

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 May 1, 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, Township Engineer Ted Maloney, Assistant Administrator James VanNest, and Deputy Township Clerk Kaaren Sena

**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 AND PROCLAMATIONS**

**Presentation Recognizing May 2023 as Mental Health Awareness Month in the Township of Middletown**

Township Clerk Heidi Brunt invited Middletown High School South student Piper Wyman to join Mayor Perry at the front of the room. Mayor Perry spoke about May being Mental Health Awareness month and introduced Piper Wyman commending her for her hard work getting the word out. Piper spoke about mental illness and suicide prevention and how she became involved after losing 3 family members and friends to suicide. She announced a walk to bring awareness to Suicide Prevention on Sunday May 21, 2023, starting at the Middletown Arts Center and ending at Town Hall. She encouraged all to attend.

**Proclamation Recognizing May 2023 as Older Americans Month in the Township of Middletown**

**WHEREAS:** Middletown Township includes older Americans who enrich our community through their diverse life experiences; and

**WHEREAS:** We recognize their many valuable contributions to society and the importance of bringing together all generations and engaging in activities that promote physical, mental, and emotional well-being; and

**WHEREAS:** The Middletown Senior Center is a resourceful hub that offers a wide range of activities from daily exercise classes, seasonal themed parties, and more. In celebration of Older Americans Month, the Center is inviting its members to write a piece of advice for the senior class of 2023 on Tuesday, May 16<sup>th</sup>, enjoy delicious food at the Older Americans Month Luncheon at Yesterday’s Restaurant on Tuesday, May 23<sup>rd</sup>, and take a Tai Chi class on Wednesday, May 31<sup>st</sup> which is National Senior Fitness Day; and

**WHEREAS:** Middletown encourages and celebrates the countless contributions that older adults make to our community. Their time, experience, and talents benefit family, peers, and neighbors every day. We are committed to supporting them, their families, and caregivers. Now,

**THEREFORE:** I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim May 2023 as **Older Americans Month** in the Township of Middletown. We urge every resident to take time during this month to acknowledge older adults and the people who serve them as influential and vital members of our community. We also encourage residents who are 60+ to join the Middletown Senior Center for free. Call 732-615-2265 or visit [www.middletownnj.org/seniors](http://www.middletownnj.org/seniors) for more information.

**Proclamation Recognizing May 2023 as Buddy Poppy Month in the Township of Middletown**

**WHEREAS:** The annual distribution of Buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by governmental leaders since 1922; and

**WHEREAS:** Buddy Poppies are usually assembled by disabled veterans and the proceeds of this worthy fundraising campaign are used exclusively for the benefit of disabled and needy veterans, as well as the widows and orphans of deceased veterans; and

**WHEREAS:** The purpose of the sale of Buddy Poppies by the Veterans of Foreign Wars is eloquently reflected in the desire to “honor the dead by helping the living”; and

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**WHEREAS:** Members of VFW Post 2179 in Port Monmouth will be selling Buddy Poppies at Stop and Shop (850 NJ-35) the weekends of Saturday, May 13<sup>th</sup> – Sunday, May 14<sup>th</sup> and Saturday, May 20<sup>th</sup> – Sunday, May 21<sup>st</sup>. The Post will also share updates on its Facebook page (VFW Post 2179 Port Monmouth, NJ); and

**WHEREAS:** We urge all patriotic citizens to support our local VFW Post and proudly purchase and wear a Buddy Poppy as a symbol of gratitude to the individuals of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American citizens. Now,

**THEREFORE:** I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim May 2023 as **Buddy Poppy Month** in Middletown Township. We hereby urge the citizens of this community to recognize the merits of this cause by contributing generously to this invaluable program.

**PUBLIC HEARING OF PROPOSED ORDINANCES**

Township Clerk Heidi Brunt read the following ordinance by title:

**Ordinance 2023-3369 – Ordinance Establishing Registry for Businesses and Rental Properties Within the Township of Middletown**

Mayor Perry opened the meeting for public comments.

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

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 this ordinance.

