

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 March 6, 2023.

Deputy Township Clerk Kaaren Sena 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: Hibell, Kratz, Settembrino, Mayor Perry
Absent: Clarke

Also present were Township Administrator Anthony Mercantante, Township Attorney Kira Dabby, and Deputy Township Clerk Kaaren Sena

PLEDGE OF ALLEGIANCE

Deputy Township Clerk Kaaren Sena led the assembly in the Pledge of Allegiance.

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

CONSENT AGENDA

Deputy Township Clerk Kaaren Sena requested a motion to adopt a consent agenda including Resolutions 23-93 through 23-102

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

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

Deputy Township Clerk Kaaren Sena stated the motion carried to adopt the consent agenda.

**Resolution 23-93 - Resolution of Support from Local Governing Body
Authorizing the Sustainable Jersey Grant Application for Expansions to The
Middletown Township Community Garden**

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WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Middletown strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Middletown is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the Township Council of Middletown have determined that Middletown should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Township Council of Middletown, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant to support expansions to the Middletown Community Garden.

Resolution 23-94 - Resolution Approving Additional Funds for Previously Approved Contract

WHEREAS, the Township Committee regularly approves entry into various contracts, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, in order to ensure fiscal responsibility, the various approving resolutions include amounts not to exceed (the “**NTE Amount**”) for the corresponding contracts; and

WHEREAS, the Township has determined that the NTE Amounts must be increased for certain contracts in order to address increased needs for the remainder of the contract period; and

WHEREAS, the Township seeks to increase the NTE Amount on the following contracts by the amounts specified as “Additional Funds” as provided herein:

Resolution No.	Entity	Service	NTE Amount	Additional Funds
23-15	Spiro, Harrison, & Nelson, LLC	General Special Counsel – Open Space Condemnation Matters	\$60,000.00	\$65,000.00

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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown, in the County of Monmouth, State of New Jersey, that it hereby approves modifications to the NTE Amount on the foregoing contract previously approved by the Township Committee, upon the terms set forth in this Resolution.

BE IT FURTHER RESOLVED that the above-referenced resolutions are hereby repealed only to the extent of their inconsistency with the terms of this Resolution.

Resolution 23-95 - Resolution Authorizing Change Order No. 1 For Basement Repairs at The Middletown Arts Center

WHEREAS, the Township Committee contracted with DMR Architects (DMR) for construction administration services for the basement repairs at the Middletown Arts Center in the amount of \$48,000.00; and

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

WHEREAS, the Township requires additional estimated services as listed on Change Order No. 1 increasing the contract by \$9,000.00, making the total amount of the contract to date \$57,000.00 and;

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$9,000.00 is available for this purpose in account/line-item number(s) T-03-56-802-440-003. 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. 1, with an increase in the amount of \$9,000.00, be authorized and executed by the appropriate officials.

Resolution 23-96 - Resolution Authorizing Award of Contract to Vendor with A State Contract for The Purchase of Ten (10) 2023 Ford F-250 Trucks with Plows

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, Nielsen Ford, 170 Ridgedale Ave, Morristown, NJ 07960 has been awarded New Jersey State Contract No. 23-FLEET-34922; and

WHEREAS, under Contract 23-FLEET-34922, Nielsen Ford, can provide ten (10) Ford F-250 trucks with plows for the Department of Public Works; and

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WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$591,580.00 is available for this purpose in account/line-item number(s) C-04-55-921-321-005, C-04-55-922-355-003, and T-03-56-802-330-000. 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 Nielsen Ford for the delivery of ten (10) Ford F-250 trucks with plows in the amount of \$591,580.00.

Resolution 23-97 - Resolution Authorizing Award of Contract To Vendor With A State Contract For The Purchase Of Three (3) 2023 Ford F-450 Trucks With Mason Dump Bodies And Plows

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, Nielsen Ford, 170 Ridgedale Ave, Morristown, NJ 07960 has been awarded New Jersey State Contract No. 23-FLEET-34923; and

WHEREAS, under Contract 23-FLEET-34923, Nielsen Ford, can provide three (3) Ford F-450 trucks with mason dump bodies and plows for the Department of Public Works; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$219,051.00 are available for this purpose in account/line-item number(s) C-04-55-921-321-005. 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 Nielsen Ford for the delivery of three (3) Ford F-450 trucks with mason dump bodies and plows in the amount of \$219,051.00.

