

Workshop Meeting

A Special 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 April 5, 2021.

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 07, 2021.

Roll Call Vote: Present: Clarke, Hibell, Settembrino, Snell, Mayor Perry
Absent: None

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson and Township Clerk Heidi Brunt.

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 Heidi Brunt read the following ordinance by title:

Ordinance 2021-3305 - Calendar Year 2021 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-45.14)

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, Snell, Mayor Perry
Nays: None
Abstention: None
Absent: None

Township Clerk Heidi Brunt stated motion carried to pass this ordinance.

Workshop Meeting

INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following Ordinance by title:

Ordinance 2021-3306 - Ordinance Amending Chapter 465 of The Code of the Township of Middletown to Address Parking and Traffic Regulations Near Ideal Beach

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

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

Township Clerk Heidi Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on April 19,2021.

Township Clerk Heidi Brunt read the following Ordinance by title:

Ordinance 2021-3307 - Ordinance Implementing Voter-Approved Increase to The Annual Collection Rate of the Middletown Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund

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

Township Clerk Heidi Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on April 19,2021.

Township Clerk Heidi Brunt read the following Ordinance by title:

Ordinance 2021-3308 - Ordinance Amending Section 240-18 Governing Fee Schedule for Towing Operators in The Township of Middletown

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

Workshop Meeting

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

Township Clerk Heidi Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on April 19,2021.

Township Clerk Heidi Brunt read the following Ordinance by title:

Ordinance 2021-3309 – 2021 Salary Ordinance

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

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

Township Clerk Heidi Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on April 19,2021.

CONSENT AGENDA

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 21-112 through 21-123.

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

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

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

Resolution 21-112 – Resolution Expressing Support for Legislation Increasing State Funding to The “Shore Protection Fund” From \$25 Million to \$50 Million (S-1071/A-639)

WHEREAS, the State of New Jersey maintains the Shore Protection Fund, which was established in 1992; and

Workshop Meeting

WHEREAS, the Shore Protection Fund provides important funding that allows the State and municipalities to engage in cost-share partnerships with the U.S. Army Corps of Engineers on shore protection projects including beach restoration and maintenance; and

WHEREAS, the Shore Protection Fund is funded by State realty transfer fee revenue, and is currently capped at \$25 million, an amount that was last adjusted in 1999; and

WHEREAS, following the devastating effects of Superstorm Sandy, it has become evident that the current funding to the Shore Protection Fund is inadequate for allowing the State and municipalities to fund necessary projects; and

WHEREAS, pending before the Legislature are bills S-1071 and A-639, which would increase the cap on funding to the Shore Protection Fund to \$50 million; and

WHEREAS, the Township Committee believes this proposed increase to the Shore Protection Fund is essential to protecting the shoreline of the Township of Middletown and that of every other shore community comprising the Jersey Shore.

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 expresses its support for an increase in funding to the Shore Protection Fund from \$25 million to \$50 million, as provided in the bills pending before the Legislature as S-1071 and A-639.

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to Governor Phil Murphy, Senate President Steve Sweeney, Assembly Speaker Craig Coughlin, Senator Declan O'Scanlon, Assemblyman Gerry Scharfenberger, and Assemblywoman Serena DiMaso.

Resolution 21-113 - Resolution Approving Transfer of Premium Payment for Tax Sale Certificate On Lot Subject to Foreclosure (Block 1011, Lot 440)

WHEREAS, the Township of Middletown ("Middletown") issued Tax Sale Certificate No. 16-00529, relative to Block 1011, Lot 440, which was recorded in the Office of the Monmouth County Clerk in Book OR-9212, Page 8389; and

WHEREAS, under Docket No. F-7816-19, the Superior Court of New Jersey entered an order foreclosing upon the subject property; and

WHEREAS, as a result of same, redemption will no longer be made, and Middletown is entitled to have the premium payment in the amount of \$7,500 transferred to become part of the funds of the municipality, pursuant to N.J.S.A. 54:5-33.

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

Workshop Meeting

authorizes the foregoing premium payment in the amount of \$7,500 to be turned over and become part of the funds of Middletown.

BE IT FURTHER RESOLVED that the Tax Collector and Chief Financial Officer are hereby authorized and directed to take any and all steps reasonably necessary to effectuate the foregoing.

