A Workshop Meeting of the Township Committee of Middletown Township was held in the Conference Room at Town Hall, One Kings Highway, Middletown, New Jersey at 7:00 p.m. on February 4, 2019.

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 10, 2019.

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

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Township Clerk Heidi Brunt, Township Engineer Ted Maloney, Chief Financial Officer Colleen Lapp.

PLEDGE OF ALLEGIANCE

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

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

PUBLIC HEARING OF PROPOSED ORDINANCES

Township Clerk read the following Ordinance by title:

Ordinance 2018-3244 – 2019 Management Salary Ordinance

Mayor Perry opened the meeting for public comments.

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

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

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

INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2019-3245 - Bond Ordinance Re-appropriating $18,000.00 Proceeds of Obligations Not Needed for Their Original Purposes for The Acquisition of Radar Units by The Township Of Middletown, New Jersey

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

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

Township Clerk Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on February 19, 2019.

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2019-3246 - An Ordinance Providing Funding for Sidewalk Improvements for The Township of Middletown and Appropriating $395,000 For Such Purpose

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

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

Township Clerk Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on February 19, 2019.

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2019-3247 – Ordinance Amending Certain Recreation Fees For Gymnasium Use and Summer Recreation Programs

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

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

Township Clerk Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on February 19, 2019.

CONSENT AGENDA

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 19-81 through 19-87.

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

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

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

Resolution 19-81 - Resolution Authorizing Refund of Tax Sale Proceeds Due to an Assessing Error

WHEREAS, A Tax Sale was held in the Township of Middletown on December 27, 2018; and

WHEREAS, Tax Sale Certificate Number 18-00116, associated with Block 208, Lot 24, being owned by the Police & Firemen's Retirement System, was approved as a tax exempt property for 2018 but not designated as such on the assessment rolls, was sold for property taxes; and

WHEREAS, US Bank Cust Tower DB VIII Trust 2018-1 purchased the Tax Sale Certificate and is entitled to a refund in the amount of $5,332.80.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that a refund in the amount of $5,332.80 be paid to US Bank Cust Tower DB VIII Trust 2018-1, 50 South 16th Street, Philadelphia, PA 19102 as resolution of this erroneous sale

Resolution 19-82 – Resolution Authorizing the Payment of Bills for February 4, 2019

The Township Committee hereby approves a Resolution for payment of bills for February 4, 2019 in the amount of $4,163,864.65.

Resolution 19-83 - Resolution Authorizing Award of Excess Liability Coverage Contract with Symetra for Township's Self-Insured Health Plan

WHEREAS, the Township requires excess liability coverage for its self-insured health benefits plan; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5(m)) exempts insurance contracts from public bidding; and

WHEREAS, Symetra is the excess liability carrier recommended by the Township's insurance brokers and consultants for 2019.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that it hereby authorizes the award of an insurance contract to Symetra, 777 108th Avenue, NE, Suite 1200, Bellevue, Washington 98004 pursuant to the terms and conditions of the attached policy statements for 2019 in an amount not to exceed $1,200,000.

BE IT FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized and directed to execute an Agreement for the provision of such insurance services, a copy of which shall be maintained by the Clerk and advertised in the Township's official newspaper pursuant to law.

Resolution 19-84 - Resolution Amending Resolution No. 19-63 Awarding Contract to Qualcare, Inc. For Third Party Health Benefits Claims Administration and Related Services

WHEREAS, on January 5, 2019, pursuant to Resolution 19-63, the Township Committee of the Township of Middletown awarded a contract to Qualcare, Inc. (the "Contract") for the provision of employee and retiree health benefits claims administration services for its self-insured group health plan benefits programs; and

WHEEREAS, following adoption of Resolution No. 19-63, the Township's Chief Financial Officer has requested that the Township Committee adopt a resolution corroding the contract amount on a monthly basis.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that Resolution No. 19-63 be and is hereby amended to an amount not to exceed $360,000 for 2019 to Qualcare, Inc. for third party health benefit claims administration services.