Resolution 23-98 - Resolution Authorizing Award of Contract to Vendor with A State Contract for The Purchase of One (1) 2023 Ford F-450 Truck with Rack Body and Liftgate

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

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WHEREAS, Nielsen Ford, 170 Ridgedale Ave, Morristown, NJ 07960 has been awarded New Jersey State Contract No. 23-FLEET-34923; and

WHEREAS, under Contract 23-FLEET-34923, Nielsen Ford, can provide one (1) Ford F-450 truck with a rack body and liftgate for the Department of Public Works; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$73,871.00 are available for this purpose in account/line-item number(s) C-04-55-922-355-003 and T-03-56-802-330-000. 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 Nielsen Ford for the delivery of one (1) Ford F-450 truck with rack body and liftgate in the amount of \$73,871.00.

Resolution 23-99 - Resolution Authorizing Change Order No. 1 For Renovations at The Middletown Arts Center

WHEREAS, the Township Committee contracted with George Koustas Painting and Construction LLC for renovations at the Middletown Arts Center in the amount of \$431,000.00; 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. 1 increasing the contract by \$38,106.00, making the total amount of the contract to date \$469,106.00 and;

WHEREAS, the amount of the change orders requested is a net increase of \$38,106.00, 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 \$38,106.00 is available for this purpose in account/line-item number(s) T-03-56-802-440-003. 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. 1, with an increase in the amount of \$38,106.00, be authorized and executed by the appropriate officials.

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Resolution 23-100 - 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 \$31,019,312.07 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:
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.

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Attachment 1 - 2023 Temporary Budget Worksheet		3/6/2023 Meeting
Account Number	Description	
Current Fund		
3-01-20-110-100-100	Township Committee S&W	200.00
3-01-20-120-100-100	Township Clerk S&W	6,400.00
3-01-20-130-100-100	Finance S&W	23,500.00
3-01-20-140-100-100	MIS S&W	4,000.00
3-01-21-180-101-100	Planning Board S&W	2,800.00
3-01-21-185-100-100	Zoning Board S&W	3,200.00
3-01-22-195-100-100	Building Dept. S&W	40,000.00
3-01-23-220-100-200	Insurance O/E	1,000,000.00
3-01-25-240-100-100	Police S&W	240,900.00
3-01-25-252-100-101	Emergency Management S&W	5,900.00
3-01-25-260-100-100	First Aid S&W	1,250.00
3-01-25-265-100-100	Fire S&W	400.00
3-01-25-265-101-100	Uniform Fire Safety S&W	30,400.00
3-01-25-265-101-200	Uniform Fire Safety O/E	2,000.00
3-01-25-275-100-100	Prosecutor S&W	600.00
3-01-26-290-101-200	DPW Storm Response O/E	50,000.00
3-01-26-290-102-200	DPW Parks O/E	50,000.00
3-01-26-290-104-200	DPW Administration & Engineering O/E	10,000.00
3-01-26-305-100-100	Solid Waste & Recycling S&W	56,900.00
3-01-26-305-100-200	Solid Waste & Recycling O/E	760,000.00
3-01-26-310-100-100	DPW Maintenance of Public Property S&W	15,700.00
3-01-26-310-100-200	DPW Maintenance of Public Property O/E	60,000.00
3-01-26-315-100-200	DPW Fleet Maintenance O/E	80,000.00
3-01-27-330-100-100	Health S&W	16,800.00
3-01-27-340-100-000	Animal Control S&W	1,900.00
3-01-28-370-100-100	Recreation S&W	4,600.00
3-01-31-446-200-200	Utilities - Gas O/E	30,000.00
3-01-31-447-100-275	Utilities - Heating Oil - PBG	3,000.00
3-01-31-460-200-200	Utilities - Fuel O/E	100,000.00
3-01-36-471-200-285	Public Employees Retirement System	2,054,645.66
3-01-36-472-200-284	Statutory - Social Security	83,500.00
3-01-36-475-200-284	Police/Firemens Retirement System	4,766,321.29
3-01-36-477-200-284	Defined Contribution Retirement Program (DCRP)	4,000.00
3-01-40-240-100-529	Municipal Alliance - DEDR Muni Match	8,617.50
3-01-41-700-208-525	Recycling - Tonnage Grant	95,635.07
3-01-42-101-200-278	Interlocal Agreement - Middletown BOE SLEO III	185,700.00
3-01-43-490-100-100	Court S&W	2,900.00
3-01-44-902-200-820	CIF - Computer/Technical Upgrades	20,000.00
	TOTAL	9,821,769.52

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Resolution 23-101 – Resolution Authorizing the Payment of Bills for March 6, 2023

The Township Committee hereby approves a resolution authorizing the payment of bills for March 6, 2023, in the amount of \$4,521,558.60.

