A Workshop Meeting of the Township Committee of Middletown Township was held in the Conference Room at Town Hall, One Kings Highway, Middletown, New Jersey at 7:00 p.m. on March 2, 2020.

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

The Notice Requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to The Star Ledger, The Independent and Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 09, 2020.

Roll Call Vote: Present: Hibell, Settembrino, Snell, Mayor Perry
Absent: Fiore

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Chief Financial Officer Colleen Lapp, Assistant Administrator Jim VanNest, and Township Clerk Heidi Brunt.

PLEDGE OF ALLEGIANCE

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

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

PUBLIC HEARING OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following Ordinance by title:

Ordinance 2020-3285 – Ordinance Approving Sale of Township-Owned Real Property in Block 694, Lot 8

Mayor Perry opened the meeting for public comments.

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

Roll Call Vote: Ayes: Hibell, Settembrino, Snell, Mayor Perry
Nays: None
Abstention: None
Absent: Fiore

Township Clerk Heidi Brunt stated motion carried to pass this ordinance on second and final reading.

Township Clerk Heidi Brunt read the following Ordinance by title:

Ordinance 2020-3286 – Ordinance Amending Section 415-14 Governing Regulation of Brush, Leaves and Tree Cuttings

Mayor Perry opened the meeting for public comments.

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

Roll Call Vote: Ayes: Hibell, Settembrino, Snell, Mayor Perry
Nays: None
Abstention: None
Absent: Fiore

Township Clerk Heidi Brunt stated motion carried to pass this ordinance on second and final reading.

INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2020-3287 – Calendar Year 2020 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 Committeeman Hibell to pass this ordinance on first reading.

Roll Call Vote: Ayes: Hibell, Settembrino, Snell, Mayor Perry
Nays: None
Abstention: None
Absent: Fiore

Township Clerk Heidi Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on March 16, 2020.

CONSENT AGENDA

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 20-73 through 20-84. Including Firefighter Applications

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

Roll Call Vote: Ayes: Hibell, Settembrino, Snell, Mayor Perry
Nays: None
Abstention: None
Absent: Fiore

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

Resolution 20-73 - **Resolution Releasing the Maintenance Guarantee For Atlantic Pier Company (B 732, L 10-13, 21, 22)**

WHEREAS, the developer of the site known as Atlantic Pier Company had posted with the Township a cash Performance Guarantee in the amount of $134,450.40; and

WHEREAS, Hoder Associates, as set forth in their letter of September 30, 2019, indicates that they have inspected the premises and have recommended that the Maintenance Guarantee in the form of a cash deposit in the amount of $134,450.40 be released; and

WHEREAS, the Township Committee agrees with said recommendation.

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

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

a. Hoder Associates
b. Planning
c. Atlantic Pier Company

Resolution 20-74 – 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 2020 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 2020 for the Township pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:4-20) including this resolution total $18,958,821.92 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 - 2020 Temporary Budget Worksheet		
Account Number	**Description**	**3/2/2020 Meeting**
Current Fund		
0-01-20-100-100-100	A/E S&W	7,000.00
0-01-20-100-100-200	A/E O&E	13,500.00
0-01-20-100-101-100	Purchasing S&W	6,700.00
0-01-20-110-100-100	Township Committee S&W	500.00
0-01-20-130-100-100	Finance - S&W	20,000.00
0-01-20-140-100-100	MIS - S&W	4,000.00
0-01-20-145-100-100	Collector - S&W	5,000.00
0-01-21-180-100-100	Planning - S&W	6,000.00
0-01-21-180-101-100	Planning Board - S&W	1,300.00
0-01-21-185-100-100	Zoning Board - S&W	1,300.00
0-01-22-195-100-100	Inspections - S&W	35,000.00
0-01-25-240-100-100	Police S&W	120,000.00
0-01-25-265-101-100	Uniform Fire Safety - S&W	7,000.00
0-01-25-275-100-100	Prosecutor - S&W	600.00
0-01-26-290-100-100	Streets & Roads - S&W	65,000.00
0-01-26-305-100-100	Solid Waste & Recycling - S&W	8,200.00
0-01-27-330-100-200	Health - O&E	5,000.00
0-01-27-340-100-200	Animal Control - O&E	5,000.00
0-01-28-370-100-100	Recreation - S&W	15,000.00
0-01-36-472-200-284	Statutory - Social Security	15,000.00
	TOTAL	**$341,100.00**