Resolution 19-85 - Appointments to Middletown Library Board

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 or reappointed as members of the Middletown Library Board pursuant to the "Code of the Township of Middletown" for terms as set forth below:

ROBERT PHELAN **SEAT V**
Unexpired Term Ending
12/31/2019

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. Library Board

Resolution 19-86- 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 2019 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 2019 for the Township pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:4-20) including this resolution total $18,006,383.99 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:

2019 Temporary Budget Worksheet		
Account Number	**Description**	**2/4/2019 Amount**
Current Fund		
9-01-20-110-100-208	Township Committee Other Expense	2,500.00
9-01-26-290-101-200	Snow - O&E	45,000.00
9-01-26-290-102-200	Parks - O&E	24,000.00
9-01-26-290-104-200	Dept of Public Works Administration & Engineering-O&E	2,500.00
9-01-26-305-100-100	Solid Waste & Recycling - S&W	1,000.00
9-01-26-310-100-200	Maintenance of Township Property -O&E	45,760.00
9-01-26-315-100-200	Fleet Maintenance - O&E	20,000.00
9-01-31-447-100-275	Utilities - Heating Oil	5,000.00
9-01-31-460-200-200	Utilities - Motor Fuel	10,000.00
9-01-41-700-208-525	Recycling Tonnage Grant	75,840.62
9-01-41-700-210-521	Senior Citizen Center Grant	32,500.00
	TOTAL	**$264,100.62**

2. That said emergency temporary appropriations will be provided for in the 2019 budget under the appropriate titles.

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

Resolution 19-87 - Resolution Designating Toll NJ XII, L.P. Redeveloper of The "Residential Tract" Within The Circus Liquors Redevelopment Plan Area and Authorizing Execution Of A Redevelopment Agreement

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1, et seq., as amended and supplemented ("LRHL"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment with a designated Redeveloper; and

WHEREAS, the Township Committee serves as an instrumentality and agency of the Township of Middletown ("the Township") pursuant to the LRHL for the purpose of implementing redevelopment plans and carrying out redevelopment projects; and

WHEREAS, N.J.S.A. 40A:12A-8 authorizes the Township to enter into contracts or agreements for the planning, construction or undertaking of any development project or redevelopment work in an area in need of redevelopment; and

WHEREAS, pursuant to Resolution No. 17-205 adopted on July 17, 2017 and Resolution No. 17-239 adopted on September 18, 2017, the Township Committee authorized and requested that the Planning Board undertake a preliminary investigation

("the Investigation") to determine whether Block 825, Lots 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 72, 73, 74, 75, 76, 77, 78, 79, 80 and 81; Block 825, Lot 70; Block 605, Lot 64; Block 638, Lot 31.01; Block 825, Lot 58; Block 870, Lots 1 and 2; and Block 871, Lots 3 and 7.02 ("the Area of Investigation") constitutes an "area in need of redevelopment" for non-condemnation purposes according to the criteria set forth in N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, consistent with the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board specified and gave notice that on December 6, 2017, a hearing would be held for the purpose of hearing all persons who are interested in or would be affected by a determination that the properties in the Area of Investigation are an "area in need of redevelopment" as that term is defined in Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL"); and

WHEREAS, DMR Architects ("DMR") prepared a "Report of Preliminary Investigation for Determination of an Area in Need of Redevelopment" (the "Investigation Report") for the Area of Investigation that was publicly presented after adequate notice before the Planning Board on December 6, 2017; and

WHEREAS, the Investigation Report determined that Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81, Block 870, Lots 1 and 2, and Block 871, Lot 7.02 evidenced conditions and characteristics that qualify for designation as an "area in need of redevelopment" because they collectively satisfy the applicable criteria of the LRHL under N.J.S.A. 40A:12A-5 and -3; and

WHEREAS, the Planning Board hearing was opened to the public on December 6, 2017 for the purpose of hearing all persons who are interested in or would be affected by a determination that all or a part of the Area of Investigation is a redevelopment area; and

WHEREAS, on December 6, 2017, the Planning Board received direct testimony from Fran Reiner, L.L.A., P.P. of DMR, and Mr. Reiner provided an eye witness account of the conditions that he observed during his exhaustive investigation of the properties within the Area of Investigation, which confirmed the description of the conditions and his findings contained in the Investigation Report; and

