

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 May 15, 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, Chief Financial Officer Colleen Lapp, Township Engineer Ted Maloney, Deputy Township Clerk Kaaren Sena and Township Clerk Heidi Brunt

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.

CERTIFICATE OF APPRECIATION/PROCLAMATIONS

Proclamation Recognizing May 14-20, 2023, as National Police Week in the Township of Middletown

WHEREAS: The Congress and President of the United States have designated the week of May 14 through May 20, 2023 as National Police Week; and

WHEREAS: The members of the Middletown Township Police Department play an essential role in safeguarding the rights and freedoms of the Township of Middletown; and

WHEREAS: All citizens should know and understand the duties, responsibilities, hazards, and sacrifices of law enforcement agencies. It is also important that members of our law enforcement agencies recognize their duty to serve the people by protecting life and property, shielding them against violence and disorder, and defending the innocent against deception and the weak against oppression; and

WHEREAS: The individuals of the Middletown Township Police Department unceasingly provide a vital public service. Now,

THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, proclaim May 14 through May 20, 2023 as **Police Week** in the Township of Middletown. We invite all citizens and patriotic, civic, and educational organizations to join us at our annual Police Memorial Service held at the Police Memorial on Kings Highway and Route 35 on Friday, May 19th at 11 AM to remember all law enforcement officers we lost. By their faithful and loyal devotion to their responsibilities, law enforcement agencies have rendered a dedicated service to their communities and have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

Proclamation Recognizing May 20, 2023, as Relay for Life Day in the Township of Middletown

WHEREAS: The American Cancer Society is a nationwide, community-based volunteer health organization dedicated to eliminating cancer as a major health problem through research, education, advocacy, and service; and

WHEREAS: **Relay For Life** is the American Cancer Society's nationwide signature activity and a *Celebration of Life* where they *Celebrate, Remember, and Fight Back*; and

WHEREAS: **Relay For Life** is a community event that celebrates survivors, remembers those who have lost their battle with cancer, and unites our community to fight against a disease that has taken too much from too many; and

WHEREAS: Because cancer never sleeps, **Relay For Life** teams spend the evening camping out, enjoying music, and engaging in family activities together while team members walk around a track relay-style for the duration of this event; and

WHEREAS: **Relay For Life of Middletown** will be held on Saturday, May 20th at Middletown High School South (900 Nutswamp Road) from 2:30 – 10:00 PM. For more information, visit www.middletownnj.org/relayforlife2023.
Now,

THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim May 20, 2023 as **Relay For Life Day** in the Township of Middletown and call upon all residents to support this inspirational event. We also encourage the community to support the American Cancer Society in their efforts to help everyone who has been touched by cancer.

Proclamation Recognizing May 21-27, 2023, as National EMS Week in the Township of Middletown

WHEREAS: Emergency medical services (EMS) is a vital public service, and members of EMS teams are ready at a moment's notice to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS: Access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS: EMS teams have grown to fill a gap by providing important out-of-hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS: The EMS system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out-of-hospital medical care providers; and

WHEREAS: The members of EMS teams, whether career or volunteer, engage in thousands of hours of specialized training and education to enhance their lifesaving skills; and

WHEREAS: It is important to recognize the value and accomplishments of EMS providers this week and every week; now

THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, proclaim May 21 through May 27, 2023 as **EMS Week** in the Township of Middletown. We thank our EMS members for their service and encourage our residents to make a difference by volunteering with them!

Proclamation Recognizing May 29, 2023, as Memorial Day in the Township of Middletown

WHEREAS: **Memorial Day**, once called Decoration Day, originated after the United States Civil War and was designated a national holiday by Congress in 1971; and

WHEREAS: **Memorial Day** serves as a national day of remembrance for all the individuals who have given their lives in service to the United States of America; and

WHEREAS: By honoring these proud service members, we renew our commitment to upholding the democratic ideals they fought and died to preserve; and

WHEREAS: Communities nationwide will join together on May 29, 2023 to pause and remember our fallen heroes; and

WHEREAS: On Monday, May 29th, Middletown Township will pay tribute to those who

Regular Meeting

made the ultimate sacrifice to safeguard our country. Now,

THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim May 29, 2023 as **Memorial Day** in Middletown Township. We call upon the community to join us in honoring our fallen heroes by attending the Township's and American Legion Post 338's Memorial Day Parade on Monday, May 29th, beginning at 10:00 AM at Bayshore Middle School.

