

A Workshop Meeting of the Township Committee of Middletown Township was held in the Conference Room at Town Hall, One Kings Highway, Middletown, New Jersey at 8:00 p.m. on February 5, 2018.

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 18, 2018.

Roll Call Vote: Present: Fiore, Hibell, Perry, Settembrino, Mayor Murray  
Absent: None

Township Clerk Brunt announced a vacancy due to the resignation of Gerry Scharfenberger.

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Township Clerk Heidi Brunt and Director of Public Works and Engineer Ted Maloney.

### **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.

### **KNOWN ACTION ITEMS**

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

Township Clerk Heidi Brunt read the following ordinance by title:

#### **Ordinance 2018-3214 - 2018 Salary Ordinance**

Mayor Murray opened the meeting for public comments.

Linda Baum, 19 May Court inquired about the stipends and Tax Collector shared service.

Leo Christofilli, Cranberry Court asked about the schedule for the Police rank and file.

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

Roll Call Vote: Ayes: Fiore, Perry, Settembrino, Mayor Murray  
Nays: None  
Abstention: None

### **CONSENT AGENDA**

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 18-84 through 18-90.

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

Roll Call Vote: Ayes: Fiore, Perry, Settembrino, Mayor Murray  
Nays: None  
Abstention: None  
Absent: none

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

### **Resolution No. 18-84 - 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 2018 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 2018 for the Township pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:4-20) including this resolution total \$18,160,988.11 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:

2018 Temporary Budget Worksheet		2/5/2018
Account Number	Description	Amount
<b>Current Fund</b>		
8-01-20-110-100-208	Township Committee Other Expense	4,500.00
8-01-26-290-102-200	Parks - O&E	47,228.35
8-01-26-290-104-200	Dept of Public Works Administration & Engineering-O&E	2,000.00
8-01-26-305-100-200	Solid Waste & Recycling - O&E	599,150.00
8-01-26-315-100-200	Fleet Maintenance - O&E	25,000.00
8-01-31-447-100-275	Utilities - Heating Oil	2,000.00
8-01-31-460-200-200	Utilities - Motor Fuel	35,000.00
8-01-42-101-201-270	Interlocal - Welfare	(656.25)
	<b>TOTAL</b>	<b>\$714,222.10</b>

2. That said emergency temporary appropriations will be provided for in the 2018 budget under the appropriate titles.
3. That one certified copy of this resolution will be filed with the Director of Local Government Services.

#### **Resolution 18-85 – Resolution Authorizing Payment of Bills**

The Township Committee hereby approves a Resolution for payment of bills for February 5, 2018 in the amount of \$5,443,138.16.

#### **Resolution No. 18-86 - Resolution Authorizing Change Order No. 3 for Ideal Beach Improvements Phase I**

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

##### **Ideal Beach Improvements Phase I - Change Order No. 3**

##### **DESCRIPTION OF CHANGE:**

**REDUCTIONS:** - NONE -

**EXTRAS:** - NONE -

**SUPPLEMENTARY:** S-3 Repair deck railings damaged by vandalism.

	ADDITIONAL	REDUCTION
Total reductions this CO	XXXX	-\$1,044.73
Total extras this CO	XXXX	XXXX
Total Supplementary this CO	\$13,343.29	XXXX
Total this CO	\$13,343.29	-\$1,044.73
Net change this CO	+\$12,298.56	
Previous Change Orders	+\$8,533.83	
Total Change Orders to Date	+\$20,832.39	
Net Change in Contract	+\$20,832.39	
Original Contract Amount	\$667,256.00	
Change Orders to Date	+\$20,832.39	
Revised Contract Price	\$688,088.39	

be and the same is hereby ratified and confirmed.

BE IT FURTHER RESOLVED, The Township Clerk shall send a certified copy of this resolution to the following:

- a. Purchasing
- b. Joseph E. Maloney, PE – Township Engineer
- c. T&M Associates
- d. 3R Painting & Contracting

**Resolution 18-87- Resolution Authorizing Execution of the Monmouth County Office On Aging 2018 Grant Agreement 13-014 for Senior Services**

**WHEREAS**, the Monmouth County Board of Chosen Freeholders has authorized Grants in the amount of \$32,500.00 during the year 2018 for the funding of certain programs at the Middletown Senior Center as detailed in a Letter of Intent; and

**WHEREAS**, the receipt of the grant requires a resolution accepting this funding and authorizing the execution of the 2018 Grant Agreement with the County of Monmouth providing for the use of the funds in accordance with the terms of the grant; and

**WHEREAS**, this authorization will provide funding for certain health, fitness, education and transportation programs providing benefits to senior citizens utilizing the Senior Center and is appropriate for execution.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Middletown that the Township of Middletown accepts the Grants in the amount of \$32,500.00 for the purpose as set forth in the Letter of Intent from the Monmouth County Office on Aging and the Mayor, Chief Financial Officer, and Township Clerk are authorized to execute the 2018 Grant Agreement with the County required for such funding and grants.

