

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 June 5, 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: Clarke, Hibell, Settembrino, Mayor Perry  
Absent: Kratz

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**

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.

### **PUBLIC HEARING OF PROPOSED ORDINANCES**

Deputy Township Clerk Kaaren Sena 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**

Mayor Perry spoke about the purpose of the ordinance before opening the meeting for public comments.

Mayor Perry opened the meeting for public comments.

Joseph, 134 Willow Road Drive, Tinton Falls, commented his house backs up to the property which is swamp and creek and can't see how such a development could be built on such land.

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Tim, resident 62 Cypress Neck Road, asked how they could propose to build 500 units on such a property.

Mary Jennings, 514 West Front St., asked if there is any chance that they can comprise for 100 units?

Elizabeth Herbanski, 121 Red Hill Road, Holmdel, her family is a multi-generation tree farm. She thanked the Township Committee for taking the time to listen to the residents.

Gary DeFelice, 23 Red Hill Road, thanked the Township Committee for objecting. He expressed the need to stick to our zoning rules.

Peter, resident 58 Glenwood, Tinton Falls, questioned the Township Committee if they would do this for another large parcel, is this a general practice?

Resident, 150 Willow Grove Drive, Tinton Falls, questioned if we don't build enough affordable housing will the state get involved?

Michael Guarraccia, 5 Castleford Way, questioned if plan is approved, how long before it happens?

Heather McGrath, 460 Everett Road, she stated she has been a resident for 22 years and seen many developments and thanked the Township Committee for opposing this one.

Resident, 67 Cypress Neck Road, thanked the Township Committee for being straight forward with us. He asked what happens down the road, will eminent domain remove the threat?

Jennifer Reckler, 462 Everett Road, thanked the Township Committee for taking the time to speak to us about this.

Ray Geary, 158 Willow Drive, asked if Sloan Kettering has offered any help in fighting this?

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, Settembrino, Mayor Perry  
                              Nays: None  
                              Abstention: None  
                              Absent: Kratz

Deputy Township Clerk Kaaren Sena stated the motion carried to pass this ordinance.

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Deputy Township Clerk Kaaren Sena 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**

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, Settembrino, Mayor Perry  
                                  Nays: None  
                                  Abstention: None  
                                  Absent: Kratz

Deputy Township Clerk Kaaren Sena stated the motion carried to pass this ordinance.

**INTRODUCTION OF PROPOSED ORDINANCES**

Deputy Township Clerk Kaaren Sena read the following ordinance by title:

**Ordinance 2023-3373 - Bond Ordinance Providing an Appropriation Of \$2,000,000 For Acquisition of Properties by And for The Township of Middletown in The County of Monmouth, New Jersey And Authorizing the Issuance Of \$1,900,000 In Bonds or Notes of The Township for Financing Part of the Appropriation**

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, Settembrino, Mayor Perry  
                                  Nays: None  
                                  Abstention: None  
                                  Absent: Kratz

Deputy Township Clerk Kaaren Sena stated motion carried to pass this ordinance on first reading with a public hearing to be held on June 19, 2023.

**CONSENT AGENDA**

Deputy Township Clerk Kaaren Sena requested a motion to adopt a consent agenda including Resolutions 23-161 through 23-178.

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

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

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

**Resolution 23-161 - 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 individuals are hereby appointed as Special Law Enforcement Officers – Class I, II, III and Special Crossing Guards in the Middletown Township Police Department for the calendar year of 2023.

**Special Law Enforcement Officers Class I – Hayleigh Colucci; Liam Smith; Charles Honan; Michelle Quinonez-Sanchez; Shaun Sullivan**

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

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**Resolution 23-162 – Resolution Approving the Recreation and Open Space Inventory for Filing with The New Jersey Department of Environmental Protection Green Acres Program**

**WHEREAS**, the regulations of the Green Acres Program require the submission of a Recreation and Open Space Inventory (ROSI) which lists all property owned and/or leased by the Local Unit for recreational and open space purposes; and

**WHEREAS**, the regulations of the Green Acres Program allow amendments to the ROSI;

**WHEREAS**, the Township last amended their ROSI in 2016, and at this time is in need of an amendment;

**WHEREAS**, the Township Committee of the Township of Middletown has reviewed the attached Recreation and Open Space Inventory prepared by its professionals.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown that the Recreation and Open Space Inventory is hereby **APPROVED, ACCEPTED, and ADOPTED.**

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Mayor and Planning Board Chairperson are hereby authorized to sign the ROSI for submission to Green Acres and that a certified copy of this resolution and the ROSI be forwarded to the State of New Jersey Office of Green Acres.

