

Workshop Meeting

A Special Meeting of the Township Committee of Middletown Township was held in the Main Meeting Room at Town Hall, One Kings Highway, Middletown, New Jersey and virtually through WebEx at 7:00 p.m. on February 1, 2021.

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

The Notice Requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to The Star Ledger, The Independent and Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 07, 2021.

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

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson 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

None

INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2021-3302 - Ordinance Authorizing the Sale of Certain Properties Owned by The Township of Middletown Not Required for Public Purposes Pursuant to N.J.S.A. 40a:12-13, Et Seq.

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, Settembrino, Snell, 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 February 16, 2021.

Workshop Meeting

CONSENT AGENDA

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 21-60 through 21-62 and 21-64 through 21-71 Resolution 21-63 removed for separate vote and Firefighter Applications.

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

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

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

Resolution 21-60 – Resolution Awarding Third Party Health Care Claims Administration Services

WHEREAS, the Township of Middletown for several years has engaged the services of Qualcare, Inc., now Meritain Health, Inc., for the provision of employee and retiree health benefits claims administration services for its self-insured group health plan benefits programs; and

WHEREAS, the Township annually evaluates the service provided and fees charged and concluded, based on the recommendations of the Township's Assistant Administrator and insurance consultants to continue the services being provided by Meritain Health, Inc. in 2021 for an estimated amount not to exceed \$360,000; and

WHEREAS, authorization for the award of this contract does not require public bidding pursuant to N.J.S.A.40A:11-5(1)(m) as an insurance-related contract subject only to certification of availability of funds by the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown that the Mayor and Township Clerk are hereby authorized and directed to execute a contract with Meritain Health, Inc., 1719 State Highway 10, Parsippany, New Jersey 07054 to provide health benefits claims administration services for the Township's self-insured health benefits programs for employees and retirees at the rates set forth in the contract attached hereto and made part hereof for an estimated amount not to exceed \$360,000 in 2021.

BE IT FURTHER RESOLVED that notice of this contract award shall be published by the Township Clerk in the Township's official newspaper and a complete copy of the contract be maintained by the Clerk.

Resolution 21-61 - Resolution Authorizing Execution of the Monmouth County Office On Aging 2021 Grant Agreement 13-014 For Senior Services

WHEREAS, the Monmouth County Board of Chosen Freeholders has authorized Grants in the amount of \$33,500.00 during the year 2021 for the funding of certain programs at the Middletown Senior Center as detailed in a Letter of Intent; and

WHEREAS, the receipt of the grant requires a resolution accepting this funding and authorizing the execution of the 2021 Grant Agreement with the County of Monmouth providing for the use of the funds in accordance with the terms of the grant; and

WHEREAS, this authorization will provide funding for certain health, fitness, education and transportation programs providing benefits to senior citizens utilizing the Senior Center and is appropriate for execution.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown that the Township of Middletown accepts the Grants in the amount of \$33,500.00 for the purpose as set forth in the Letter of Intent from the Monmouth County Office on Aging and the Mayor, Chief Financial Officer, and Township Clerk are authorized to execute the 2021 Grant Agreement with the County required for such funding and grants.

Resolution 21-62 - Resolution Releasing the Maintenance Guarantee For Sterling Walk (Block 1086, Lot 12)

WHEREAS, the developer of the site known as Sterling Walk (Block 1086, Lot 12) had posted with the Township a Surety Maintenance Bond executed by First Indemnity of America Insurance Co., (bond number #FP 0010106) on Nov 4, 2004 in the amount of \$45,630.00 and Cash Bond; and

WHEREAS, the developer has requested a release of said Maintenance Bond and remaining Cash Bond in the amount of \$14,205.60; and

WHEREAS, the Consulting Engineer, indicates that the improvements had been inspected and are in acceptable condition; therefore, has recommended that the Maintenance Bond and Cash Bond be released and due to the time passed the Maintenance Bond be waived; 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.