2. That said emergency temporary appropriations will be provided for in the 2020 budget under the appropriate titles.

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

Resolution 20-75 - Resolution Authorizing Transfer of Residual Cash Balance from Community Development Block Grant (CDBG) Account to General Fund

WHEREAS, the Township currently holds a residual cash balance of $44,468.98 under PO#13-03425 titled CDBG Trust Account for which there is no purpose; and

WHEREAS, the Township's Chief Financial Officer has conducted a review and determined that the funds contained in this line item constitute an unidentified cash balance, and recommends its cancellation and transfer to the General Fund.

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

authorizes the cancellation of PO#13-03425 in the amount of $44,468.98 and its transfer to the General Fund.

Resolution 20-76 - Resolution Cancelling Taxes On Various Properties Owned by The Township of Middletown Prior to October 1, 2019

WHEREAS, the Township of Middletown ("Middletown") took title to several parcels of real property during calendar year 2019, as follows (the "Properties"):

Block	Lot	Property Location
85	5	206 RARITAN PL
117	1	RAYNOR AVE & PROSPECT PL
165	10	FIRST AVE
168.01	3	IDAHO AVE
234	1	659 HUDSON AVE
276	76	BROADWAY
276	77.021	OFF MAIN ST
306	3.01	BEACH ST
312	1	THIRD ST
440	4	LEONARD AVE & HWY 36
517	26	MORRIS AVE
532	44	480 HWY 36
540	9	ELIZABETH AVE
540	11	ELIZABETH AVE
600	130	END OF BUTLER LANE
731	8	220 LAKESIDE DR
837	30	132 BROWNS DOCK RD
865	138	OAK HILL RD
915	19	SOUTHALL LANE
11	20	257 PORT MONMOUTH RD
11	23	66 ATLANTIC AVE
136	6	77 MAIN ST
139	6.02	MAIN ST
181	3	HWY 36
428	6	WASHINGTON AVE
541	8.08	OFF OAK ST

; and

WHEREAS, in order for a newly-owned municipal property to become exempt from real property taxation, the property must be owned by the municipality prior to October 1 in the pre-tax year, pursuant to City of Trenton v. Ewing Township, 23 N.J. Tax 295 (2006); and

WHEREAS, the Tax Assessor has reviewed and determined that the Properties were acquired by Middletown prior to October 1, 2019, and that the proper legal formalities have been followed, allowing for the Properties to be exempt from real property taxation; and

WHEREAS, in furtherance of same, The Tax Assessor requests approval of the cancellation of taxes on the Properties for 2020, after which they will be listed as exempt for 2021.

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 the real property taxes for 2020 that are assessed to the Properties, consistent with the foregoing.

BE IT FURTHER RESOLVED that the Tax Collector is hereby and directed to take any and all steps reasonably necessary to effectuate the foregoing.

Resolution 20-77 - Resolution Releasing the Maintenance Bond for Conifer Realty – Edgewood Park Senior Residence (Block 729, Lot 16.02)

WHEREAS, the developer of the site known as Conifer Realty – Edgewood Park Senior Residence (Block 729, Lot 16.02) had posted with the Township a Maintenance Bond in the amount of $174,102.00; and

WHEREAS, the developer has requested a release of said Maintenance Bond; and

WHEREAS, the Consulting Engineer, as set forth in his letter of February 19, 2020, indicates that the improvements have been inspected and are in acceptable condition; therefore, has recommended that that the Maintenance Bond in the amount of $174,102.00 be released; and

WHEREAS, the Township Committee agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Middletown Township Committee that the Maintenance Bond be released.