Resolution 21-114 - Resolution Approving Submission of Grant Application to Execute and Grant Contract with State of New Jersey, Division of State Police, Office of Emergency Management for A Sub-Award from The Emergency Management Performance Grant – Emergency Management Agency Assistance (EMAA) Sub-Award Program

WHEREAS, the Township Committee seeks to provide approval to submit a grant application and execute a grant contract with the State of New Jersey, Division of State Police, Office of Emergency Management for a sub-award from the Emergency Management Performance Grant – Emergency Management Agency Assistance (EMAA) Sub-Award Program; and

WHEREAS, any funds from the foregoing grant shall be used for salary, wages and fringe benefits, with the purpose of enhancing the Township of Middletown’s ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters, and other catastrophic events and emergencies.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Middletown hereby authorizes the Mayor and the Township Administrator, as agency authorized officials, or their successors, to submit a grant application for the following grant, consistent with the foregoing terms: EMAA FY2020 sub-award (FY20-EMPG-EMAA-1332); CFDA #: 97.042; Performance Period: July 1, 2020 through June 30, 2021), in a local amount of \$10,000.

BE IT FURTHER RESOLVED that the Mayor and the Township Administrator, as authorized agency officials or their successors, are hereby authorized to sign the grant agreement on behalf of Middletown and that their signatures certify that the Township of Middletown does accept this sub-award for the specific purpose described in its application.

Resolution 21-115 - Resolution Reducing the Performance Guarantee for Heritage at Middletown

WHEREAS, the developer of the Site known as Heritage at Middletown Major Subdivision (Block 600, Lots 34, 35.01 and 35.02) had posted with the Township a Performance Guarantee, in the form of Surety Bonds and Cash Bonds in the following amounts:

Improvement	Original Performance Guarantee	Surety Bond Number	Surety Bond Amount	Cash Bond Amount
Heritage at Middletown	\$478,598.40	FP 0024458	\$430,738.56	\$47,859.84

WHEREAS, the developer has requested a reduction of said Performance Guarantee; and

WHEREAS, the Consulting Engineer, as set forth in his letter of November 17, 2020, indicates he has inspected the premises and has recommended that the performance guarantee in the form of surety bonds and 10% Cash bonds be reduced as follows:

Improvement	Reduced Performance Guarantee	Reduced 90% Surety Bond Amount to be Posted	Reduced 10% Cash Bond Amount to Remain
Heritage at Middletown	\$143,579.52	\$129,221.57	\$14,357.95

WHEREAS, the Township Committee agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Middletown Township Committee that the Performance Guarantee be reduced.

A certified copy of this resolution shall be provided by the Office of the Township Clerk to the following:

- a. T&M Associates
- b. Planning

Dianne Franczak (dfranczak@americanproperties.net)
 American Properties Realty, Inc.
 517 Route 1 South, Suite 2100
 Iselin, NJ 08830

Resolution 21-116 - Resolution Expressing Support for Legislation Addressing Public Employees' Retirement System Known as Senate Bill 3522

WHEREAS, pending before the Legislature is Senate Bill 3522, which would divide the Public Employees' Retirement System (PERS) into a State part for employees and retirees of the State, and a Local Part for employees and retirees of public employers other than the State, with management of the Local Part transferred to a new Local Part Board of Trustees; and

WHEREAS, the Bill is designed to protect the long-term health and viability of the local pension system by establishing a new board for the more solvent Local Part; and

WHEREAS, the Township Committee concurs with this laudable goal in an effort to protect the solvency of the retirements of Middletown employees, which have been and continue to be funded by Middletown taxpayers.

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 expresses its support for legislation dividing the Public Employees' Retirement System and establishing a Local Part, as provided in the bill pending before the Legislature Senate Bill 3522.

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to Governor Phil Murphy, Senate President Steve Sweeney, Assembly Speaker Craig Coughlin, Senator Declan O'Scanlon, Assemblyman Gerry Scharfenberger, and Assemblywoman Serena DiMaso.

Resolution 21-117 - Resolution Approving Shared Services Agreement with The Borough of Highlands for Fall Leaf and Brush Disposal Services

WHEREAS, the Township of Middletown ("Middletown") and the Borough of Highlands ("Highlands") have negotiated the terms of a shared services agreement for Middletown to provide fall leaf and brush disposal services, upon the terms set forth in the draft agreement attached hereto and incorporated by reference; and

WHEREAS, entry into this shared services agreement is authorized by the New Jersey Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.

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 entry into a shared services agreement with the Borough of Highlands for the provision of fall leaf and brush disposal services, consistent with the foregoing.

BE IT FURTHER RESOLVED that Mayor and Township Clerk are hereby authorized and directed to take any and all steps necessary to effectuate the foregoing, including the execution of instruments.