Township Clerk Heidi Brunt read the following ordinance by title:

**Ordinance 2023-3370 – Ordinance Authorizing Acquisition of Deed of Permanent Roadway Easement Upon a Portion of Block 1072, Lot 37.01**

Mayor Perry opened the meeting for public comments.

Melanie Elmiger, 43 Green Tree Terrace, speaking on behalf of the Lincroft Village Green Association thanked the Township Committee and stated this ordinance is the first step to safety in the village of Lincroft.

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

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 this ordinance.

**CONSENT AGENDA**

Township Clerk Heidi Brunt requested a motion to adopt a consent agenda including Resolutions 23-142 through 23-153 removing Resolution 23-142 and 23-145 from the agenda for a separate vote.

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  
                          Recuse: None  
                          Absent: None

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

**Resolution 23-142 – Removed from Consent Agenda for Separate Vote**

**Resolution 23-143 - Resolution of the Township of Middletown County of Monmouth, State Of New Jersey Authorizing Fireworks Display On Private Property Pursuant To N.J.S.A. 21:3-3**

**WHEREAS**, N.J.S.A. 21:3-3 requires the Governing Body to authorize the display of fireworks on private property subject to the review and approval of the Municipal Fire and Police Officials;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that subject to the confirmation by the Fire Official that the agreements with the Fire Department and First Aid Squad are in place for making vehicles available during the Fireworks Displays, that approval is hereby given for the two Fireworks Displays on private property by the NAVESINK COUNTRY CLUB located at 50 Luffburrow Lane, Red Bank on the dates provided on their applications for:

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May 28<sup>th</sup> 2023 (or rain date of May 29<sup>th</sup> if required)

July 2<sup>nd</sup> 2023 (or rain date of July 9<sup>th</sup> if required)

**Resolution 23-144 – A Resolution of The Township of Middletown Authorizing The Sale Of Surplus Personal Property No Longer Needed For Public Use On An Online Auction Website**

**WHEREAS**, the Township of Middletown has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

**WHEREAS**, these items include vehicles and miscellaneous equipment for which various departments provided an estimated fair market value, and

**WHEREAS**, the Purchasing Agent recommends the award of the contract to USGov Bid (Auction Liquidation Services), located at USGovBid.com, as they provided the lowest rate for the service.

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

1. The award for auction services is hereby awarded to USGovBid.
2. The Township of Middletown is authorized to dispose of surplus vehicle(s) and miscellaneous equipment through the process of public auction.
3. The Purchasing Department is hereby authorized to forward the attached list of surplus vehicle(s) and miscellaneous equipment to USGovBid.com, for an on-line auction.
4. Notice of the sale shall be published at least once in a newspaper circulating in the Township of Middletown not less than 7 or more than 14 days prior to the sale.
5. The appropriate officials are hereby authorized to execute the contract with the contractor.

**Resolution 23-145 – Removed from Consent Agenda for Separate Vote**

**Resolution 23-146 - 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

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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 6/30/23) 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 #105214-01-05 for Lincroft Acres Park; and

**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$67,416.22 are available for this purpose in account/line-item number C-04-55-918-224-001. 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 \$67,416.22.

**Resolution 23-147 - Appointment of Special Law Enforcement Officers - Class I, II, III And Special Crossing Guards**

**WHEREAS**, the Township Administrator and Chief of Police have previously recommended that the structure of the Police Department be adjusted to include allowing the appointment of certain Special Law Enforcement Officers (Class I and Class II); and Special Crossing Guards.

**WHEREAS**, § 44-7B of the Code of the Township of Middletown (1996) was amended and supplemented by Ordinance No. 2015-3136; and

**WHEREAS**, the Chief of Police has complied with the provisions of N.J.S.A.40A:14-146.1 regarding the appointment of Special Law Enforcement Officers and Special Crossing Guards, represents that the applicants named below meet all of the requirements set forth by statute and recommends the appointment.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLETOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY**, as follows:

1. That the following individual is hereby appointed as Special Law Enforcement Officer – Class I in the Middletown Township Police Department for the calendar year of 2023.