Workshop Meeting

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. Sterling Walk

Resolution 21-63 – Removed for Separate Vote

Resolution 21-64 - Resolution of The Township Committee of the Township of Middletown Amending Resolution 20-128 As to Estimated and Authorized Expenditure for Brush Grinding

WHEREAS, the Township by Resolution 18-178 awarded the Brush Grinding to Mazza Mulch Inc., 3230A Shafto Road, Tinton Falls, NJ 07753 on June 6, 2018 to provide said services for a twenty-four (24) month period with an option for two (2) additional twelve (12) month extensions agreeable by both vendor and the Township of Middletown; and

WHEREAS, the Director of Public Works /Parks has determined that extending the contract would be in the best interest of the Township for the additional twelve (12) months in the amount not to exceed \$120,000.00 for the 2020-2021 contract year.

WHEREAS, due to the extensive amount of brush grinding throughout the Township, it is necessary to increase the estimated total annual expenditure as set forth in the Resolution 20-128 from the \$120,000.00 for 2020-2021 originally estimated to the amount of \$175,000.00 and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown that Resolution 20-128 related to Brush Grinding is amended to increase the estimated authorized total expenditure for the services during the contract year of 2020-2021 to \$175,000.00. All other provisions of the Resolution remain in effect.

Resolution 21-65 - Resolution Authorizing Award of Contract to Vendor with State Contract for Computer Software and Related Services for The Township of Middletown

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. 40A:11-12 et seq., and the regulations promulgated thereunder, the following purchase without competitive bids from vendor(s) with State Contract is hereby approved:

ITEM # 1

Workshop Meeting

VENDOR

**SHI INTERNATIONAL CORP.
290 DAVIDSON AVENUE
SOMERSET, NJ 08873**

STATE CONTRACT: # 89851

AMOUNT: \$113,291.76

DESCRIPTION

**GOVPILOT SOFTWARE, ALL PREMIUM MODULES,
UNLIMITED TEMPLATED MODULES, UNLIMITED USERS,
UNLIMITED GIS LAYERS AND RELATED SERVICES
NEEDED FOR THE TOWNSHIP OF MIDDLETOWN**

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 appropriations of the official budget no. see below-. A copy of the said certification is attached hereto and made 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.

1-01-20-140-100-233 - \$113,291.76

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) MIS Director
- D) Vendor

Resolution 21-66 - Resolution Authorizing Tax Collector to Transfer Prior Year Premium Credits to General Fund

WHEREAS, N.J.S.A. 54:5-33 provides that a premium payment that is bid at a tax sale shall be held by the tax collector for five years, after which “the premium shall be turned over to the treasurer of the municipality and become part of the funds of the municipality”; and

WHEREAS, the Tax Collector has investigated the following account, which contains a premium from a tax sale on December 29, 2015, and determined that the necessary time has elapsed and that the funds should be transferred to the Township’s general fund:

Block	Lot	Tax Certificate	Premium
1010	96	15-00550	\$4,300.00

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 the foregoing transfer of funds to the general fund.

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

Resolution 21-67 - Resolution Awarding Professional Services Contract to Max Spann R.E. & Auction Co. To Perform Auction Services for The Sale of Township-Owned Real Property Not Needed for Any Public Purpose

WHEREAS, the Township of Middletown owns various properties located in the Township, by way of foreclosure or other means, which it seeks to sell that are not needed for any public purposes; and

WHEREAS, Section 13 of the Local Lands and Buildings Law (“LLBL”), N.J.S.A. 40A:12-1 et seq., requires the Township to dispose of such lands pursuant to auction in most instances; and

WHEREAS, Max Spann R.E. & Auction Co. (“Max Spann”) has submitted a proposal to perform professional services including the listing and auctioning of properties owned by the Township; and

WHEREAS, pursuant to the proposal, Max Spann shall be compensated through a buyer’s premium of 10%, which shall be added to the sales price of properties, as well as various disbursements that shall be paid by the Township; and

WHEREAS, Max Spann shall complete and submit a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Township of Middletown in the previous one year, and that the contract will prohibit same from making any reportable contributions through the term of the contract, pursuant to N.J.S.A. 19:44A-20.5 et seq., which shall remain on file for 10 days prior to entering into a contract with the entity; and

WHEREAS, the properties to be disposed and the terms of any auctions therefrom shall be established pursuant to further ordinance or resolution of the Township Committee, in accordance with the applicable requirements of the LLBL.