BE IT FURTHER RESOLVED that the Municipal Clerk shall transmit a copy of this resolution and the shared services agreement executed pursuant to same to the Division of Local Government Services at the New Jersey Department of Community Affairs for informational purposes pursuant to N.J.S.A. 40A:65-4b.

Resolution 21-118 - Municipal Alliance DEDR Grant Form 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools,

Workshop Meeting

nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Committee of the **Township of Middletown**, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth;

NOW, THEREFORE, BE IT RESOLVED by the Township of Middletown, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Middletown Municipal Alliance grant for fiscal year **2022** in the amount of:

DEDR	\$ <u>27,800.00</u>
Cash Match	\$ <u>6,950.00</u>
In-Kind	\$ <u>20,850.00</u>

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Resolution 21-119 - 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 2021 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 2021 for the Township pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:4-20) including this resolution total \$34,269,059.15 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:

Workshop Meeting

2. That said emergency temporary appropriations will be provided for in the 2021 budget under the appropriate titles.
3. That one certified copy of this resolution will be filed with the Director of Local Government Services.

SEE CHART NEXT PAGE

Attachment 1 - 2021 Temporary Budget Worksheet		
Account Number	Description	Amount
1-01-20-100-100-100	A/E S&W	57,000.00
1-01-20-100-101-100	Purchasing S&W	12,900.00
1-01-20-110-100-100	Township Committee S&W	1,300.00
1-01-20-120-100-100	Township Clerk S&W	27,000.00
1-01-20-130-100-100	Finance - S&W	48,000.00
1-01-20-140-100-100	MIS - S&W	29,000.00
1-01-20-140-100-200	MIS - O/E	32,200.00
1-01-20-145-100-100	Collector - S&W	27,000.00
1-01-20-150-100-100	Assessor - S&W	22,000.00
1-01-21-180-100-100	Planning - S&W	9,000.00
1-01-21-180-101-100	Planning Board - S&W	2,000.00
1-01-21-185-100-100	Zoning Board - S&W	2,200.00
1-01-22-195-100-100	Building Dept. - S&W	114,000.00
1-01-25-240-100-100	Police S&W	1,300,000.00
1-01-25-240-100-200	Police O/E	48,000.00
1-01-25-252-100-101	Emergency Management - S&W	3,200.00
1-01-25-260-100-100	First Aid - S&W	600.00
1-01-25-265-100-100	Fire - S&W	6,000.00
1-01-25-265-100-200	Fire - O/E	30,000.00
1-01-25-265-101-100	Uniform Fire Safety - S&W	24,000.00
1-01-25-275-100-100	Prosecutor - S&W	5,900.00
1-01-25-445-100-273	Fire Hydrant Services	70,000.00
1-01-26-290-100-100	Dept of Public Works & Engineering S&W	40,000.00
1-01-26-290-102-100	DPW Parks - S&W	70,000.00
1-01-26-290-102-200	DPW Parks - O/E	10,000.00
1-01-26-290-104-100	DPW Administration & Engineering-S&W	41,000.00
1-01-26-305-100-100	Solid Waste & Recycling - S&W	34,000.00
1-01-26-310-100-100	DPW Maintenance of Township Property - S&W	59,000.00
1-01-26-310-100-200	DPW Maintenance of Township Property -O/E	10,000.00
1-01-26-315-100-100	DPW Fleet Maintenance - S&W	30,000.00
1-01-26-315-100-200	DPW Fleet Maintenance - O/E	40,000.00
1-01-27-330-100-100	Health - S&W	27,000.00
1-01-27-330-100-200	Health - O/E	8,000.00
1-01-27-330-101-100	Alliance - S&W	9,000.00
1-01-27-340-100-200	Animal Control - O/E	10,000.00
1-01-28-370-100-100	Recreation - S&W	21,000.00
1-01-29-390-100-100	Maintenance of Free Public Library	70,000.00
1-01-30-415-100-115	Accumulated Leave Compensation	25,000.00
1-01-31-435-200-271	Utilities - Street Lights - Electricity	20,000.00
1-01-31-460-200-200	Utilities - Fuel O/E	25,000.00
1-01-36-472-200-284	Statutory - Social Security	100,000.00
1-01-36-477-200-284	Defined Contribution Retirement Program (DCRP)	26,000.00
1-01-41-700-101-530	Police - UDRIVE, UTEXT, UPAY	10,500.00
1-01-41-700-208-525	Recycling - Tonnage Grant	110,242.39
1-01-42-101-203-270	Interlocal - Monmouth County Regional Health	42,000.00
1-01-43-490-100-100	Court - S&W	37,000.00
1-01-43-495-100-101	Public Defender - S&W	2,300.00
	TOTAL	\$2,748,342.39