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. Phil Bartkovich, Conifer Realty
   1000 University Avenue, Suite 500
   Rochester, NY 14607

<u>Resolution 20-78</u> - Resolution Releasing the Maintenance Bond for Bayshore Village (Block 122, Lot 2)

WHEREAS, the developer of the site known as Bayshore Village (Block 122, Lot 2) had posted with the Township a Maintenance Bond in the amount of $128,898.00; and

WHEREAS, the developer has requested a release of said Maintenance Bond; and

WHEREAS, the Consulting Engineer, as set forth in his letter of February 21, 2020, indicates that the improvements have been inspected and are in acceptable condition; therefore, has recommended that that the Maintenance Bond in the amount of $128,898.00 be released; and

WHEREAS, the Township Committee agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Middletown Township Committee that the Maintenance Bond be released.

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. Mark Issa, CIS Construction, LLC
   764 Cherry Tree Lane
   Lawrenceville, NJ 08648

<u>Resolution 20-79</u> - Authorizing Award of Contract to Vendor(S) With NJ State Approved Cooperative Purchasing and Pricing Contracts for One (1) New 2020 Ford F350 Chassis and Cab 2wd and Rack Body Truck

BE IT RESOLVED, by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey as follows:

In accordance with the requirements of the Local Public Contract Law N.J.S.A. 40:11-12 et seq., and the regulations promulgated thereunder, the following purchase without competitive bids from vendor(s) with State approved Contract is hereby approved:

<u>ITEM # 1</u>
<u>VENDOR</u>

Winner Ford
250 Haddonfield Berlin Road
Cherry Hill, NJ 08034
State Contract: # 88758
Amount: $27,630.00

DESCRIPTION

One (1) New 2020 Ford F350 Chassis Cab & Options for The Public Works Department.

ITEM #2
VENDOR

A & K Equipment Co. Inc.
221 Wescott Drive
Rahway, NJ 07065
State Approved Co-Op #65mcesccps
Contract # Escnj 18/19-42
Amount: $10,210.48

DESCRIPTION

Rack Body - Platform with Steel Floor, Outside Racks, Tommygate 1600lb Railgate with Steel Platform, Hitch Plate with Combo Pintle and 7 Way Rv Trailer Plug Back Up Alarm

WHEREAS, the Chief Financial Officer of the Township of Middletown has certified that adequate funds for such contract are available, and are designated to line item appropriation of the official budget numbers **G-02-40-700-525-** and **G-02-40-700-538-**. A copy of the said certification is attached hereto and made a part hereof and the funds to be expended herein are assigned to line item **no. see below**. A copy of the within resolution and certification shall be certified by the Township Clerk. The Township Attorney is satisfied that the availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.

G-02-40-700-525-016 - $13,871.66
G-02-40-700-538-017 - $23,968.82

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

A) Purchasing Agent
B) Comptroller
C) Ted Maloney, Dir. Public Works
D) Vendor

Resolution 20-80 - Resolution Authorizing Transfer from Cash Bond Posted by American Properties at Wedgewood, LLC and Payment of Final Inspection Costs

WHEREAS, applicant American Properties at Wedgewood, LLC requested the release of a performance bond; and

WHEREAS, while the applicant's escrow did not contain sufficient funds to pay for the final inspection needed to be completed by the Township Consulting Engineer T&M Associates, the applicant did post a cash bond in a sufficient amount to cover the final inspection costs; and

WHEREAS, the Township seeks to authorize the transfer of $3,000 from the cash bond to the Township general fund, allowing for payment to T&M Associates for the final inspection that it completed.

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 a transfer of $3,000 from the cash bond posted by American Properties at Wedgewood, LLC to the general fund.

BE IT FURTHER RESOLVED that the Township authorizes payment to T&M Associates for the final inspection that it completed in the amount of $3,000, consistent with the foregoing.

Resolution 20-81 – Resolution Authorizing Payment of Bills for March 2, 2020

The Township Committee hereby approves a Resolution for payment of bills for March 2, 2020 in the amount of $2,571,320.48

Resolution 20-82 - Resolution Authorizing Execution of New Qualified Private Community Service Agreement with Shadow Lake Condominium Association, Inc.