**Resolution 23-163 - Resolution Authorizing a Chapter 159 Additional Item of Funding in the 2023 Budget – NJ Dept of Environmental Protection, Division of Protection and Restoration – “Stormwater Assistance Grant”**

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

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

**WHEREAS**, the Township of Middletown has received a grant from the NJ Dept of Environmental Protection, Division of Protection and Restoration and wishes to amend its 2023 budget to include \$25,000.00 of this grant as revenue, and

**NOW THEREFORE BE IT RESOLVED** that the Township Committee of Middletown Township, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2023 budget in the sum of \$25,000.00 which is now available as revenue under Special Item of Revenue Anticipated with Prior Written Consent of the Director of Local Government Services –

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Public and Private Revenues Offset with Appropriations:

NJ Dept. of Environmental Protection  
“Stormwater Assistance Grant”

**BE IT FURTHER RESOLVED** that a sum of \$25,000.00 is hereby appropriated under the caption of General Appropriations – Operations Excluded from “CAPS”:

NJ Dept. of Environmental Protection  
“Stormwater Assistance Grant”

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

**Resolution 23-164 - Resolution Authorizing a Chapter 159 Additional Item of Funding in the 2023 Budget – “FY 2023 Clean Communities Program” Grant**

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

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

**WHEREAS**, the Township of Middletown has received a \$176,464.64 grant from the NJ Dept. of Environmental Protection Clean Communities Program and wishes to amend its 2023 budget to include this amount as revenue, and

**NOW THEREFORE BE IT RESOLVED** that the Township Committee of Middletown Township, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2023 budget in the sum of \$176,464.64 which is now available as revenue under Special Item of Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

NJ Dept. of Environmental Protection  
“Clean Communities Program”

**BE IT FURTHER RESOLVED** that a sum of \$176,464.64 is hereby appropriated under the caption of General Appropriations – Operations Excluded from “CAPS”:

NJ Dept. of Environmental Protection  
“Clean Communities Program”

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

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**Resolution 23-165 - Resolution Authorizing a Chapter 159 Additional Item of Funding in the 2023 Budget – NJ DCA, Div. of Local Government Services – “Local Recreation Improvement Grant” – Tonya Keller Community Center Phase 2**

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

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

**WHEREAS**, the Township of Middletown has received a grant from the NJ DCA, Division of Local Government Services and wishes to amend its 2023 budget to include \$62,000.00 of this grant as revenue, and

**NOW THEREFORE BE IT RESOLVED** that the Township Committee of Middletown Township, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2023 budget in the sum of \$62,000.00 which is now available as revenue under Special Item of Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

NJ DCA, Div. of Local Government Services  
“Local Recreation Improvement Grant TKCC Phase 2”

**BE IT FURTHER RESOLVED** that a sum of \$62,000.00 is hereby appropriated under the caption of General Appropriations – Operations Excluded from “CAPS”:

NJ DCA, Div. of Local Government Services  
“Local Recreation Improvement Grant TKCC Phase 2”

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

**Resolution 23-166 - Resolution Authorizing a Chapter 159 Additional Item of Funding in the 2023 Budget – “2023 Click It or Ticket” Grant**

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

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

**WHEREAS**, the Township of Middletown has received a \$7,000.00 grant from the NJ Dept. of Law and Public Safety, Division of Highway Traffic Safety and wishes to amend

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its 2023 budget to include this amount as revenue, and

**NOW THEREFORE BE IT RESOLVED** that the Township Committee of Middletown Township, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2023 budget in the sum of \$7,000.00 which is now available as revenue under Special Item of Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

NJ Dept. of Law and Public Safety, Division of Highway Safety  
“Click It or Ticket”

**BE IT FURTHER RESOLVED**, that a sum of \$7,000.00 is hereby appropriated under the caption of General Appropriations – Operations Excluded from “CAPS”:

NJ Dept. of Law and Public Safety, Division of Highway Safety  
“Click It or Ticket”

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

**Resolution 23-167 - Resolution Authorizing a Chapter 159 Additional Item of Funding in the 2023 Budget – Municipal Alliance on Alcoholism and Drug Abuse “Additional Funding FY2023 Municipal Alliance DEDR Grant”**

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

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

**WHEREAS**, the Township of Middletown has received additional funding for the FY2023 Municipal Alliance DEDR Grant and wishes to amend its 2023 budget to include \$6,670.00 of this grant as revenue, and

**NOW THEREFORE BE IT RESOLVED** that the Township Committee of Middletown Township, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2023 budget in the sum of \$6,670.00 which is now available as revenue under Special Item of Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