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

Workshop Meeting

awards a professional services contract to Max Spann R.E. & Auction Co., consistent with the foregoing.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute any and all instruments necessary to effectuate the foregoing, subject to final approval as to legal form by the Township Attorney.

Resolution 21-68 - Resolution Authorizing Quitclaim Deed Releasing Affordability Controls for Accessory Apartment Unit Located at Block 646, Lot 35, Commonly Known as 701 Park Avenue

WHEREAS, pursuant to the Fair Housing Act, the Township of Middletown (the "**Township**") is responsible for the administration of affordable housing units within its borders; and

WHEREAS, on September 4, 2002, the Township entered into an Affordable Housing Agreement, Declaration of Covenants, Conditions and Restrictions of Accessory Apartments (the "**Agreement**") with Walter Cahill and Heather Cahill (the "**Owners**") relating to their property located at Block 646, Lot 35, more commonly known as 701 Park Avenue (the "**Property**"); and

WHEREAS, the address of the deed restricted accessory apartment, as defined in the Agreement, is 701-A Park Avenue, Middletown, New Jersey 07748 (the "**Accessory Apartment**"); and

WHEREAS, the Agreement was recorded in the Office of the Monmouth County Clerk on September 5, 2002 in Deed Book 8142 at Page 4048 against the Property; and

WHEREAS, pursuant to the Agreement, the Owners were restricted to rent the Accessory Apartment to certified low and modified income households only in order to maintain the affordability controls; and

WHEREAS, pursuant to Agreement, the affordability controls, covenants and restrictions set forth in the Agreement (the "**Restrictions**") expired on September 4, 2012 (the "**Expiration Date**"); and

WHEREAS, the Expiration Date has passed, and in order for Owner to have and/or deliver clear and marketable title to the Property, it is required that the Restrictions be discharged and released from the Property's title; and

WHEREAS, it is the recommendation of the Township's Director of Planning and Township Administrator to release the Restrictions on the Property by executing a Quit Claim Deed Releasing Ownership Unit from Affordability Controls attached hereto as Exhibit A as the Owner is not required to and/or was not willing to renew the Property's affordability controls.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the Township's Administrative Agent is hereby authorized in accordance with N.J.A.C. 5:80-26.5(i) to take all necessary actions required to release the affordable housing restrictions on the Property.

BE IT FURTHER RESOLVED that the Mayor, Township Clerk and Township Attorney are authorized to execute the appropriate release and all documents necessary to effectuate the release the affordable housing restrictions on the Property as set forth herein.

BE IT FURTHER RESOLVED that if any sentence, paragraph or section of this resolution, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action an sentence, paragraph or section of this resolution shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this resolution.

BE IT FURTHER RESOLVED that this resolution shall be effective immediately upon passage according to law.

Resolution 21-69 – 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 2021 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 2021 for the Township pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:4-20) including this resolution total \$18,993,918.51 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 - 2021 Temporary Budget Worksheet		
Account Number	Description	Amount
1-01-23-220-100-200	Insurance O/E	1,100,000.00
1-01-26-290-101-200	DPW Storm Response - O/E	150,000.00
1-01-26-290-104-200	DPW Administration & Engineering-O/E	5,000.00
1-01-30-415-100-115	Accumulated Leave Compensation	25,000.00
1-01-31-447-100-275	Utilities - Heating Oil - PBG	1,000.00
	TOTAL	1,281,000.00

2. That said emergency temporary appropriations will be provided for in the 2021 budget under the appropriate titles.

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

Resolution 21-70 - Resolution Authorizing Submission of Application to New Jersey Board of Public Utilities (“BPU”) For Participation in New Jersey Community Solar Energy Program Pilot Year Two

