

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 October 5, 2023.

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

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

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

Also present were Township Administrator Anthony Mercantante, Township Attorney Kira Dabby, Chief Financial Officer Colleen Lapp, Township Engineer Ted Maloney, Assistant Administrator James VanNest, and Deputy Township Clerk Kaaren Sena

PLEDGE OF ALLEGIANCE

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

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

CERTIFICATE OF APPRECIATION/PROCLAMATIONS

Proclamation Recognizing October 14, 2023, as Middletown Day in the Township of Middletown

WHEREAS: Middletown Township is a 42-square mile community that approximately 68,000 residents call home; and

WHEREAS: Middletown is a unique collection of neighborhoods, each with its own geographic flavor and historic personality. Together, we form a dynamic community with a strong volunteer spirit; and

WHEREAS: Middletown Township began to hold an annual fall festival over a decade ago to offer residents the opportunity to meet friends and neighbors from Middletown Village, Leonardo, River Plaza, Lincroft, and everywhere in between; and

WHEREAS: Middletown Day 2023 will be held on Saturday, October 14th from 11:00 AM to 4:00 PM on the Great Lawn at Croydon Hall. The event was originally supposed to be held in September but was postponed due to bad weather; and

WHEREAS: Middletown Day 2023, which is sponsored by local businesses, groups, and individuals, promises to be a spectacular day for the whole family. Highlights include a car show and the return of the popular Business and Community Showcase, as well as many familiar favorites including a food court, first responder demonstrations, live entertainment, and more. Now,

THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim October 14, 2023 as **Middletown Day** in Middletown Township. We encourage all our residents to come celebrate everything that makes Middletown so special.

Proclamation Recognizing October 2023 as Breast Cancer Awareness Month in the Township of Middletown

WHEREAS: Every year too many Americans are touched by the pain and hardship caused by breast cancer – a disease that is not only one of the most common cancers among women, but also the second leading cause of cancer-related death; and

WHEREAS: An estimated number of 297,790 new cases of invasive breast cancer will be diagnosed in women this year and an estimated 2,800 men will be diagnosed with breast cancer. Although both women and men can have breast cancer, women are at a significantly higher risk; and

WHEREAS: National Breast Cancer Awareness Month is dedicated to increasing public awareness about the importance of early detection and how prompt treatment can significantly reduce the suffering and deaths caused by this disease; and

WHEREAS: There are over 3.8 million breast cancer survivors in the United States, and 64 percent of breast cancer cases are diagnosed at a localized state in which the 5-year survival rate is 99 percent; and

WHEREAS: Making an appointment for a mammography, an x-ray of the breast, is the single most effective method of detecting breast changes that may be cancerous long before physical symptoms can be seen or felt. Now,

THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim October 2023 as **Breast Cancer Awareness Month** in the Township of Middletown. We encourage our residents to schedule their routine mammography and spread awareness so we can fight this disease together.

Proclamation Recognizing October 2023 as Substance Use Prevention Month in the Township of Middletown

WHEREAS: In 2011, the first Presidential proclamation designating October as National Substance Abuse Prevention Month, now referred to as National Substance Use Prevention Month, was issued in honor of those working to prevent substance misuse in our communities and to rededicate ourselves to building a safer, healthier America; and

WHEREAS: Substance misuse touches all aspects of a community and typically begins at an early age. Nine out of ten people who misuse nicotine, alcohol, or other drugs begin using these substances before they are 18 years old; and

WHEREAS: People who start using addictive substances before the age of 15 are nearly seven times likelier to develop a substance use disorder than those who delay first use until they are 21 or older; and

WHEREAS: Through community-based efforts we can strengthen the support systems that deter our nation's young people from drug consumption and improve both academic performance and workforce readiness; and

WHEREAS: In an effort to dispel myths that young people have about underage drinking and drug use, Middletown Township's Municipal Alliance and Crossroads at the Lincroft Annex partner with local law enforcement, health providers, businesses, schools, colleges, parents, and youth to educate the community. Now,

THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim the month of October 2023 as **National Substance Use Prevention Month** in Middletown and call upon the people of Middletown to observe this month with appropriate programs, activities, and discussions. We encourage our community to reach out to the Middletown Municipal Alliance for the prevention of substance use and Crossroads at the Lincroft Annex should they or a loved one need help with battling addiction.

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INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2023-3393 - An Ordinance of The Township of Middletown, In the County of Monmouth, New Jersey, Providing for A Special Emergency Appropriation Pursuant to N.J.S.A. 40a:4-53(D) In the Amount Of \$175,000 For Preparation of a Master Plan.

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

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

Township Clerk Heidi Pieluc stated motion carried to pass this ordinance on first reading with a public hearing to be held on October 16, 2023.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2023-3394 - An Ordinance Authorizing the Vacation of a Portion of Garrett Hill Boulevard Within the Township of Middletown, Monmouth County, New Jersey

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

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

Township Clerk Heidi Pieluc stated motion carried to pass this ordinance on first reading with a public hearing to be held on October 16, 2023.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2023-3395 - Ordinance Amending § 240-25 Of the Code of The Township of Middletown Governing Recreation Permitting and Fees

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

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

Township Clerk Heidi Pieluc stated motion carried to pass this ordinance on first reading with a public hearing to be held on October 16, 2023.