Proclamation Recognizing June 2023 as Pride Month in the Township of Middletown

WHEREAS: Our nation was founded on the principle of equal rights for all people, and that is what Middletown strives to provide. Some of the most inspiring moments in our history have arisen from the various civil rights movements that advocate on behalf of marginalized communities; and

WHEREAS: In the movement toward equal rights for lesbian, gay, bisexual, transgender, and queer-identifying (LGBTQ+) people, a historic turning point occurred in New York City on June 28, 1969, with the onset of the Stonewall Riots. During these riots, LGBTQ+ citizens rose up and protested against discriminatory criminal laws that have since been declared unconstitutional; and

WHEREAS: All people deserve to live with dignity and respect, free from fear and violence, and protected against discrimination. Middletown celebrates the proud legacy LGBTQ+ individuals have woven into the fabric of our nation. We continue our work to build an inclusive and stigma-free society where every citizen knows that this Township supports them; and

THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim June 2023 as **Pride Month** in the Township of Middletown.

APPROVAL OF MINUTES

Township Clerk Heidi Brunt 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:

April 17, 2023 Regular Meeting, May 1, 2023 Workshop Meeting

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

Regular Meeting

Township Heidi Brunt stated Motion carries to approve the minutes.

INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2023-3371 - Ordinance Establishing Fair Market Value for Property Identified as Block 1045, Lot 12 (490 Red Hill Road), Block 1045, Lot 2 (Nut Swamp Road), Block 1045, Lot 3 (1114 Nut Swamp Road), And Block 1045, Lot 4 (Dwight Road) Within the Township of Middletown and Authorizing Acquisition of These Properties by Purchase or Eminent Domain for The Purpose of Maintaining Open Space and Enhancing Public Recreational Opportunities

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 June 5, 2023.

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2023-3372 - Ordinance Amending § 245-3 And § 240-7 Of the Code of The Township of Middletown Governing Filming and Film Permitting Fees

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 June 5, 2023.

Regular Meeting

BUDGET

Township Clerk Heidi Brunt read the following Resolution by title:

Resolution 23-154 – Resolution Authorizing the Township of Middletown for Self-Examination Of Budget

Offered the following resolution and moved its adoption:

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Middletown has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Middletown that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will

Regular Meeting

permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Middletown that the Clerk forward a certified true copy of this resolution to the Director of the Division of Local Government Services, Finance Director, and Township Auditor upon adoption.

It was moved by Mayor Perry and seconded by Deputy Mayor Hibell to Adopt Resolution 23-154.

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

Township Clerk read the following Resolution by Title:

Resolution 23-130 – Resolution Authorizing the 2023 Municipal Operating Budget

It was moved by Mayor Perry and seconded by Deputy Mayor Hibell to Adopt Resolution 23-130

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 the 2023 Municipal Budget on Second and Final Reading.

SEE MUNICIPAL BUDGET NEXT PAGE:

Regular Meeting

Regular Meeting

CONSENT AGENDA

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 23-156 through 23-160. Resolution 23-158 was removed for a separate vote. Resolution 23-155 a Resolution for Temporary Emergency Appropriation was removed from the agenda due to the adoption of the 2023 Municipal Budget.

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

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 adopt the consent agenda.

Resolution 23-156 - 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>
77	4	Elizabeth Giuliano	56 Krueger Place	\$23,988

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 23-157 - Resolution Authorizing the Mayor and Municipal Clerk to Execute the FY2024-2026 Amended Agreement with Monmouth County For Cooperative Participation In The Home Investment Partnership Program Pursuant To The Interlocal Services Act

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701),

Regular Meeting

commonly known as the HOME Investment Partnerships Act; and

WHEREAS, it is necessary to establish a legal basis for the County and its people to benefit from this program; and

WHEREAS, a revised Amended Agreement has been proposed under which the and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of the Township of Middletown to enter into such an revised agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Township of Middletown, that the agreement entitled "AMENDED AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN HOME INVESTMENT PARTNERSHIP ACTIVITIES", a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER ORDAINED that this resolution shall take effect immediately upon its enactment.

Resolution 23-158 – Removed from Consent Agenda for Separate Vote

Resolution 23-159 - Resolution Authorizing New Contract with Chief of Police

WHEREAS, the Township of Middletown (the “Township”) appointed R. Craig Weber as Chief of Police (the “Chief”) in 2014 and entered into an individual employment contract with the Chief covering the period of December 1, 2015 through December 31, 2019 to govern the Chief’s salary and benefits that are sometimes not clearly defined in the absence of a collective bargaining agreement; and

WHEREAS, the Township has negotiated a new contract with the Chief covering the period of January 1, 2020 through December 31, 2024 under which the Chief accepted no salary increases or back pay for the years 2020 and 2021, with \$5,000 annual increases from a new base salary of \$230,000 being implemented from January 1, 2022 through December 31, 2024; and

WHEREAS, the Chief’s newly proposed contract is very reasonable compared to other municipalities, and in many instances, far less than most similarly sized municipalities; and

Regular Meeting

WHEREAS, the Chief's contract continues to implement a variety of cost saving measures that will limit the Township's liability upon the Chief's eventual retirement from service.