WHEREAS, after completing its hearing and investigation of this matter on December 6, 2017, the Planning Board determined to recommend that the Township Committee designate the above-cited portions of the Area of Investigation as an area in need of redevelopment for non-condemnation purposes due to the substantial evidence

that these parcels within the Area of Investigation meet the criteria enumerated in the Investigation Report pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, pursuant to Resolution 17-294, on December 18, 2017, the Township Committee adopted a resolution concurring with the Planning Board's findings and designated the above-cited portions of the Area of Investigation as an "area in need of redevelopment" pursuant to the LRHL; and

WHEREAS, on August 21, 2018, pursuant to Ordinance No. 2018-3232, the Township Committee duly adopted the Circus Liquors Redevelopment Plan dated July 2018 consisting of Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, and 81; and Block 870, Lots 1 and 2; and

WHEREAS, the Township adopted a Resolution on November 19, 2018, authorizing the Township to enter into exclusive negotiations with Village 35, LP regarding the redevelopment of the Circus Liquors Redevelopment Plan Area and conditionally designating it the redeveloper of the site; and

WHEREAS, on January 9, 2019 the Township Planning Board adopted Resolution #2018-105 memorializing the approval of Village 35 LP's application seeking Minor Subdivision approval and permitting the creation of two new lots for the "Commercial Tract" and "Residential Tract" as defined in the Circus Liquors Redevelopment Plan; and

WHEREAS, the Township wishes to designate Toll NJ XII, L.P. as the redeveloper of the Residential Tract within the Circus Liquors Redevelopment Plan Area; and,

WHEREAS, the Township wishes to enter into a Redevelopment Agreement with Toll NJ XII, L.P., in a form substantially consistent to that attached hereto as Exhibit A.

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 Township hereby designates Toll NJ XII, L.P. as the designated redeveloper of the Residential Tract within the Circus Liquors Redevelopment Plan Area, comprised of a new tax lot (portions of Lots 53, 55, 64, 66, 67, 76,

77, 78, Block 825 & Lots 54, 79, and 81, Block 825) to be created by the above referenced Minor Subdivision approval; and

2. That the Mayor of the Township is authorized and directed to execute and the Clerk is authorized to attest to the Redevelopment Agreement with Toll NJ XII, L.P., the designated redeveloper of the Residential Tract, in a form substantially consistent with Exhibit A attached hereto, with such additions, deletions, modifications or amendments that do not alter the substantive rights and obligations of the parties thereto.

3. This Resolution shall become effective immediately pursuant to law.

TOWNSHIP COMMITTEE ACTING AS THE ABC ISSUING AUTHORITY

Township Clerk Brunt requested a motion to adopt Resolution 19-88 for the renewal of liquor licenses with Special Ruling for the 2018-2019 license term 1331-44-0008.

It was moved by Mayor Perry, seconded by Committeeman Hibell and carried to adopt resolution 19-88

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

Resolution 19-88 - Resolution Authorizing Renewal of Plenary Retail Consumption License for The 2018-2019 License Year

WHEREAS, applications have been made to the Middletown Township Committee for PLENARY RETAIL DISTRIBUTION LICENSES for the year beginning July 1, 2018 and ending June 30, 2019 accompanied by the statutory fee of $1658.00.

NUMBER	LICENSEE	TRADE NAME
1331-44-008	Middletown Liquors, LLC	Inactive

WHEREAS, the premises where the licenses are sought have been duly inspected by the Office of the Chief of Police of the Township of Middletown, and it appearing that the applications are in due form and that all legal formalities have been met including a special ruling by the director of NJ ABC.

BE IT FURTHER RESOLVED that the Township Clerk issue the necessary

licenses pursuant to this resolution and that a certified copy of this resolution be forwarded to the Director of Alcoholic Beverage Control of the State of New Jersey, provided that in each case payment of $200.00 filing fee by the licensee have been made to the Division of Alcoholic Beverage Control in accordance with P.L. 1970, Chapter 77.

Township Clerk Brunt requested a motion to adopt Resolution 19-89 for the renewal of liquor licenses with Pursuant to NJSA 32:12-18 for License 1331-44-033 for the 2018-2019 period.