**Resolution No. 18-88 - Resolution Authorizing Contract for Solid Waste Recycling Consultant Services Pursuant to the Non-Fair and Open Process**

**WHEREAS**, the Township requires assistance regarding the administration of its recyclable materials programs to enhance savings and revenues that can be generated from the sale and marketing of the recyclable materials collected under various contractual arrangements while also increasing public awareness and participation in the Township's recycling programs under its new solid waste and recycling collection contract; and

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a Recycling Fund from which Tonnage Grants may be made to municipalities in order to encourage local source separation and recycling programs that can be maximized through better data collection, analysis and submissions; and

**WHEREAS**, the Township also requires assistance in the administration of its Class C composting facility to ensure compliance with NJDEP regulations; and

**WHEREAS**, the Township requires professional assistance with respect to the periodic preparation of bid specifications for various recycling collection and marketing contracts; and

**WHEREAS**, the Township previously sought proposals from various professionals and has found DeFeo Associates to be eminently qualified to perform all of the recycling consultant services required by the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that it hereby awards a professional services contract for Solid Waste and Recycling Consulting Services to DeFeo Associates, 15 Washington Valley Road, Warren, New Jersey 07059 in an amount not to exceed \$36,000 subject to the submission of a political contribution certification under the non-fair and open process within 10 days of this award.

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

**Resolution 18-89 - Resolution Authorizing the Extension of the Contract for Traffic Line Striping Lettering**

WHEREAS, The Township of Middletown awarded a contract for Traffic Line Striping to Traffic Lines, 5100 Asbury Road, Farmingdale, NJ 07727 on May 24, 2016 to provide said services for a twelve (12) month period with an option for two (2) additional twelve (12) month extensions agreeable by both vendors and the Township of Middletown; and

WHEREAS, the Director of Public Works has determined that extending the contract would be in the best interest of the Township of Middletown and would like to execute said option for an additional twelve (12) months with no increase from the original contract amount of \$45,320.00 for 2018.

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

1. It hereby awards an extension of the existing contract for an additional twelve (12) months to Traffic Lines, 5100 Asbury Road, Farmingdale, NJ 07727 for a total of \$45,320.00.

BE IT FURTHER RESOLVED, this contract was awarded pursuant to a Fair and Open Process in accordance with N.J.S.A. 19:44A-20.5 et seq.

WHEREAS, the Chief Financial Officer certifies that funds are currently available and are designated to line item appropriation of the temporary budget no. 8-01-26-290-100. A copy of the said certification is attached hereto and made part of hereof and the funds to be expended herein are assigned to line item no. 261. A copy of the within resolution and certification shall be certified by the Township Clerk. The Township Attorney is satisfied that the certification of availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.

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

- A) Purchasing Agent
- B) Comptroller
- C) Ted Maloney, Director of Public Works

Vendor

**Resolution 18-90 - Resolution Authorizing the County of Monmouth Mosquito Control Division to Conduct Aerial Mosquito Control Operations Within the Township of Middletown**

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated “congested area,” the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Township of Middletown is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, be it resolved as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or area harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
  - a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial application by the applicable Federal (USEPA) and State (NJDEP) agencies, and
  - b. such operations will be performed in compliance with applicable Federal and State regulations, and
  - c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operation

## **REGULAR MEETING AGENDA ITEMS FOR FEBRUARY 20, 2018**

- Certificate of Appreciation and Proclamations
- Approval of Minutes
- Public Hearing of Proposed Ordinances
- Introduction of Proposed Ordinances

## **DISCUSSION ITEMS FOR FEBRUARY 5, 2018**

- a. Agenda Memo – COLA Ordinance
- b. Discover NJ History License Plate Grant Application: Navesink Village
- c. Enabling Green Acres Project #1332-17-029 Multi Park Improvements
- d. Purchasing Agenda
- e. Bid for Recreation Bus Trips
- f. Master Plan Reexamination
- g. Shared Service Agreement – Animal Control
- h. No Knock Registration
- i. Proposed Parking Restrictions – Various Streets.
- j. Opposing Legalization of Recreational Marijuana Use
- k. Memorandum to Township Committee – Revised Floodplan Ordinance
- l. Train Station Parking Lot Lights – LED replacements

## **TOWNSHIP COMMITTEE COMMENTS**

- PUBLIC COMMENTS
- EXECUTIVE SESSION
- ADJOURNMENT

COLA Ordinance – Township Administrator Anthony Mercantante recommended all salaries on the Ordinance to the Township Committee. He stated COLA raises should not be given unless a COLA raise by the SS receiving residents get one in the same year.