FY 2023 Municipal Alliance DEDR Grant

**BE IT FURTHER RESOLVED** that a sum of \$6,670.00 is hereby appropriated under the caption of General Appropriations – Operations Excluded from “CAPS”:

FY 2023 Municipal Alliance DEDR Grant



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

**Resolution 23-168 - Resolution Authorizing the Award of a Contract for Professional Engineering Services for ADA Improvements At Various Parks**

**WHEREAS**, the Township of Middletown (the “**Township**”) requires review, design, bidding, construction administration, and inspection services in relation to ADA improvements at various Township parks; and

**WHEREAS**, pursuant to the fair and open process and Resolution No. 23-14, the Township previously qualified multiple engineering firms to provide consulting engineering services; and

**WHEREAS**, the Township has received a proposal from Boro Engineering to provide the required professional engineering services in the amount not to exceed \$52,000.00, which the Township Engineer has deemed acceptable; and

**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$52,000.00 are available for this purpose in account/line-item number(s) C-04-55-922-355-200. A copy of the said certification is attached hereto and made part hereof.

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

1. It hereby authorizes the award of a contract to Boro Engineering, 23 Larchmont Drive, Colts Neck, NJ 07722 for professional engineering services related to ADA improvements at various Township parks in an amount not to exceed \$52,000.00.
2. It hereby authorizes and directs the Mayor and the Clerk, subject to final attorney review, to execute an Agreement for the provision of such professional services, a copy of which shall be maintained by the Clerk.

**Resolution 23-169 - Resolution Authorizing the Extension Of Contract #22-12 For Police Uniforms & Equipment**

**WHEREAS**, the Township advertised for and received bids for contract #22-12 – Police Uniforms & Equipment in accordance with N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, contract #22-12 was awarded to Action Uniform Co., LLC on August 15<sup>th</sup>, 2022, per resolution #22-216 with the option for two (2) one (1) year extensions; and

**WHEREAS**, the Director of Purchasing and the Chief of Police have recommended that contract #22-12 be extended for an additional year per the bid specifications in a not to exceed amount of \$95,000.00 with their prices for optional year #2 as follows:

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**Group 1 - \$2,723.00**  
**Group 2 - \$1,615.00**  
**Group 3 - \$2,165.00**  
**Group 4 - \$808.00**  
**Group 5 - \$2,145.00**  
**Group 6 - \$50.00**

**WHEREAS**, this contract term shall begin, August 17, 2023, and end August 16, 2024, with an option for one (1) one (1) year extension; and

**WHEREAS**, the appropriation to be charged is budget line item number 3-01-25-240-100-235 and no amount of this contract shall be chargeable until certification of available funds are made and upon receipt of a properly executed purchase order.

**THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown that contract #22-12 – Police Uniforms & Equipment be extended for optional year #2 pursuant to the terms of Action Uniform Co., LLC’s bid at the above prices, and that the appropriate officials are hereby authorized to execute the contract with the contractor.

**Resolution 23-170 - Resolution Authorizing the Award Of A Contract For Online Tax Sale Hosting Services**

**WHEREAS**, the Township advertised for and received bids for contract #23-04 – Online Tax Sale Hosting Services in accordance with N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, one proposal was received and publicly opened on May 25<sup>th</sup> 2023, at 10:00 a.m.; and

**WHEREAS**, the Township Tax Collector has recommended that the award of contract #23-04 be awarded to Realauction.com, LLC, 861 SW 78<sup>th</sup> Ave., Suite B-102, Plantation, FL 33324 with their price of \$15.00 per sale; not to exceed \$60,000.00; and

**WHEREAS**, the contract term shall begin, June 6<sup>th</sup>, 2023 and end June 5<sup>th</sup>, 2024; and

**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$60,000.00 are available for this purpose in account/line-item number(s) 3-01-20-145-100-203. 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 the award for contract #23-04 – Online Tax Sale Hosting Services be awarded to Realauction.com, LLC, pursuant to the terms of their bid at the above prices, and that the appropriate officials are hereby authorized to execute the contract with the contractor.