Resolution 23-102 - Resolution Expressing Support for Moratorium on Offshore Wind Energy Projects

WHEREAS, there are currently multiple wind turbine projects to construct offshore wind farms 10 to 20 miles off the New Jersey coastline in various stages of development; and

WHEREAS, local residents, business and tourism leaders, elected officials and environmental groups have expressed concerns about the impact of these wind turbines on the local environment and economy; and

WHEREAS, these concerns include the effects that the installation of wind turbines may have on migratory birds and sea mammals, such as the North American Right Whale, which have experienced an extreme and troubling number of deaths within the New York and New Jersey area over the past three months; and

WHEREAS, to this end, some environmentalists have claimed that the recent increase in whale deaths along the New Jersey Coast and the Eastern Seaboard could be the result of sonar and other surveys being conducted prior to the wind farm construction; and

WHEREAS, if and when wind farms are installed, there are concerns about the negative impact that wind farms may have upon the commercial fishing industry's vital offshore fishing grounds; and

WHEREAS, residents and business owners also have concerns about the irrevocably negative impact on the coastal viewshed that will result from these turbines being visible from the New Jersey coastline and other ocean front beach locations and how this visual pollution will affect tourism and local property values; and

WHEREAS, the Township of Middletown stands to be directly affected by the potential effects of wind turbines, including their potential visibility and deleterious effects upon both the Bayshore and Gateway National Recreation Area at Sandy Hook located within the municipality; and

WHEREAS, the wind turbines further require connections to the power grid using high-voltage electrical mainline connections, which have the potential of negatively impacting the fragile Sandy Hook Bay environment; and

WHEREAS, while the Township Committee recognizes the importance of pursuing new and clean energy sources, there are serious concerns that have not been adequately addressed as these wind turbine projects continue to move through the planning stages.

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NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Middletown hereby expresses its support for a federal and/or state moratorium on offshore wind energy projects along the New Jersey coastline until all concerns regarding same are fully addressed, including others that may arise between the time of adoption of this resolution and any potential future construction of offshore wind farms.

DISCUSSION ITEMS

Sunnyside Road Parking Issues

Township Administrator Anthony Mercantante discussed working with neighbors to mitigate issues with parking. He discussed possible widening an area to allow parallel parking. An ordinance would need to be introduced to put into effect. Mayor Perry stated that discussions are ongoing with neighbors and the Zoning Board.

TOWNSHIP COMMITTEE COMMENTS:

Committeeman Settembrino, None.

Committeewoman Kratz, None.

Deputy Mayor Hibell, None.

Mayor Perry, congratulated Middletown High School North Hockey Team for winning the State Championship a short time ago. He mentioned Resolution 23-102 that was passed tonight expressing support for a moratorium on offshore wind projects.

PUBLIC COMMENTS:

Howard Kradjel, 72 Swimming River Road, a member of the Jersey Shore Bike Club asked for the Township Committee's help in getting the word out about the "Move Over Law".

Melanie Elmiger, 43 Green Tree Terrace, inquired on the status of the Two-Way Acme Road. The mayor responded it should be by the end of the month. She also questioned the process of businesses going through the Zoning Board for approval.

Bruce Stafford, 39 Brainard Avenue, inquired about the Middletown Minutes article that indicated that the flood slide gates will be in spring mode until further notice.

Don Watson, 1 Collinson Drive, mentioned the gentlemen who spoke earlier about the bicycles and the Move Over Law, he would like to see the ordinance on the book enforced.

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ADJOURNMENT

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adjourn at 7:15pm.

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

Deputy Township Clerk Sena stated motion carried to adjourn.

Respectfully submitted,

Heidi R Brunt
Township Clerk

Approved:

Anthony S. Perry, Mayor