It was moved by Mayor Perry, seconded by Committeeman Hibell and carried to adopt resolution 19-89

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

Resolution 19-89 - Resolution Authorizing Renewal of Plenary Retail Consumption License for The 2018-2019 License Year

WHEREAS, applications have been made to the Middletown Township Committee for PLENARY RETAIL DISTRIBUTION LICENSES for the year beginning July 1, 2018 and ending June 30, 2019 accompanied by the statutory fee of $1,658.00.

NUMBER	LICENSEE	TRADE NAME
1331-44-033	Peninsula Liquors, LLC	Inactive

WHEREAS, the premises where the licenses are sought have been duly inspected by the Office of the Chief of Police of the Township of Middletown, and it appearing that the applications are in due form and that all legal formalities have been met including a special ruling pursuant to NJSA 33:1-12.18 by the director of NJ ABC.

BE IT FURTHER RESOLVED that the Township Clerk issue the necessary licenses pursuant to this resolution and that a certified copy of this resolution be forwarded to the Director of Alcoholic Beverage Control of the State of New Jersey, provided that in each case payment of $200.00 filing fee by the licensee have been made to the Division of Alcoholic Beverage Control in accordance with P.L. 1970, Chapter 77.

DISCUSSION ITEMS FOR February 4, 2019

a. Recreation Fees: Middletown Preschool Tuition, Recreation Refund Policy
b. Resolution Authorizing Cancellation of Community Development Mortgage
c. Recreation Bus Trip Bid

d. Center Avenue Leonardo Speed Limit
e. Changes to Township Ordinance – Public Works and Engineering Fees

Recreation Fees Refund Policy –Janet Dellett discussed the refund policy proposed. Increase $10.00 fee from $5.00 and use new timeline. Discussed the Middletown Preschool tuition proposed fee increase and in addition add a full day program.

Center Avenue Speed Limit – Township Administrator Anthony Mercantante stated that speed monitors are in place and a survey is being conducted by the Police Traffic Bureau.

Change to Township Ordinance Public Works and Engineering Fees – Township Engineer Ted Maloney discussed various fee amendments to the ordinance compared other towns and fees covering cost analysis. The last fee change was 10 years ago. He discussed the sidewalk fund fees and recycling fees. He discussed a commercial drop off at Kanes Lane.

TOWNSHIP COMMITTEE COMMENTS:

Committeewoman Snell, commented she attended a Coast Guard dinner. She thanked them for working during the government shutdown.

Committeeman Hibell, commented he attended the Coast Guard event. He commended the Department of Public Works and the Fire Department for service during the cold snap.

Committeeman Settembrino, commented on the Coast Guard event and how great it was.

Mayor Perry, Monmouth County lost a hero Private First Class Jamie Reilly from Fair Haven.

PUBLIC COMMENTS:

Joyce Raspa, Shadowlake Village, commented she has formed the Shadowlake Services and Tax Oversight Committee. She discussed the services provided. Township Attorney Nelson responded the Township can only negotiate with the board members not a sub-committee. He discussed various reasons for renegotiating services.

Don Watson, 1 Collinson Drive, requested information on paving the new impound lot. Township Administrator Anthony Mercantante responded that the Township has not decided yet.

Leo Christofili, 121 Cranberry Court, inquired what is the status of the Brandywine contract? Township Attorney Nelson responded the contracts are being prepared and should be ready within the week. Leo discussed the state aid to public schools and discussed an Asbury Park Press article from today. He discussed the education system and the new governor reduced the Middletown aid. He discussed a book by Frances Perkins that discussed school property taxes will increase due to out of state aid.

Tricia Maguire, Fox Wood Run, inquired what is the timeline for sale of PAD sites. Township Attorney Nelson responded 90 days after closing.

ADJOURNMENT

It was moved by Mayor Perry, seconded by Committeeman Settembrino and carried to adjourn at 7:36 pm.

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

Clerk Brunt stated motion carried to adjourn.

Respectfully submitted,

_____
Heidi R Brunt
Township Clerk

Approved:

_____
Anthony S. Perry, Mayor