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**Resolution 23-171 - Resolution Authorizing the Award of a Non-Fair and Open Contract to Bright Connections Tutoring Center LLC., To Provide Tutoring Services for Middletown Students**

**WHEREAS**, the Township of Middletown has a need to hire a specialist to provide Tutoring Services for the students of the Township of Middletown; and

**WHEREAS**, the Township has elected to award this contract via a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the Purchasing Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract shall commence when formally adopted by the Middletown Township Committee and shall terminate after a six (6) week tutoring program has been completed, but no later than August 17, 2023; and

**WHEREAS**, Bright Connections Tutoring Center, LLC (Bright Connections), in the aggregate is expected to receive more than the pay to play threshold of \$17,500.00; and

**WHEREAS**, Bright Connections, has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form, which certifies that Bright Connections has not made any reportable contributions to a political or candidate committee in the Township of Middletown in the previous one year, and that the contract will prohibit Bright Connections from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in an amount not to exceed \$100,990.00 is available for this purpose in account/line-item number T-18-56-850-800-475. 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 enter into an agreement with Bright Connections Tutoring Center LLC, for tutoring services, in a not to exceed amount of \$100,990.00 and that the Business Entity Disclosure Certification and Political Contribution Disclosure form be placed on file with this resolution.

**Resolution 23-172 – Resolution Approving the Request by FM Red Owner LLC To Amend The Monmouth County Water Quality Management Plan To Include Entire Property**

**WHEREAS**, FM Red Owner LLC (“FM Red”) is the owner of property located at Block 1131, Lots 30, 31 and 32 (the “Property”) on the Tax Maps of the Township of Middletown (the “Township”); and

**WHEREAS**, a small portion of Lot 32 lies within a non-sewer service area, as designated by the New Jersey Department of Environmental Protection Agency (“NJDEP”) and Monmouth County; and

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**WHEREAS**, FM Red has made application to the NJDEP for an amendment to the Monmouth County Water Quality Management Plan, which sets forth the existing sewer service area to include the entire Property, including the portion of Lot 32 that is not currently included; and

**WHEREAS**, N.J.A.C. 7:15-1.1, et seq., requires that the Township indicate whether it consents to, does not oppose or objects to the application for amendment to the existing sewer service area; and

**WHEREAS**, the Township reviewed the request as well as certain mapping of the site; and

**WHEREAS**, the Township believes that it is in the best interests of the health, safety and welfare of the public to consent to the application for amendment to the existing sewer service area.

**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 adopts the above recitals and findings, and hereby consents to FM Red's application for amendment to the existing sewer service area.

**BE IT FURTHER RESOLVED** that the Township Committee, through the Township Clerk, be authorized to transmit a certified copy of this Resolution to the NJDEP.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution and underlying documents shall be available for public inspection during regular business hours at the Office of the Municipal Clerk.

**Resolution 23-173 - Resolution Authorizing the Township's Qualified Purchasing Agent To Award Contracts Below Bid Threshold Without The Need For Resolution Of The Governing Body**

**WHEREAS**, the Local Public Contracts Law ("LPCL") authorizes municipalities to empower their Qualified Purchasing Agent ("QPA") with authority to make contract awards below certain annual bidding thresholds; and

**WHEREAS**, N.J.S.A. 40A:11-3 permits an increase in the allowable annual bid threshold established by the State Treasurer, which is currently \$44,000 for municipalities with a QPA; and

**WHEREAS**, the Township of Middletown (the "Township") has previously appointed Michael Rizzo as its QPA; and

**WHEREAS**, the Township wishes to authorize its QPA to make contact awards below \$44,000 without the need for a resolution of award from the governing body.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that pursuant to N.J.S.A. 40A:11-3 its QPA, Michael Rizzo, is hereby delegated authority to make annual contract awards below the currently established State bid threshold of \$44,000 without a resolution of award from the governing body.

**Resolution 23-174 - Resolution Designating Port Belford Solar Farm, LLC As the Sub-Redeveloper of a Portion of Block 306, Lot 66 Within the Port Belford Redevelopment Area and Authorizing Entry of a Sub-Redevelopment Agreement With Port Belford Solar Farm, LLC**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., (the “**LRHL**”) provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment with a designated private redeveloper; and

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

**WHEREAS**, on July 20, 2015, by Resolution No. 15-205, the Township Committee of the Township of Middletown (the “**Township**”) authorized and requested the Planning Board to undertake a preliminary investigation (the “**Investigation**”) to determine whether Block 137, Lots 2.05, 2.07, 3, 4, 5, 6, 7; Block 281, Lots 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 18, 19, 20; Block 306, Lots 47, 48, 49, 50, 51, 52, 66, 108, 110, 130, 131, 132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 169, 170, 171, 172; Block 319, Lot 1; Block 320, Lot 1; Block 321, Lot 1; Block 322, Lot 1; Block 323, Lot 1; Block 324, Lot 1; and Block 325 Lot 1 (the “**Initial Area of Investigation**”) constitute an area in need of redevelopment according to the criteria set forth under the LRHL, specifically N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

