

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 March 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

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Township Clerk Heidi Brunt, CFO Colleen Lapp 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 2018-3216 – Ordinance Amending And Supplementing Chapter 362 Of The Code Of The Township Of Middletown Establishing A No Knock Registry**

Mayor Murray opened the meeting for public comments.

Hearing no 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, Hibell, Perry, Settembrino, Mayor Murray

Nays: None

Abstention: None

**Ordinance 2018-3217- Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A CAP Bank**

Mayor Murray opened the meeting for public comments.

Hearing no 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, Hibell, Perry, Settembrino, Mayor Murray  
Nays: None  
Abstention: None

**INTRODUCTION OF PROPOSED ORDINANCES**

Township Clerk Heidi Brunt read the following ordinance by title.

**Ordinance 2018-3218** – Ordinance Establishing Fair Market Value And Authorizing And Directing The Acquisition Of Property Located In The Township Of Middletown Designated As Block 276, Lot 48 (Compton Street) by Purchase Or Eminent Domain

It was moved by Mayor Murray, seconded by Deputy Mayor Settembrino to pass this ordinance on first reading

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

Township Clerk Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held March 19, 2018.

**CONSENT AGENDA**

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 18-102 through 18-108.

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 18- 102 Resolution Authorizing Tax Collector To Transfer Prior Year Premium Credits To General Fund**

**WHEREAS**, N.J.S.A. 54:5-33 allows if a premium has been bid at Tax Sale it is “held” by the Collector in a municipal trust account. If the certificate has not been redeemed at the end of five years, the premium payment is then paid over to the Treasurer of the municipality;

**WHEREAS**, the Tax Collector has investigated these accounts and has determined that premium funds should be transferred to the General Fund of the Township of Middletown; and

**WHEREAS**, the Tax Collector of the Township of Middletown wishes to transfer the following premium(s) from the Tax Sale held December 27, 2012 to the Treasurer;

Block: 682   Lot: 49      Tax Sale Cert. #12-00411      \$3,100.00 Premium

**BE IT FURTHER RESOLVED** by the Municipal Committee of the Township of Middletown that these funds shall be made available to the Township Treasurer.

**Resolution 18-103 Resolution Authorizing The Extension Of The Contract For Road Materials**

**WHEREAS**, The Township of Middletown awarded a contract for Road Materials to Stavola Construction Materials, Inc., 175 Drift Road, Tinton Falls, NJ 07724 on May 10, 2016 to provide said services for a twenty four (24) month period with an option for two (2) additional twelve (12) month extensions agreeable by both vendor and the Township of Middletown; and

**WHEREAS**, the Director of Public Works/Parks 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 in the amount not to exceed \$300,000 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 Stavola Construction Materials, Inc. 175 Drift Road, Tinton Falls, NJ 07724 for a total not to exceed in 2018 for \$300,000.00.

**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.

**BE IT FURTHER RESOLVED**, this contract is open-ended pursuant to N.J.A.C. 5:30-11-10 with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase orders prior to each request for service.

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
- D) Vendor

**Resolution 18-104 - Authorizing The Acquisition Of Three (3) New Kubota Zero Turn Mowers Through The Educational Services Commission Of New Jersey Cooperative Pricing System**

WHEREAS, the Township of Middletown is a party to a cooperative purchasing agreement with the Educational Services Commission of New Jersey Cooperative Pricing System, a cooperative purchasing program organized pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-10, and

WHEREAS, the Local Public Contracts Law authorizes a municipality to acquire goods and services through a duly formed cooperative purchasing system without advertising for bids, and

WHEREAS, the Township is in need of acquiring Three (3) New Kubota Zero Turn Mowers for the Township of Middletown Public Works Department, and

WHEREAS, the Educational Services Commission of New Jersey Cooperative Pricing System has awarded a contract to Cherry Valley Tractor Sales, 35 Route 70 West, Marlton, NJ 08053-3099 for the acquisition of Three (3) Kubota Zero Turn Mowers (Contracts #ESCNJ 15/16-08 and ESCNJ 15/16-53) and

WHEREAS, the Chief Financial Officer of the Township of Middletown has certified that adequate funds for such contract are available, and are designated to line item appropriation of the official budget no. see below.- A copy of the said certification is attached hereto and made part hereof and the funds to be expended herein are assigned to line item no.

see below. A copy of the within resolution and certification shall be certified by the Township Clerk. The Township Attorney is satisfied that the 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.

C-04-55-917-204-005 - \$40,000.00  
C-04-55-916-178-008 - \$2,495.78

BE IT RESOLVED, by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that the Township of Middletown enter into an agreement with Cherry Valley Tractor Sales for the acquisition of three (3) Kubota Zero Turn Mowers at the price of \$42,495.78.

