guarantee be reduced.

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

- a. T&M Associates
- b. Planning
- c. Toll Brothers, c/o Michael Guidetti, Jr.
 55 Augustus Drive
 Middletown, NJ 07748

Resolution 24-112 - Resolution Reducing the Performance Guarantee for Middletown Walk (Phase 1A)

WHEREAS, the developer of the Site known as Middletown Walk at Middletown Major Subdivision (Block 825, Lots 53-57, 69.01, 72-79 & 81) had posted with the Township a Performance Guarantee, in the form of Surety Bonds and Cash Bonds in the following amounts:

Improvement	Original Performance Guarantee	Surety Bond Number	Surety Bond Amount	Cash Bond Amount
Middletown Walk – Phase 1A	\$51,594.00	1040184	\$46,434.60	\$5,159.40

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

WHEREAS, the Consulting Engineer, as set forth in his letter of January 4, 2024, indicates they have inspected the premises and has recommended that the performance guarantee in the form of surety bonds and 10% Cash bonds be reduced as follows:

Improvement	Reduced Performance Guarantee	Reduced 90% Surety Bond Amount to be Posted	Reduced 10% Cash Bond Amount to Remain
Middletown Walk – Phase 1A	\$36,402.00	\$32,761.80	\$3,640.20

WHEREAS, the Township Committee agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Middletown Township Committee that the Performance Guarantee be reduced.

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

- a. T&M Associates
- b. Planning
- c. Toll Brothers, c/o Michael Guidetti, Jr.
 55 Augustus Drive
 Middletown, NJ 07748

Resolution 24-113 - Resolution Reducing the Performance Guarantee for Middletown Walk (Initial Site Clearing and Grading Phase)

WHEREAS, the developer of the Site known as Middletown Walk at Middletown Major Subdivision (Block 825, Lots 53-57, 69.01, 72-79 & 81) had posted with the Township a Performance Guarantee, in the form of Surety Bonds and Cash Bonds in the following amounts:

Improvement	Original Performance Guarantee	Surety Bond Number	Surety Bond Amount	Cash Bond Amount
Middletown Walk – Site Clearing & Grading	\$1,494,490.50	30126663	\$1,345,041.45	\$149,449.05

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

WHEREAS, the Consulting Engineer, as set forth in his letter of January 4, 2024, indicates they have inspected the premises and has recommended that the performance guarantee in the form of surety bonds and 10% Cash bonds be reduced as follows:

Improvement	Reduced Performance Guarantee	Reduced 90% Surety Bond Amount to be Posted	Reduced 10% Cash Bond Amount to Remain
Middletown Walk – Site Clearing & Grading	\$448,347.15	\$403,512.44	\$44,834.71

WHEREAS, the Township Committee agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Middletown Township Committee that the Performance Guarantee be reduced.

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

- a. T&M Associates
- b. Planning
- c. Toll Brothers, c/o Michael Guidetti, Jr.
55 Augustus Drive
Middletown, NJ 07748

Resolution 24-114 - Resolution Authorizing Consent to Submission of Filing of Treatment Works Approval Application with The New Jersey Department of Environmental Protection for Fairview Force Main Replacement

WHEREAS, there's a need for the Township of Middletown Sewerage Authority (“TOMSA”) to file a Treatment Works Approval (“TWA”) application to be made to the New Jersey Department of Environmental Protection (“NJDEP”) for the replacement of the Fairview Force Main; and

WHEREAS, the Township of Middletown (the “Township”) is required to provide consent for TOMSA to complete its TWA application.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that it hereby authorizes and directs the Mayor or Township Administrator to provide consent on behalf of the Township for the completion of TOMSA’s TWA application.

Resolution 24-115 – 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 2024 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 2024 for the Township pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:4-20) including this resolution total \$39,368,580.72 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:

SEE CHART NEXT PAGE

2. That said emergency temporary appropriations will be provided for in the 2024 budget under the appropriate titles.
3. That one certified copy of this resolution will be filed with the Director of Local Government Services.