**WHEREAS**, on October 19, 2015, pursuant to Resolution No. 15-272, amending Resolution No. 15-205, the Township expanded the delineated study area to include the properties identified as Block 306, Lots 122, 123, 124, 125, 128 and 129; and Block 306.01, Lots 14, 15 and 16 (together, with the Initial Area of Investigation, the “**Area of Investigation**”); 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 2, 2015, a hearing would be held for the purpose of hearing persons who are interested in or would be affected by a determination that the properties located within the Area of Investigation constitute an area in need of redevelopment as that term is defined under the LRHL for non-condemnation purposes; and

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**WHEREAS**, T&M Associates publicly presented a “Redevelopment Study & Preliminary Investigation Report” for the delineated Area of Investigation dated November 2015, revised January 2016 (the “**Investigation Report**”); and

**WHEREAS**, on December 2, 2015, the Planning Board unanimously recommended that the Township designate Block 137, Lots 2.07, 3, 5, 6, 7; Block 281, Lots 3, 4, 5, 6, 7, 8, 15; Block 306, Lots 47, 48, 49, 50, 51, 52, 66, 110, 122, 123, 130, 131, 132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 169, 170, 171, 172; Block 319, Lot 1; Block 320, Lot 1; Block 321, Lot 1; Block 322, Lot 1; Block 323, Lot 1, Block 324, Lot 1; and Block 325, Lot 1 as a non-condemnation area in need of redevelopment (the “**Redevelopment Area**”) due to the substantial evidence that the Redevelopment Area meets 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**, on February 1, 2016, by Resolution No. 16-84, in accordance with the Planning Board’s recommendation, the Township designated the Redevelopment Area as an area in need of redevelopment for non-condemnation purposes; and

**WHEREAS**, on May 15, 2017, by Ordinance No. 2017-3197, the Township adopted the Port Belford Redevelopment Plan dated May 2017 (the “**Redevelopment Plan**”) governing the Redevelopment Area; and

**WHEREAS**, on July 1, 2019, the Township issued a Request for Qualifications (“**RFQ**”) to procure the services of a private redeveloper to develop the Redevelopment Area in conformance with the Redevelopment Plan; and

**WHEREAS**, after reviewing the responses to the RFQ, and in consultation with the Township Planner, the Township Administrator recommended that the Township select Woodmont Properties, Canoe Brook Development, Nexus Properties and AJD Construction to serve as the redeveloper for the Redevelopment Area based on their response to the RFQ dated July 31, 2019; and

**WHEREAS**, on August 19, 2019, by Resolution No. 19-217, the Township selected Woodmont Properties, Canoe Brook Development, Nexus Properties, and AJD Construction as the Qualified Developer for the Redevelopment Area; however, the passage of time and change in scope of the project and participants rendered it worthwhile to adopt a new conditional designation resolution; and

**WHEREAS**, on April 19, 2023, Woodmont Properties and Canoe Brook Development submitted conceptual plans to the Township to be conditionally designated redeveloper of the Redevelopment Area to develop a ferry terminal plaza, 403 residential apartment units including a 15% set-aside for affordable housing units, 7,500 square feet of retail space, restaurant pads, amphitheater, structured parking, and an interpretative center (the “**Project**”); and

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**WHEREAS**, Woodmont Properties and Canoe Brook Development have formed a special purpose entity called Port Monmouth Residential Holdings, LLC to serve as redeveloper of the Project (the “**Master Redeveloper**”); and

**WHEREAS**, on June 5, 2023, by Resolution No. 23-\_\_\_, the Township conditionally designated the Master Redeveloper as the redeveloper of the Redevelopment Area subject to entry into an acceptable Redevelopment Agreement with the Township; and

**WHEREAS**, Block 306, Lot 66 (the “**County Property**”) within the Redevelopment Area is owned by the County of Monmouth (the “**County**”) and is the site of the Belford Landfill (the “**Landfill Property**”), as well as the parking lot for the Port Belford Ferry Terminal, a composting facility, and an area for depositing of dredge spoils; and

**WHEREAS**, the Township and the Master Redeveloper desire that Port Belford Solar Farm, LLC (“**PBSF**”) be designated as the sub-redeveloper of the Landfill Property as delineated on Exhibit A attached hereto and made a part hereof and including, for avoidance of doubt, the “capped” areas of the Belford Landfill and certain adjoining lands, but not including the composting facility, the parking lot for the Port Belford Ferry Terminal, or the dredge spoil deposit area; and

**WHEREAS**, the Landfill Property is within the Redevelopment Area and is accordingly subject to the Port Belford Redevelopment Plan; and