**Special Law Enforcement Officers Class I – James T. Davis, II**

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2. The Township Clerk shall send a certified copy of this resolution to each of the following:
  - a. Each appointee as listed above who shall present themselves before the Township Clerk to take and subscribe to the Oath of Office.
  - b. Police Department

**Resolution 23-148 - Resolution Authorizing Award of Contract to Vendor with a State Contract For The Provision Of An Electronic Procurement Platform**

**WHEREAS**, the Township of Middletown, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**WHEREAS**, Insight Public Sector, Inc., has been awarded New Jersey State Contract No. 20-TELE-01512; and

**WHEREAS**, under Contract 20-TELE-01512, Insight Public Sector, Inc., can provide the OpenGov electronic procurement platform for the Purchasing Department for a period of two years beginning May 1, 2023, with the option for two additional one year extensions; and

**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$28,459.34 are available for this purpose in account/line-item number 3-01-20-140-100-233 for 2023. Availability of funds for the remaining balance of the contract amount is contingent upon the necessary funds being appropriated by the governing body in the 2024 and subsequent Municipal Budgets, inclusive of amount appropriated in the temporary budget as required by N.J.A.C. 5:34-5.3 (a). 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 Insight Public Sector, Inc. for the provision of the OpenGov electronic procurement platform in the not to exceed amount of \$88,786.41.

**Resolution 23-149 - Appointment to Fort Hancock 21<sup>st</sup> Century Advisory Committee**

**BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLETOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY,** as follows:

1. That the following individuals are hereby appointed as members of the Fort Hancock 21<sup>st</sup> Century Advisory Committee for terms set forth below:

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**KEVIN SETTEMBRINO**

**SEAT II**  
Expiring 12/31/2024

2. The Township Clerk shall send a certified copy of this resolution to each of the following:
  - a. The appointees listed above who shall present themselves before the Township Clerk to take and subscribe to the Oath of Office.

**Resolution 23-150 – 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 2023 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 2023 for the Township pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:4-20) including this resolution total \$41,553,196.46 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 - 2023 Temporary Budget Worksheet		5/1/2023 Meeting
Account Number	Description	
3-01-20-100-100-200	A/E O/E	24,900.00
3-01-23-215-100-200	Workers Compensation O/E	80,000.00
3-01-25-265-100-200	Fire O/E	25,000.00
3-01-26-290-102-200	DPW Parks O/E	30,000.00
3-01-26-290-104-200	DPW Administration & Engineering O/E	5,000.00
3-01-26-305-100-200	Solid Waste & Recycling O/E	860,000.00
3-01-26-310-100-200	DPW Maintenance of Public Property O/E	40,000.00
3-01-26-315-100-200	DPW Fleet Maintenance O/E	90,000.00
3-01-31-430-200-200	Utilities - Electricity O/E	150,000.00
3-01-31-445-200-273	Utilities - Water - PBG	25,000.00
3-01-31-455-200-200	Utilities - Sewer O/E	2,000.00
3-01-31-460-200-200	Utilities - Fuel O/E	75,000.00
	<b>TOTAL</b>	<b>1,406,900.00</b>

2. That said emergency temporary appropriations will be provided for in the 2023 budget under the appropriate titles.

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

**Resolution 23-151 - Resolution Authorizing Global Settlement Agreement with NJ Titans Hockey Club, Inc.**

**WHEREAS**, in 2012, the Township of Middletown (the “**Township**”) and the NJ Titans Hockey Club, Inc. (the “**Titans**”), a non-profit corporation, entered into a transaction whereby the Township sold real property identified as Block 607, Lot 6 (the “**Property**”), generally known as the former Middletown Swim Club, to the Titans for the development of a hockey rink while maintaining the continued operation of the former swim club; and

**WHEREAS**, this transaction was subject to certain deed restrictions and reversionary interests maintained by the Township to ensure the Property’s continued use for public recreation purposes; and

**WHEREAS**, the Titans successfully developed the hockey rink and maintained the operation of the former swim club, but certain other ancillary uses raised issues resulting in the tax-exempt status being revoked by the Township in 2019, which has subsequently resulted in years of tax related litigation; and

**WHEREAS**, the Township and the Titans have engaged in various settlement discussions resulting in a Global Settlement Agreement that will result in the dismissal of all tax litigation while phasing out the deed restrictions on the Property after 10 more years in exchange for an additional payment of \$1.5 million to the Township.