Attachment 1 - 2024 Temporary Budget Worksheet		3/18/2024 Meeting
Account Number	Description	
4-01-20-100-100-100	A/E S&W	124,000.00
4-01-20-100-101-100	Purchasing S&W	26,000.00
4-01-20-100-101-200	Purchasing O/E	1,000.00
4-01-20-110-100-100	Township Committee S&W	4,000.00
4-01-20-120-100-100	Township Clerk S&W	70,000.00
4-01-20-130-100-100	Finance S&W	115,000.00
4-01-20-140-100-100	MIS S&W	79,000.00
4-01-20-145-100-100	Tax Collector S&W	49,000.00
4-01-20-150-100-100	Tax Assessor S&W	62,000.00
4-01-20-155-100-200	Legal O/E	67,000.00
4-01-21-180-100-100	Planning S&W	31,000.00
4-01-21-180-101-100	Planning Board S&W	7,000.00
4-01-21-185-100-100	Zoning Board S&W	7,000.00
4-01-22-195-100-100	Building Dept. S&W	272,000.00
4-01-23-215-100-200	Workers Compensation O/E	100,000.00
4-01-23-220-100-200	Insurance O/E	1,635,000.00
4-01-25-240-100-100	Police S&W	2,567,000.00
4-01-25-252-100-101	Emergency Management S&W	8,000.00
4-01-25-260-100-100	First Aid S&W	2,000.00
4-01-25-265-100-100	Fire S&W	8,000.00
4-01-25-265-101-100	Uniform Fire Safety S&W	48,000.00
4-01-25-275-100-100	Prosecutor S&W	12,000.00
4-01-25-445-100-273	Fire Hydrant Services	85,000.00
4-01-26-290-100-100	Dept of Public Works & Engineering S&W	261,000.00
4-01-26-290-101-100	DPW Storm Response S&W	50,000.00
4-01-26-290-102-100	DPW Parks S&W	200,000.00
4-01-26-290-104-100	DPW Administration & Engineering S&W	99,000.00
4-01-26-305-100-100	Solid Waste & Recycling S&W	171,000.00
4-01-26-310-100-100	DPW Maintenance of Public Property S&W	121,000.00
4-01-26-315-100-100	DPW Fleet Maintenance S&W	109,000.00
4-01-27-330-100-100	Health S&W	63,000.00
4-01-27-330-101-100	Alliance S&W	16,000.00
4-01-27-340-100-000	Animal Control S&W	21,000.00
4-01-28-370-100-100	Recreation S&W	71,000.00
4-01-29-390-100-100	Maintenance of Free Public Library	264,000.00
4-01-31-435-200-271	Utilities - Street Lights - Electricity	50,000.00
4-01-36-471-200-285	Public Employees Retirement System	2,273,537.08
4-01-36-472-200-284	Statutory - Social Security	207,000.00
4-01-36-475-200-284	Police/Firemens Retirement System	4,876,027.15
4-01-36-477-200-284	Defined Contribution Retirement Program (DCRP)	22,000.00
4-01-42-101-200-278	Interlocal Agreement - Middletown BOE SLEO III	148,000.00
4-01-43-490-100-100	Court S&W	85,000.00
4-01-43-495-100-101	Public Defender S&W	4,000.00
TOTAL		\$14,490,564.23

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Resolution 24-116 - 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>
1324	12	Meralda Cox	80 Chestnut Ave	3,084.00

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 24-117 – 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

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and

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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 24-118 - Resolution Authorizing Award of Contract for Site Prep and Demo at Various Park locations through the Educational Services Commission of New Jersey

WHEREAS, the Township may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf of the Educational Services Commission of New Jersey Cooperative Purchasing System (Co-Op #65MCESCCPS) pursuant to the provision of N.J.S.A. 40A:11-11: and

WHEREAS, Whirl Construction, 194 Main Street, PO Box 110, Port Monmouth, NJ 07758, has been awarded the ESCNJ Contract No. 20/21-02 (expiration 6/30/24) for Playground Surfacing Materials, Installation, and Inspections; and

WHEREAS, under Contract 20/21-02, Whirl Construction, can provide site preparation and demolition at various park locations as noted in quote dated 03/04/24 for Middletown Department of Recreation; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$323,000.00 are available for this purpose in account/line-item number(s) T-03-56-802-120-004 and C-04-55-922-354-001. A copy of the said certification is attached hereto and made part hereof.

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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 Whirl Construction for site preparation and demolition at various park locations the in the amount of \$323,000.00.

Resolution 24-119 - Resolution Authorizing the Award of a Contract for Regulated Soil Excavation & Site Restoration – Middletown Veteran’s Housing

WHEREAS, the Township advertised for and received bids for Regulated Soil Excavation and Site Restoration – Middletown Veteran’s Housing in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, five bids were received and publicly opened on March 12, 2024, at 10:00 a.m.; and

WHEREAS, the Township Engineer has recommended that the award of the contract for Regulated Soil Excavation and Site Restoration – Middletown Veteran’s Housing be awarded to Northstar Environmental Services, 36 Clermont Dr., Clermont, NJ 08210 the lowest bidder with a total price of \$272,930.00; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$272,930.00 are available for this purpose in account/line-item number(s) T-03-56-802-290-000. 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 Regulated Soil Excavation and Site Restoration – Middletown Veteran’s Housing be awarded to Northstar Environmental Services, pursuant to the terms of their bid at the above prices, and that the appropriate officials be and are hereby authorized to execute the contract with the contractor.