**WHEREAS**, on August 16, 2021, by Resolution No. 21-204, the Township conditionally designated PBSF as the sub-redeveloper of the Landfill Property, subject to a number of conditions, including but not limited to entry into a “conditional redevelopment agreement” and subsequent entry into a final redevelopment agreement; and

**WHEREAS**, on or about August 16, 2021, the Township, the Master Redeveloper, and PBSF entered into a “Conditional Redevelopment Agreement” to set forth the terms by which PBSF would redevelop the Landfill Property and construct, install, maintain, and operate and/or sell and store electricity from an approximately 20 MW dc grid-supply solar farm (the “**Facility**”); and

**WHEREAS**, the Township seeks to repeal the August 16, 2021 Conditional Redevelopment Agreement and replace it with a Sub-Redevelopment Agreement pursuant to the LRHL to govern the terms by which PBSF will redevelop the Landfill Property; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-8, the Township, Master Redeveloper, and PBSF have negotiated a Sub-Redevelopment Agreement, which shall define and memorialize the respective obligations of the parties hereto with regard to proceeding with the redevelopment of the Landfill Property and the Facility pursuant to the requirements of the Redevelopment Plan.

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

1. The above recitals are incorporated by reference as if fully set forth herein.
2. Port Belford Solar Farm, LLC is hereby designated as the sub-redeveloper of the Landfill Property within the Port Belford Redevelopment Area.
3. The Township is hereby authorized to enter into a Sub-Redevelopment Agreement in the form attached hereto as Exhibit B that will supersede and replace the Conditional Redevelopment Agreement that is currently in effect among the Township, the Master Redeveloper, and Port Belford Solar Farm, LLC.
4. The Mayor is authorized to execute the Sub-Redevelopment Agreement as contemplated by Paragraph 3, together with such further documents and agreements as may be necessary to carry out the intent of this Resolution and the development of the Facility.
5. This Resolution shall repeal and replace any prior designations of sub-redevelopers for the Landfill Property.
6. The Township Clerk shall provide a certified copy of this Resolution to all parties of interest.
7. This Resolution shall take effect immediately.

**Resolution 23-175 - Resolution Conditionally Designating Port Monmouth Residential Holdings, LLC As the Redeveloper of The Following Properties Within the Port Belford Redevelopment Plan Area:**

**BLOCK 137, LOTS 2.07, 3, 5, 6, 7;  
BLOCK 281, LOTS 3, 4, 5, 6, 7, 8, 15;  
BLOCK 306, LOTS 47, 48, 49, 50, 51, 52, 66, 110, 122, 123, 130, 131,  
132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 169, 170, 171,  
172;  
BLOCK 319, LOT 1;  
BLOCK 320, LOT 1;  
BLOCK 321, LOT 1;  
BLOCK 322, LOT 1;  
BLOCK 323, LOT 1;  
BLOCK 324, LOT 1;  
AND BLOCK 325, LOT 1**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., (the “**LRHL**”) provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment with a designated private redeveloper; and

**WHEREAS**, N.J.S.A. 40A:12A-8 of the LRHL authorizes municipalities to enter into contracts or agreements for the planning, construction, or undertaking of any



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development project or redevelopment work in a designated area in need of redevelopment;  
and

**WHEREAS**, on July 20, 2015, by Resolution No. 15-205, the Township Committee of the Township of Middletown (the “**Township**”) authorized and requested the Planning Board to undertake a preliminary investigation (the “**Investigation**”) to determine whether Block 137, Lots 2.05, 2.07, 3, 4, 5, 6, 7; Block 281, Lots 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 18, 19, 20; Block 306, Lots 47, 48, 49, 50, 51, 52, 66, 108, 110, 130, 131, 132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 169, 170, 171, 172; Block 319, Lot 1; Block 320, Lot 1; Block 321, Lot 1; Block 322, Lot 1; Block 323, Lot 1; Block 324, Lot 1; and Block 325 Lot 1 (the “**Initial Area of Investigation**”) constitute an area in need of redevelopment according to the criteria set forth under the LRHL, specifically N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

**WHEREAS**, on October 19, 2015, pursuant to Resolution No. 15-272, amending Resolution No. 15-205, the Township expanded the delineated study area to include the properties identified as Block 306, Lots 122, 123, 124, 125, 128 and 129; and Block 306.01, Lots 14, 15 and 16 (together, with the Initial Area of Investigation, the “**Area of Investigation**”); 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 2, 2015, a hearing would be held for the purpose of hearing persons who are interested in or would be affected by a determination that the properties located within the Area of Investigation constitute an area in need of redevelopment as that term is defined under the LRHL for non-condemnation purposes; and