WHEREAS, Shadow Lake Condominium Association, Inc. ("Shadow Lake") and the Township previously entered into a Municipal Services Agreement under the Municipal Services Act, N.J.S.A. 40:67-23.2; and

WHEREAS, the previous Municipal Services Agreement was determined to no longer be reflective of the current municipal services provided to all Township residents, therefore, requiring it to be renegotiated and updated to reflect current conditions, including the new Township-wide garbage and recycling collection system; and

WHEREAS, the Township and Shadow Lake have negotiated a new Municipal Services Agreement, which shall supersede and replace the previously-executed Municipal Services Agreement in its entirety, the terms of which are attached hereto in substantially final form.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute the attached Qualified Private Community Service Agreement between the Township of Middletown and Shadow Lake Condominium Association, Inc., as attached hereto in substantially final form, subject to the final review and approval of the Township Attorney.

BE IT FURTHER RESOLVED that the Township Clerk, Mayor, Township Attorney and all other appropriate Municipal officials are hereby authorized to execute such documents and to effectuate such acts as are necessary to effectuate the purposes of this Resolution.

Resolution 20-83 - Resolution Expressing Support for Legislation Directing All Energy Taxes to Be Paid Directly to Municipalities (A-3482)

WHEREAS, decades ago, energy providers and public utility companies paid gross receipt and franchise taxes directly to municipalities, as a means of compensation for hosting such facilities; and

WHEREAS, in the 1980s, the State began to collect these taxes on behalf of municipalities, distributing a portion of the proceeds to municipalities as State aid, while retaining the remaining portion; and

WHEREAS, under the bill pending before the Legislature as A-3482, these revenues would again be paid directly to municipalities, along with various other reforms to the Energy Tax Receipt law; and

WHEREAS, the Township Committee seeks to express its support for this legislation, which would restore these municipal revenue streams, to the benefit of Middletown's taxpayers, and further reduce the State's involvement in traditionally local affairs.

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 expresses its support for returning energy provider and public utility company gross receipt and franchise tax revenues to municipalities, as provided in the bill pending before the Legislature as A-3482.

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to Governor Phil Murphy, Senate President Steve Sweeney, Assembly Speaker Craig Coughlin, Senator Declan O'Scanlon, Assemblywoman Serena DiMaso, and Assemblyman Gerry Scharfenberger.

Resolution 20-84 - Resolution Awarding Professional Services Contract for Special Counsel

WHEREAS, based upon the recommendation of the Township's Labor Counsel, the Township of Middletown seeks special counsel to provide legal services to the Township in an employment matter, which is a professional service exempt from the bidding requirements of the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a); and

WHEREAS, the Township of Middletown received a proposal from McElroy, Deutsch, Mulvaney, and Carpenter LLP to provide such services at an hourly rate of $250 per hour, a copy of which is attached hereto and incorporated by reference; and

WHEREAS, this contract award shall be made in an amount not to exceed $17,500, subject to the certification of the availability of funds by the Township's Chief Financial Officer, and upon terms subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Middletown, in the County of Monmouth, State of New Jersey, hereby awards a professional services contract to McElroy, Deutsch, Mulvaney, and Carpenter LLP to provide Special Counsel services in an employment matter, consistent with the foregoing terms.

VOLUNTEER FIREFIGHER APPLICATIONS

Frank G. Bizzoco, Independent Fire Co.
Michael J. Carlson, Old Village Fire Co.
Peter T. Connor, Navesink Hook & Ladder

DISCUSSION ITEMS

a. Municipal Auto Towing Ordinance Amendment

Attorney Brian Nelson explained the fee amendment to be proposed by ordinance at the next meeting. Amendment from 2004 was the last amendment.

TOWNSHIP COMMITTEE COMMENTS:

None

PUBLIC COMMENTS:

Abe Litenberg, 41 Hickory Lane, announced the Middletown South Hockey game is tonight.

ADJOURNMENT

It was moved by Mayor Perry, seconded by Deputy Mayor Fiore and carried to adjourn at 7:08 pm.

Roll Call Vote: Ayes: Hibell, Settembrino, Snell, Mayor Perry
Nays: None
Abstention: None
Absent: Fiore

Clerk Brunt stated motion carried to adjourn.

Respectfully submitted,

_____
Heidi R Brunt
Township Clerk

Approved:

_____
Anthony S. Perry, Mayor