CONSENT AGENDA

Township Clerk Heidi Pieluc requested a motion to adopt a consent agenda including Resolutions 23-248 through 23-256.

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

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

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

Resolution 23-248 - Resolution Releasing the Performance Guarantee for Tanglewood Farms Subdivision (Block 825, Lot 2)

WHEREAS, the developer of the site known as Tanglewood Farms Subdivision, had posted with the Township a reduced Performance Guarantee in the amount of \$345,00.60; and

WHEREAS, T&M Associates, as set forth in their letter of September 13, 2023, have recommended that the performance guarantee in the form of a Surety Bond No. 0116290 in the amount of \$310,500.54 and a cash deposit in the amount of \$34,500.06 be released subject to the posting of a maintenance guarantee in the amount of \$172,500.30; 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. T&M Associates
- b. Planning
- c. Tanglewood Farms (K. Hovnanian Homes)
Mustafa Elmalah, PE, Land Development Manager
414 Kings Hwy E, Middletown Township,
NJ 07748

Resolution 23-249 - 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>
532	32	Joan Wehner	217 Wilson Ave	27,400

BE IT FURTHER RESOLVED that the Mayor and other authorized appropriate and responsible officials including the Township Administrator, the Director of Planning, the Community Development Director, or Township Attorney be and they are hereby authorized and directed to execute on behalf of the Township of Middletown such certifications and other documentation as may be required by the Monmouth County Clerk.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided by the Office of the Township Clerk to the following:

- A. Community Development

Resolution 23-250 - Resolution Authorizing Contract with The Director of Finance Chief Financial Officer

WHEREAS, the Township of Middletown (the "**Township**") determined that it is in the best interest of the taxpayers to seek out employment contracts with key management employees that govern their salaries and benefits that are sometimes not clearly defined in the absence of a contract; and

WHEREAS, the Township wishes to enter an individual contract with its Director of Finance/Chief Financial Officer, Colleen Lapp, to better define terms and conditions of her employment.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of the New Jersey that the Mayor is hereby authorized and directed to execute the Employment Agreement between the Township and the Township's Director of Finance/Chief Financial Officer Colleen M. Lapp, attached hereto and made part hereof pursuant to the terms and conditions contained therein.

Resolution 23-251 - Resolution Reappointing Deputy Municipal Tax Assessor Christopher Anthes

WHEREAS, pursuant to N.J.S.A. 40A:9-146, effective April 28, 2019, the Township of Middletown (the “Township”) appointed Christopher Anthes as the Township’s Deputy Tax Assessor; and

WHEREAS, pursuant to N.J.S.A. 40A:9-148, the initial term of the new Deputy Tax Assessor was through June 30, 2019 with the Deputy Tax Assessor’s first full term running from July 1, 2019 through June 30, 2023; and

WHEREAS, effective July 1, 2023, the Deputy Tax Assessor shall be reappointed, therefore, acquiring tenure with such reappointment.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that that it hereby reappoints Christopher Anthes as Deputy Assessor effective July 1, 2023 with tenure being granted in accordance with N.J.S.A. 40A:9-148.

BE IT FURTHER RESOLVED that a certified copy of the within Resolution shall be forwarded to Matthew Clark, Monmouth County Board of Taxation.

Resolution 23-252 - Resolution Authorizing a Chapter 159 Additional Item of Funding in the 2023 Budget – Shared Service Agreement Between the Township of Middletown and The Township of Millstone for Tax Assessment Services

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Middletown has entered into a shared service agreement to receive \$35,566.00 from the Township of Millstone and wishes to amend its 2023 budget to include this amount as revenue, and

NOW THEREFORE BE IT RESOLVED, that the Township Committee of Middletown Township, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2023 budget in the sum of \$35,566.00 which is now available as revenue under Special Item of Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

Shared Service Agreement
The Township of Millstone – Tax Assessment Services

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BE IT FURTHER RESOLVED, that a sum of \$35,566.00 is hereby appropriated under the caption of General Appropriations – Operations Excluded from “CAPS”:

Shared Service Agreement
The Township of Millstone – Tax Assessment Services

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

Resolution 23-253 - Resolution Authorizing Change Order No. 3 For the Dog Park at Tindall Park

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

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

WHEREAS, the Township requires additional estimated quantities as listed on Change Order No. 3 increasing the contract by \$16,577.40, making the total amount of the contract to date \$599,827.45; and

WHEREAS, the amount of the change orders requested is a total net increase of \$67,827.45, 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 \$16,577.40 are available for this purpose in account/line-item number(s) T-03-56-802-120-004. A copy of the said certification is attached hereto and made part hereof.

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown that Change Order No. 3, with an increase in the amount of \$16,577.40, be authorized and executed by the appropriate officials.