Resolution 24-120 – Resolution Authorizing the Payment of Bills for March 18, 2024

The Township Committee hereby approves a resolution authorizing the payment of bills for March 18, 2024, in the amount of \$23,502,299.55.

Firefighter Applications

Matthew Gousky, Melissa Timm and Chris Wimmer; Navesink Hook and Ladder Co. #1.

TOWNSHIP COMMITTEE ACTING AS THE ABC ISSUING AUTHORITY

Township Clerk Heidi Pieluc requested a motion to pass Resolution 24-121

It was moved by Mayor Perry and seconded by Deputy Mayor Hibell to adopt resolution 24-121.

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

Resolution 24-121 – Resolution Authorizing Person To Person And Place To Place Liquor License Transfer Plenary Retail Consumption License 1331-33-030-011

WHEREAS, LTF Club Operations Company, Inc., submitted an application for a Person to Person / Place-to-Place transfer on November 21, 2023, of license 1331-33-030-011 currently licensed to John Orrico and is inactive; and

WHEREAS, the application has been deemed complete and the Township of Middletown has no objection to the Person to Person / Place-to-Place transfer; and

WHEREAS, the License has been properly renewed for the current license term, and the applicant/licensee is qualified to be licensed according to the requirements of Title 33 of the New Jersey Statutes as well as local ordinances consistent with Title 33 and the applicant/licensee has disclosed the necessary requirements for this application.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown that the Township Committee, acting. as the local A.B.C. Board, approves the Person to Person / Place-to-Place transfer of Plenary Retail Consumption License #1331-33-030-011 to LTF Club Operations Company, Inc. at its new location 230 Half Mile Rd., Red Bank, NJ 07701 (mailing address) in the Township of Middletown.

BE IT FURTHER RESOLVED that a certified copy of the Resolution and Application be provided by the Office of the Township Clerk to each of the following: NJ State Division of the Alcohol Beverage Control, Middletown Township Police Department, and LTF Club Operations Company, Inc. 230 Half Mile Rd., Red Bank, NJ 07701.

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TOWNSHIP COMMITTEE COMMENTS:

Committeeman Settembrino, congratulated Bob Siemer on a well deserved award.

Committeewoman Kratz, congratulated Bob Siemer a force of service to our country and community.

Deputy Mayor Hibell, congratulated Bob Siemer for a job well done. He commented that the Conover Beacon was a great accomplishment by DPW restoring the Beacon. He also commented that the Skate Park opening was a big hit.

Mayor Perry, commented on the great work by DPW and in house employees restoring the Conover Beacon. He especially thanked the Leonardo community because it was special to all of them. The skate park opening had a great turnout and participation. He thanked Julios Pizza for their donation of pizza. Finalizing the veteran's housing funding source and remediation. The plan that was promised and the plan to award the bid will be done at the meeting on May 6, 2024. He announced the new Township hours are 8:00 a.m. to 4:00 p.m. and one late night a month will be from 5:30 to 7:30 p.m. on the Regular Meeting night.

PUBLIC COMMENTS:

John Spinelli, 91 Burlington Avenue, thanked the Township Committee for restoring the Conover Beacon it looks really nice. He also would like to donate sapling to a memorial tree.

Don Watson, 1 Collinson Drive, commented the tree should be planted by the Veterans Housing on Leonardville Road.

Wayne Van Zant, Rolling Knolls Drive, commented that St. Mary's is planning to lease the Mater Dei space to a charter school.

Kathleen Graze, Chanowich Court, asked that the Township review the situation and understand the impact on the community. Mayor Perry responded that the Township would allow for the application for use to go through the process.

Tom Zaner, Chanowich Court, asked if there is a central point of contact? Mayor Perry responded it will be Township Administrator Tony Mercantante.

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ADJOURNMENT

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adjourn at 7:40 pm.

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

Township Clerk Heidi Pieluc stated the motion carried to adjourn.

Respectfully submitted,

Heidi R Pieluc
Township Clerk

Approved:

Anthony S. Perry, Mayor