**WHEREAS**, T&M Associates publicly presented a “Redevelopment Study & Preliminary Investigation Report” for the delineated Area of Investigation dated November 2015, revised January 2016 (the “**Investigation Report**”); and

**WHEREAS**, on December 2, 2015, the Planning Board unanimously recommended that the Township designate Block 137, Lots 2.07, 3, 5, 6, 7; Block 281, Lots 3, 4, 5, 6, 7, 8, 15; Block 306, Lots 47, 48, 49, 50, 51, 52, 66, 110, 122, 123, 130, 131, 132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 169, 170, 171, 172; Block 319, Lot 1; Block 320, Lot 1; Block 321, Lot 1; Block 322, Lot 1; Block 323, Lot 1, Block 324, Lot 1; and Block 325, Lot 1 as a non-condemnation area in need of redevelopment (the “**Redevelopment Area**”) due to the substantial evidence that the Redevelopment Area meets 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**, on February 1, 2016, by Resolution No. 16-84, in accordance with the Planning Board’s recommendation, the Township designated the Redevelopment Area as an area in need of redevelopment for non-condemnation purposes; and

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**WHEREAS**, on May 15, 2017, by Ordinance No. 2017-3197, the Township adopted the Port Belford Redevelopment Plan dated May 2017 (the “**Redevelopment Plan**”) governing the Redevelopment Area; and

**WHEREAS**, on July 1, 2019, the Township issued a Request for Qualifications (“**RFQ**”) to procure the services of a private redeveloper to develop the Redevelopment Area in conformance with the Redevelopment Plan; and

**WHEREAS**, after reviewing the responses to the RFQ, and in consultation with the Township Planner, the Township Administrator recommended that the Township select Woodmont Properties, Canoe Brook Development, Nexus Properties and AJD Construction to serve as the redeveloper for the Redevelopment Area based on their response to the RFQ dated July 31, 2019; and

**WHEREAS**, on August 19, 2019, by Resolution No. 19-217, the Township selected Woodmont Properties, Canoe Brook Development, Nexus Properties, and AJD Construction as the Qualified Developer for the Redevelopment Area; however, the passage of time and change in scope of the project and participants renders it worthwhile to adopt a new conditional designation resolution; and

**WHEREAS**, on April 19, 2023, Woodmont Properties and Canoe Brook Development submitted conceptual plans to the Township to be conditionally designated redeveloper of the Redevelopment Area to develop a ferry terminal plaza, 403 residential apartment units including a 15% set-aside for affordable housing units, 7,500 square feet of retail space, restaurant pads, amphitheater, structured parking, and an interpretative center (the “**Project**”); and

**WHEREAS**, Woodmont Properties and Canoe Brook Development have formed a special purpose entity called Port Monmouth Residential Holdings, LLC to serve as redeveloper of the Project (the “**Redeveloper**”); and

**WHEREAS**, the Township wishes to enter into exclusive negotiations with the Redeveloper regarding the redevelopment of the Redevelopment Area into the Project by designating Redeveloper as the redeveloper of the Redevelopment Area while negotiating a Redevelopment Agreement.

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

1. The above recitals are incorporated by reference as if fully set forth herein.
2. The Redeveloper is hereby designated as the redeveloper of the Redevelopment Area subject to entry of an acceptable Redevelopment Agreement with the Township within 90 days, which may be extended administratively at the sole discretion of the Township Administrator for a period of 30 days.

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3. If, by the expiration of this period, or such later date as established by the Township Administrator in accordance with Section 2 hereof, the Township and the Redeveloper have not executed a mutually acceptable Redevelopment Agreement, the designation of the Redeveloper shall automatically expire without any need for any further action of the Township.

4. This Resolution shall supersede any prior expired or unexpired designations of redevelopers for the Redevelopment Area.

5. This Resolution shall take effect immediately.

**Resolution 23-176 - Resolution Authorizing The Award Of A Contract For 2023 Landscaping Services**

**WHEREAS**, the Township advertised for and received bids for contract #23-06 – 2023 Landscaping Services in accordance with N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, one proposal was received and publicly opened on June 1<sup>st</sup> 2023, at 10:00 a.m.; and

**WHEREAS**, the Township Director of Public Works has recommended that the award of contract #23-06 be awarded to OnSite Landscape Management, PO Box 294, Perrineville, NJ 08535 with their total price of \$39,270.00; and

**WHEREAS**, the contract term shall begin, June 6<sup>th</sup>, 2023, and end October 31<sup>st</sup>, 2023; running for approximately twenty-one (21) weeks; and

**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$39,270.00 are available for this purpose in account/line-item number(s) 3-01-26-290-102-310. 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 the award for contract #23-06 – 2023 Landscaping Services be awarded to OnSite Landscape Management, pursuant to the terms of their bid at the above prices, and that the appropriate officials are hereby authorized to execute the contract with the contractor.