**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 to execute the Global Settlement Agreement attached hereto and made part hereof pursuant to the terms and conditions contained therein.

**Resolution 23-152 - 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>
635	21&22	Frank Pichirallo	19 Sunset Place	\$505.00

**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 23-153 – Resolution Authorizing the Payment of Bills for May 1, 2023**

The Township Committee hereby approves a resolution authorizing the payment of bills for May 1, 2023, in the amount of \$3,433,183.24.

**RESOLUTIONS REMOVED FROM CONSENT AGENDA FOR SEPARATE VOTE**

Township Clerk Heidi Brunt read the following resolution by title:

**Resolution 23-142 – Resolution of The Township of Middletown County of Monmouth, State Of New Jersey Authorizing Fireworks Display On Private Property Pursuant To N.J.S.A. 21:3-3**

**WHEREAS**, N.J.S.A. 21:3-3 requires the Governing Body to authorize the display of fireworks on private property subject to the review and approval of the Municipal Fire and Police Officials;

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**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that subject to the confirmation by the Fire Official that the agreements with the Fire Department and First Aid Squad are in place for making vehicles available during the Fireworks Displays, that approval is hereby given for the Fireworks Display on private property by the BEACON HILL COUNTRY CLUB located at 8 Beacon Hill Road, Atlantic Highlands on the date provided on their application for June 29<sup>th</sup> 2023.

It was moved by Mayor Perry, seconded by Committeewoman Kratz and carried to adopt Resolution 23-142

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

Township Clerk stated Motion carried to approve Resolution 23-142.

Township Clerk Heidi Brunt read the following resolution by title:

**Resolution 23-145 – Resolution of The Township of Middletown County of Monmouth, State of New Jersey Authorizing Fireworks Display on Private Property Pursuant to N.J.S.A. 21:3-3**

**WHEREAS**, N.J.S.A. 21:3-3 requires the Governing Body to authorize the display of fireworks on private property subject to the review and approval of the Municipal Fire and Police Officials;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that subject to the confirmation by the Fire Official that the agreements with the Fire Department and First Aid Squad are in place for making vehicles available during the Fireworks Display, that approval is hereby given for the Fireworks Display on private property by RIVERVIEW MEDICAL CENTER FOUNDATION located at the DiPiero residence at 810 Navesink River Road, Rumson on the date provided on their application for July 3<sup>rd</sup>, 2023.

It was moved by Deputy Mayor Hibell, seconded by Committeewoman Kratz and carried to adopt Resolution 23-145

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

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Township Clerk stated Motion carried to approve Resolution 23-142.

**TOWNSHIP COMMITTEE COMMENTS:**

Committeeman Clarke congratulated the young women Piper Wyman for her efforts to bring awareness to mental illness.

Committeeman Settembrino, None

Committeewoman Kratz reminded everyone that on Thursday from 6:00-8:00 p.m. at HS North is the Power of Partnership to explore resources for mental health.

Deputy Mayor Hibell, None

Mayor Perry, congratulated Monmouth County Park Commissioners on the opening of Swimming River park that was preserved by the open space program. He also congratulated Ed Callahan the Commanding Officer for Naval Weapons Station Earle on his retirement and his great achievement of over 40 years of service. He thanked him for his service to the Township and our nation.

**PUBLIC COMMENTS:**

Melanie Elmiger, 43 Green Tree Terrace, speaking as a board member on behalf of the Lincroft Village Green Association she mentioned the Route 520 Task Force that was started in the year 2000 by Joan Smith. She stated that we need another task force now and asked the Township Committee for help to begin a task force on safety and incorporate in the RFP by the County. Mayor Perry responded he would speak with Commissioner Arnone directly.

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**ADJOURNMENT**

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adjourn at 7:30pm.

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

Township Clerk Heidi Brunt stated motion carried to adjourn.

Respectfully submitted,

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Heidi R Brunt  
Township Clerk

Approved:

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Anthony S. Perry, Mayor