1. 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) Director of Public Works
- D) Vendor

**Resolution 18-105** Resolution Authorizing A Transfer Of 2017 Appropriation Reserves

WHEREAS, NJSA 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the closing of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allows transfers to be made from unexpended balances to appropriation reserve line items which are expected to be insufficient during the first three months of the succeeding year.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey, that the Township Chief Financial Officer or Township Administrator be and is hereby authorized to make the following Appropriation Reserve transfers on her records:

	CURRENT FUND	FROM	TO
Account Number			
7-01-31-435-200-271	Street Lights - Electricity	\$100.00	
7-01-31-430-200-271	PBG - Electricity		\$100.00
	<b>TOTAL</b>	<b>\$100.00</b>	<b>\$100.00</b>

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Chief Financial Officer
- b) Township Auditor

**Resolution 18-106 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 \$19,295,738.11 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		3/5/2018
Account Number	Description	Amount
<b>Current Fund</b>		
8-01-20-130-100-100	Finance - S&W	13,000.00
8-01-20-135-100-000	Finance Audit Control Account	1,500.00
8-01-20-145-100-100	Collector - S&W	9,000.00
8-01-25-265-101-100	Uniform Fire Safety - S&W	10,000.00
8-01-26-290-104-200	Dept of Public Works Administration & Engineering-O&E	1,000.00
8-01-26-310-100-200	Maintenance of Township Property -O&E	20,000.00
8-01-26-315-100-200	Fleet Maintenance - O&E	25,000.00
8-01-31-445-200-273	Utilities - Water	10,000.00
8-01-31-446-200-200	Utilities - Natural Gas	10,000.00
8-01-31-447-100-275	Utilities - Heating Oil	1,000.00
8-01-31-455-200-200	Utilities - Sewer	1,000.00
8-01-31-460-200-200	Utilities - Motor Fuel	40,000.00
8-01-44-913-200-800	Turnout Gear & Equipment (SCBA)	202,000.00
	<b>TOTAL</b>	<b>\$343,500.00</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 18-107 Cancellation of Community Development Mortgages**

**BE IT RESOLVED** by the Township Committee of the Township of Middletown that the mortgages of the Township securing the Community Development and Neighborhood Preservation Program loan/grants in connection with the following properties be and hereby are authorized to be canceled because these mortgages have been repaid, expired or otherwise satisfied.

<u>Block</u>	<u>Lot</u>	<u>Borrower</u>	<u>Address</u>	<u>Amount</u>
208	7	Bernice Gilburn	36 Ohio Ave	11,380

**BE IT FURTHER RESOLVED** that the Mayor and other authorized appropriate and responsible officials including the Township Administrator, the Director of Planning, the Community Development Director, or Township Attorney be and they are hereby authorized and directed to execute on behalf of the Township of Middletown such certifications and other documentation as may be required by the Monmouth County Clerk.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be provided by the Office of the Township Clerk to the following:

A. Community Development

**Resolution 18-108 Resolution Authorizing Payment of Bills for March 5, 2018**

The Township Committee hereby approves a Resolution for payment of bills for March 5, 2018 in the amount of \$2,746,579.83.

**REGULAR MEETING AGENDA ITEMS FOR MARCH 19, 2018**

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

**DISCUSSION ITEMS FOR MARCH 5, 2018**

- a. Army Corps Flood Mitigation Project for Leonardo
- b. Bid For Program Instructors For The Middletown Recreation Department
- c. McLeod-Rice House Update
- d. Green Acres Park Improvements
- e. Regarding the Sale of Approximately 10,000 C.Y. of Compost Through An On-Line Auction

## **TOWNSHIP COMMITTEE COMMENTS**

- PUBLIC COMMENTS
- EXECUTIVE SESSION
- ADJOURNMENT

### **TOWNSHIP COMMITTEE COMMENTS:**

None

#### **PUBLIC COMMENTS:**

Leo Christofili – Cranberry Court, Requested information on the reserve fund for the Township. He also commented he does not support the ADP program prefers a progressive income tax based program. He also discussed Freeholder options used to keep tax rate flat. CFO Colleen Lapp explained the Fund balance then explained the CAP (COLA) and discussed the inside and outside options.

Mary Grant, Lindy Lane, Lincroft, Requested information on the Route 520 traffic study. Township Administrator Anthony Mercantante responded Administration will update.

Don Watson, 1 Collinson Drive, Middletown, Inquired about the traffic study from Village 35. He also stated that funds from the utility company BPU decision should be a deduction on the towns rates. Township Administrator commented the discount we will receive will be negotiated by the utility pool. Committeeman Fiore commented the savings value is impossible to know.

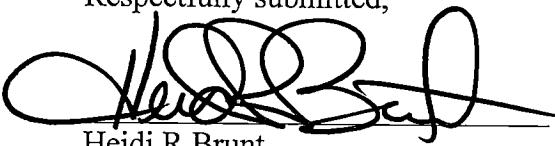
#### **ADJOURNMENT**

It was moved by Mayor Murray, seconded by Committeeman Perry and carried to adjourn at 8:40 pm.

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

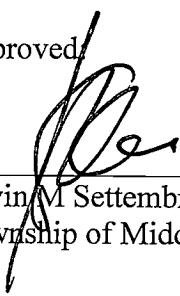
Clerk Brunt stated motion carried to adjourn.

Respectfully submitted,



Heidi R Brunt  
Township Clerk

Approved



Kevin M Settembrino, Mayor  
Township of Middletown