Resolution 21-120 - Resolution Rejecting All Bids for ADA Improvements to Middletown Township Parks – Phase 1

WHEREAS, the Township of Middletown (“Middletown”) issued a request for bids for ADA Improvements to Middletown Township Parks – Phase 1 (the “Project”); and

WHEREAS, Middletown received seven (7) bids for the Project, with base bid amounts ranging from \$537,776.75 to \$692,201.00; and

WHEREAS, each of the base bids were well in excess of the Engineer’s estimate for the Project’s base bid, which was \$368,362.50; and

WHEREAS, N.J.S.A. 40A:11-13.2(a) authorizes Middletown to “reject all bids” when the “lowest bid substantially exceeds the cost estimates for the goods or services.”

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 rejects all bids submitted for the ADA Improvements to Middletown Township Parks – Phase 1 project, consistent with the foregoing.

Resolution 21-121 - Resolution Expressing Support for Utilization of Independent Pharmacies to Allocate Covid-19 Vaccines

WHEREAS, there exist over 800 independent pharmacies in the State of New Jersey, with the Township of Middletown having three independent pharmacies within its borders; and

WHEREAS, the New Jersey Department of Health approved independent pharmacies to administer the COVID-19 vaccine, but they have not received any such allocations; and

WHEREAS, the Township Committee believes it would be prudent for independent pharmacies to be utilized in the effort of distributing the COVID-19 vaccine to residents in Middletown and across New Jersey.

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 urges the New Jersey Department of Health to allocate COVID-19 vaccine to independent pharmacies in the effort to vaccinate our communities as quickly and equitably as possible.

BE IT FURTHER RESOLVED that a true copy of this resolution be forwarded to Governor Phil Murphy and Commissioner of Health Judith Persichilli.

Workshop Meeting

Resolution 21-122 – Resolution Authorizing the Payment of Bills for April 5, 2021.

The Township Committee hereby approves a resolution for the payment of bills for April 5, 2021 in the amount of \$6,136,092.20.

Resolution 21-123 – Resolution Authorizing the Submission of a Grant Application to The New Jersey Historic Trust – 2021 Historic Site Management Grant Program

The governing body of the Township of Middletown desires to further the public interest by obtaining a grant from the New Jersey Historic Trust in an amount not to exceed \$20,000 to fund the preparation of a National Register Nomination for the subject property known as Block 371, Lot 1.01, and locally known as the Dempsey House, located at 55 Hamilton Avenue, in the Leonardo section of Middletown.

Therefore, the governing body resolves that the Mayor, Business Administrator, or other authorized appropriate and responsible officials be and hereby authorized and directed to execute on behalf of the Township of Middletown:

- (a) To make application for such a grant,
- (b) If awarded, to execute a grant agreement with the New Jersey Historic Trust for a grant in an amount not to exceed \$20,000,
- (c) If awarded funding, make available matching funds in an amount not to exceed 25% of the total project cost, and not greater than \$5,000, and
- (d) To execute any amendments thereto which do not increase the Grantee's obligations.

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

TOWNSHIP COMMITTEE COMMENTS:

Committeeman Clarke, none

Committeeman Settembrino, none

Committeewoman Snell, discussed 5th grade students Averie Zerbo and Kaiden Leak. She also mentioned the 9/11 Memorial fundraising.

Deputy Mayor Hibell, none

Mayor Perry, thanked the Township Committee for passing Resolution 21-112 supporting legislation to increase State Funding to the "Shore Protection Fund". He mentioned Resolution 21-121 supporting independent pharmacies utilization to allocate Covid-19 vaccines, he said pharmacies should be able to administer the vaccine. He thanked Pinwheel Place which serves as a safe space for children in crisis for the Child Abuse Prevention month. He announced the Ordinance 2021-3307 on tonight's agenda putting the trust fund in place since the 67 percent affirmative open space tax.

Workshop Meeting

PUBLIC COMMENTS:

Steve Miller, Resident, expressed concern over the vacancies in the Planning Department. He asked about the energy component of the Master Plan. He also asked about the LEED score of the municipal complex.

Township Administrator Anthony Mercantante stated that due to cost it will not be a LEED certified building but is sustainable.

ADJOURNMENT

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adjourn at 7:20 pm.

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

Clerk Brunt stated motion carried to adjourn.

Respectfully submitted,

Heidi R Brunt
Township Clerk

Approved:

Anthony S. Perry, Mayor