Green Acres Grant – Township Administrator Anthony Mercantante stated the Township received a \$369,000 grant approval for playgrounds and improvements and will provide the Township Committee with a list of options.

Master Plan Reexamination – Director of Planning San Chavan discussed what the Master Plan is. The 2004 Master Plan is completed and the 2014 reexamination is looking at redevelopment areas that spur economic growth. Master Plan should be done every ten years but can be done as frequent as necessary.

Animal Control Shared Service Agreement – The Township has entered into an agreement with the Highlands for \$18,000 a year with a second year option.

No Knock Registration - Mayor Murray discussed the registry which requires registration by the residents. This Registry does not restrict non-profit, political or religious groups only commercial businesses.

Parking Restrictions – Committeeman Fiore announced the signage for the 200 foot parking restriction for Apple Farm Road to Hamiltonian is now in place.

Legalization Recreational Marijuana Use – Committeeman Fiore stated there is no final legislation from Governor Murphy. He requests an introduction to an Ordinance that would restrict recreational sales in Middletown. Township Administrator Anthony Mercantante added there are three components that need to be addressed growing, processing and sale. Township Attorney advised all three are currently illegal under federal and state law.

Revised Floodplan Ordinance – An Ordinance is necessary to go back to the old maps.

LED Lights at Train Station – Director of Public Works Ted Maloney discussed the JCP&L program to replace the current lights with LED which would incur a savings of 36% to the Township.

#### **TOWNSHIP COMMITTEE COMMENTS:**

Committeeman Perry commented that he attended Captain Haley Beekman being sworn in as Fire Captain at the Port Monmouth Firehouse. He also congratulated Middletown High School South alumni Rick Lovato on the Super Bowl championship.

Committeeman Fiore commented he attended the annual Lions Super Bowl fundraiser for Innovation for the Blind. He also commented that Dr. Scharfenberger will be missed on the Township Committee and that he served six times as Mayor. He will be a great representative for Middletown as Freeholder.

#### **PUBLIC COMMENTS:**

Leo Christofili – Cranberry Court commented on the ADP program being in its fifth year. Based on scientific methodology he objects to this program. Township Attorney Brian Nelson discussed implementations of other programs around the State. Prior tax appeal judgements when repeal judgements the Municipality must give back the full amount not the Schools or County. Committeeman Fiore discussed the volatility and the impact of the tax appeals that were lost in commercial and residential appeals. The Township only received \$1.2 million of the \$6 million paid back. He also addressed Committeeman Perry on where does my income come from. He said to remove residential property tax and free enterprise assessment firms and create an income tax system to fund the services that are funded by property taxes.

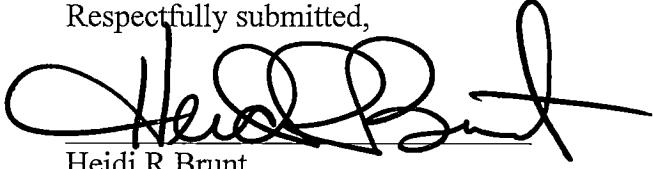
**ADJOURNMENT**

It was moved by Mayor Murray, seconded by Committeeman Fiore and carried to adjourn at 9:15 pm.

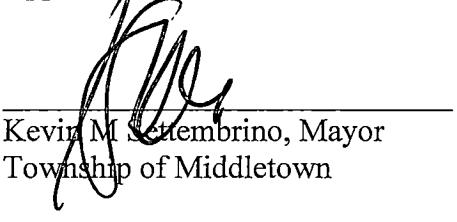
Roll Call Vote: Ayes: Fiore, Perry, Settembrino, Mayor Murray  
Nays: None  
Abstention: None  
Absent: None

Clerk Brunt stated motion carried to adjourn.

Respectfully submitted,

  
Heidi R Brunt  
Township Clerk

Approved:

  
Kevin M. Settembrino, Mayor  
Township of Middletown