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 R. Craig Weber, attached hereto and made part hereof pursuant to the terms and conditions contained therein.

Resolution 23-160 – Resolution Authorizing the Payment of Bills for May 15, 2023.

The Township Committee hereby approves a resolution for the payment of bills for May 15, 2023, in the amount of \$31,114,201.27.

RESOLUTION REMOVED FROM CONSENT AGENDA FOR SEPARATE VOTE

Township Clerk Heidi Brunt Read the Following Resolution by Title:

Resolution 23-158 - Resolution Authorizing the Purchase of Playground Equipment 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 #65MCESSCCPS) pursuant to the provision of N.J.S.A. 40A:11-11: and

WHEREAS, Marturano Recreation, Inc., PO Box 106, Spring Lake, NJ 07762, has been awarded the ESCNJ Contract No. 20/21-06 (expiration 6/30/24) for Playground Equipment, Site Furnishings, Outdoor Circuit Training Equipment & Related Products; and

WHEREAS, under Contract 20/21-06, Marturano Recreation, Inc., can provide various pieces of playground equipment as noted in quote #106756-01-08 for McMahon Park; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$338,950.24 are available for this purpose in account/line-item number(s) C-04-55-921-321-001 & 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, County of Monmouth, State of New Jersey that the Township of Middletown enter into an agreement with Marturano Recreation, Inc. for the delivery of playground equipment in the amount of \$338,950.24.

Regular Meeting

It was moved by Mayor Perry and Seconded by Deputy Mayor Hibell to adopt Resolution 23-158.

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 adopt Resolution 23-158.

Mayor Perry spoke about the equipment being purchased for this fully accessible playground at McMahon Park.

DISCUSSION ITEMS

Smoke Shop Regulations

Planning Director Amy Citrano addressed the Township Committee with current locations of Smoke Shops in Middletown. She discussed the need for feedback on regulations and signage you must be 21 years or older and for inspections of Smoke Shops. Township Administrator Anthony Mercantante discussed establishing a licensing process where a fee may range from \$500 to \$1,500 per year. He also discussed prohibiting any more licenses in town. Deputy Mayor Hibell shared his interest that regulations need to be discussed further. Township Committeewoman and Chairwoman of the Municipal Alliance Kimberly Kratz discussed the need for educating youth regarding smoke shops. Mayor Perry shared concerns and would like to discuss this item further.

TOWNSHIP COMMITTEE COMMENTS:

Committeeman Clarke, congratulated the Mayor on the fully accessible playground at McMahon Park.

Committeeman Settembrino, congratulated the fully accessible playground.

Committeewoman Kratz, None

Deputy Mayor Hibell, None

Mayor Perry, announced that Police Officer Omar Ocel received the National Top Cop Award in Washington DC. Officer Ocel was given the award for saving a two-week-old baby that was in a hostage situation in Keansburg. He stated that there is a new perspective with body worn cameras and the police deserve our respect. They have families to go home to at the end of the day. He thanked Officer Ocel and all police officers.

Regular Meeting

PUBLIC COMMENTS:

Melanie Elmiger, 143 Green Tree Terrace, requested information on the land to be purchased on Nutswamp Road with the slope will it be open space? Mayor Perry stated the land is wooded and has slopes and would be great open space. Township Administrator Anthony Mercantante responded that it will be open space. She also requested that the smoke shop regulations be fully enforced.

Joe McGrath, resident of Everett Road, objects to the 500 units of the property of the land. Mayor Perry responded that the ordinance passed tonight is to stop the development. He discussed how affordable units can not fit on the property and the fair market value of the properties and will move forward to purchase through condemnation.

Bill Donnelly, 9 Manchester Court, announced he is Teddy's grandfather and thanked the Township Committee for the playground equipment for disabled children and the speed at getting it done.

Vinny Moran, 39 Brevent Avenue, requested the clean out of the creek and storm drains. He also complained that the State Employees cut the dunes. He said that the streets were flooded after the dunes were cut.

Don Watson, 1 Collinson Drive, complained that the online GIS map is malfunctioning. He also complained that the County came with the sweeper while the brush was still out in the road. He was told by the County that the Town tells them when to sweep.

Bruce Stafford, 39 Brainard Avenue, complained about residents putting brush out to the curb after the town pick up and now there are piles in the street again.

Regular Meeting

ADJOURNMENT

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adjourn at 7:52 pm.

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

Clerk Brunt stated the motion carried to adjourn.

Respectfully submitted,

Heidi R Brunt
Township Clerk

Approved:

Anthony S. Perry, Mayor