**Resolution 23-177 - Resolution Authorizing a Chapter 159 Additional Item of Funding in the 2023 Budget – NJ Dept. of Human Services, Div. of Family Dev., Office of Child Care – “NJ ARP Stabilization Grant”**

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

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

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**WHEREAS**, the Township of Middletown has received a grant from the NJ Dept. of Human Services, Division of Family Dev., Office of Child Care and wishes to amend its 2023 budget to include \$15,000.00 of this grant as revenue, and

**NOW THEREFORE BE IT RESOLVED** that the Township Committee of Middletown Township, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2023 budget in the sum of \$15,000.00 which is now available as revenue under Special Item of Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

NJ Dept. of Human Services, Div. of Family Dev., Office of Child Care  
“NJ ARP Stabilization Grant”

**BE IT FURTHER RESOLVED** that a sum of \$15,000.00 is hereby appropriated under the caption of General Appropriations – Operations Excluded from “CAPS”:

NJ Dept. of Human Services, Div. of Family Dev., Office of Child Care  
“NJ ARP Stabilization Grant”

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

**Resolution 23-178 - Resolution Authorizing Payment of Bills for June 5, 2023.**

The Township Committee hereby approves authorizing the payment of bills for June 5, 2023, in the amount of \$22,691,621.97.

**TOWNSHIP COMMITTEE COMMENTS:**

Committeeman Clarke, stated how proud he is to sit on this dais to do what we are elected to do protecting the town we grew up in.

Committeeman Settembrino, agreed with Committeeman Clarke’s comments. Residents need to be reassured this governing body is working for them.

Deputy Mayor Hibell, proud the Township Committee is doing the right thing opposing this development. He congratulated John Friedman the new director of the Township of Middletown Sewerage Authority.

Mayor Perry, thanked all the members of the public for coming out tonight. He stated that when we put the referendum on the ballot for open space this was the point. He also mentioned the resolution passed tonight authorizing \$75,000 for tutoring Middletown students that were impacted by the Covid 19 lockdowns. He thanked Board President Frank Capone and Board member Joan Minnuies for their help in getting it done. He thanked the US Navy at Weapons Station Earle for allowing him to board the USS Cole. The Cole was bombed in 2000 before September 11, 2001. The Cole is an active-duty war ship that is stationed at Earle.

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**PUBLIC COMMENTS:**

Melanie Elmiger, 43 Green Tree Terrace, questioned which park the sewer will be in? She invited all to attend a meeting on Monday regarding the Phalanx Road roundabout.

Lora Smith-Staines, 204 River Ridge Road, Tinton Falls, questioned resolution 23-172 and voiced her concern that Middletown is acting on sewer plans even though there are no plans for development. Mayor Perry responded and explained that this area has already designated an area in need of redevelopment.

Kelly Darvis, Tinton Falls Resident, stated that she applauded the Mayor earlier but felt the way he spoke to Ms. Smith-Staines was totally inappropriate.

John Mascolo, 10 Spradley Lane, he and his neighbors are upset with Camp Coconuts and what they are getting away with on the property and the way children are being dropped off and picked up from the camp. He also mentioned that they put up a fence without a permit.

Kathy, President of Harmony Glen Homes, said she has been fighting for five years with the Township over no parking on Overton Road. She said she had a meeting with Township Administrator Anthony Mercantante who said it would take two months and it is now two years later.

Mark Soporowski, 38 Powell Avenue, thanked the Township Committee for paving Hillside Avenue. He requested the Township Committee revisit some of the fee's businesses are charged. He pays a \$50.00 a year fee for a jukebox.

Sam Jacobs, 9 Bertha Road, he questioned the fence Camp Coconuts is installing and if that would allow from drop off on Bertha Road?

William Nunez, 67 Cypress Neck Road, is a new resident in Lincroft and an old neighbor of Harmony residents. These people are suffering from Camp Coconuts.

Bruce Stafford, 39 Brainard Avenue, discussed the gates on the Wilson Avenue valve and when the gates are opened and closed. He said they had water Saturday night because the valve was never closed. He is concerned about tonight's high tide. He asked if there is a maintenance contract on the valve. He also mentioned that residents are putting brush out after the township picked up.

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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