Resolution 23-254 - Resolution Providing for The Financing of a Special Emergency Appropriation for Preparation of a Master Plan of The Township of Middletown, In the County of Monmouth, New Jersey By the Issuance of Special Emergency Notes of The Township

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLETOWN, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) as follows:

SECTION 1. The Township of Middletown, in the County of Monmouth, New Jersey (the "Township") has heretofore finally adopted, on October 16, 2023, an ordinance entitled: "AN ORDINANCE OF THE TOWNSHIP OF MIDDLETOWN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(d) IN THE AMOUNT OF \$175,000 FOR PREPARATION OF A MASTER PLAN" (the "Ordinance"), for the purpose of appropriating the sum of \$175,000 as a special emergency appropriation pursuant to N.J.S.A. 40A:4-53(d).

SECTION 2. The Township hereby determines to finance the special emergency appropriation referred to in Section 1 herein by the issuance of Special Emergency Notes of the Borough, which may be renewed from time to time, as provided by law. Special Emergency Notes of the Township are hereby authorized to be issued in the principal amount of \$175,000 pursuant to the Local Budget Law. At least 1/5 of all such Special Emergency Notes, and the renewals thereof, shall mature and be paid in each year, so that all such Special Emergency Notes shall have matured and have been paid not later than the last day of the fifth year following the date of adoption of this resolution.

SECTION 3. All Special Emergency Notes issued hereunder shall mature at such times as may be determined by the chief financial officer, subject to the limitations set forth in Section 2 hereof. The chief financial officer shall determine all matters in connection with Special Emergency Notes issued pursuant to this resolution, and the chief financial officer's signature upon the Special Emergency Notes shall be conclusive evidence as to all such determinations. All Special Emergency Notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:4-55(b). The chief financial officer is hereby authorized to sell part or all of the Special Emergency Notes from time to time, at no less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the Special Emergency Notes pursuant to this resolution is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Special Emergency Notes sold, the price obtained and the name of the purchaser, and such report shall be entered in full on the minutes of such meeting.

SECTION 4. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the Special Emergency Notes authorized by the Ordinance and hereunder. The Special Emergency Notes shall be direct, unlimited obligations of the Township. The powers and obligations of the Township to pay any Special Emergency Note issued pursuant to this resolution and the Local Budget Law shall be unlimited and the Township shall have the power and be obligated to levy ad valorem taxes upon all taxable property within the Township for the payment of such Special Emergency Notes and interest thereon, without limitation of rate or amount.

SECTION 5. All Special Emergency Notes issued pursuant to this resolution shall be executed by the Chief Financial Officer and the Mayor of the Township, and shall be under the seal of the Township and attested by the Township Clerk. Such officers are hereby authorized to execute and deliver all documents necessary or convenient in connection with the issuance, sale and delivery of the Special Emergency Notes.

SECTION 6. The Township reasonably expects to commence the purpose described in the ordinance referred to in Section 1 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of Special Emergency Notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the Special Emergency Notes authorized in Section 2 hereof.

SECTION 7. This resolution shall take effect immediately.

Resolution 23-255 - Resolution Supporting Redevelopment at Block 502, Lots 1, 2 and 7; and Block 503, Lots 10 and 11

WHEREAS, the Township of Middletown Township Committee has determined that there has been, or it suspects that there has been, a discharge of hazardous substances or a hazardous waste on Block 502, Lots 1, 2 and 7; and Block 503, Lots 10 and 11 (the “Property”).

WHEREAS, the Township of Middletown is applying to the Hazardous Discharge Site Remediation Fund for funding for the investigation of the Property in order to determine the extent or the existence of any hazardous substance or hazardous waste and remediation of any found contamination.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey, that the Township of Middletown is committed to the redevelopment of the Property for the purpose of constructing affordable housing for local veterans, and finds that a realistic opportunity exists for the redevelopment of the Property within a three year period after the completion of the remediation of this site either through the planned redevelopment project, (affordable housing for local veterans), or through alternate redevelopment.

Resolution 23-256 – Resolution Authorizing the Payment of Bills for October 5, 2023

The Township Committee hereby approves a resolution authorizing the payment of bills for October 5, 2023, in the amount of \$3,578,206.65.

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TOWNSHIP COMMITTEE COMMENTS:

Committeeman Clarke, None

Committeewoman Kratz, None

Mayor Perry, announced that Middletown Day will now be held October 14, 2023 due to the weather.

PUBLIC COMMENTS:

Don Watson, Collinson Dr, asked why the meeting was at 6:00 tonight and not 7:00? Mayor Perry responded that the meeting originally scheduled for Monday October 3, 2023, needed to be rescheduled for Thursday and had to be earlier.

ADJOURNMENT

It was moved by Mayor Perry, seconded by Committeeman Clarke and carried to adjourn at 6:12pm.

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

Township Clerk Heidi Brunt stated motion carried to adjourn.

Respectfully submitted,

Heidi R Brunt
Township Clerk

Approved:

Anthony S. Perry, Mayor