WHEREAS, the Township of Middletown (“Township”) is the owner of the majority of the monthly parking lot at the Middletown Train Station along Church Street, identified on the Township’s official tax map as Block 861, Lot 1, which consists of approximately 7.01 acres of property, nearly all of which is currently improved as an asphalt parking lot; and

WHEREAS, the BPU is soliciting applications for the second year of its community solar energy program with applications being due on February 5, 2021; and

WHEREAS, the Township is in the process of preparing an application for submission to the BPU; and

WHEREAS, if the Township is selected by the BPU to participate in the community solar program, the Township will publicly solicit for a ground lease or similar arrangement to allow for the construction of a solar canopy array to be constructed upon the Middletown Train Station Parking Lot.

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, subject to review of the necessary documents by the Township Attorney, to execute and facilitate the filing of the Township’s application with the BPU to seek to participate in the BPU’s community solar program on or before the February 5, 2021 filing deadline.

Workshop Meeting

Resolution 21-71 – Resolution Authorizing the Payment of Bills for February 1, 2021

The Township Committee hereby approves a resolution for the payment of bills for February 1, 2021 in the amount of \$4,410,840.72

RESOLUTION REMOVED FROM CONSENT AGENDA FOR SEPARATE VOTE

Resolution 21-63 - Resolution Approving Shared Services Agreement with The Borough of Highlands for Animal Control Services

WHEREAS, the Township of Middletown (“Middletown”) and the Borough of Highlands (“Highlands”) have negotiated the terms of a shared services agreement for Middletown to provide animal control services, upon the terms set forth in the draft agreement attached hereto and incorporated by reference; and

WHEREAS, entry into this shared services agreement is authorized by the New Jersey Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.

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 entry into a shared services agreement with the Borough of Highlands for the provision of animal control services, consistent with the foregoing.

BE IT FURTHER RESOLVED that Mayor and Township Clerk are hereby authorized and directed to take any and all steps necessary to effectuate the foregoing, including the execution of instruments.

BE IT FURTHER RESOLVED that the Municipal Clerk shall transmit a copy of this resolution and the shared services agreement executed pursuant to same to the Division of Local Government Services at the New Jersey Department of Community Affairs for informational purposes pursuant to N.J.S.A. 40A:65-4b.

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

Nays: None

Abstention: None

Recuse: Settembrino

Absent: None

FIREFIGHER APPLICATIONS

James C. Franzek
Sean M. Talley

Old Village Fire Co.
East Keansburg Fire Co.

Workshop Meeting

DISCUSSION ITEMS

- a. Monmouth County Community Rating System Program
- b. Recreation Fee Amendment
- c. Mandatory Stormwater Management Ordinance to Address New Regulations – Planning Director San Chavan stated it is to protect water quality and make New Jersey more resilient to stormwater.

TOWNSHIP COMMITTEE COMMENTS:

Committeeman Clarke, urged residents to clear your fire hydrant after the snow storm.

Committeewoman Snell, announced the fundraiser for personalized bricks for the 29th Anniversary of September 11.

Committeeman Settembrino, thanked the Department of Public Works in regards to the snowstorm.

Deputy Mayor Hibell, commended the Department of Public Works for the great job with the snow clean up. He also commended the lifesaving event during a recent structure fire.

Mayor Perry, thanked the Police Department, Public Works and Administration for the great job with the snow clean up. He also thanked Tara Berson the Public Information Officer for getting the storm information out to the residents. He also commended Andrea Gorsegner who raised over \$60,000 for childhood cancer research for the Infinite Love Organization.

PUBLIC COMMENTS:

None

Workshop Meeting

ADJOURNMENT

It was moved by Mayor Perry, seconded by Deputy Mayor Fiore and carried to adjourn at 7:20 pm.

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

Clerk Brunt stated motion carried to adjourn.

Respectfully submitted,

Heidi R Brunt
Township Clerk

Approved:

Anthony S. Perry, Mayor