

A Regular Meeting of the Township Committee of Middletown Township was held in the Main Meeting Room at Town Hall, One Kings Highway, Middletown, New Jersey at 8:00 p.m. on August 20, 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: Ayes: Fiore, Hibell, Perry, Snell, Mayor Settembrino  
Absent: None

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Chief Financial Officer Colleen Lapp, Township Engineer Ted Maloney, Acting Deputy Clerk Kaaren Sena and Township Clerk Heidi Brunt.

#### **PLEDGE OF ALLEGIANCE**

Township Clerk Heidi Brunt led the assembly in the Pledge of Allegiance.

Township Clerk Heidi Brunt requested a moment of silence to honor the troops serving worldwide defending our freedom and way of life.

#### **CERTIFICATE OF APPRECIATION/PROCLAMATION**

##### **Proclamation Recognizing September 22, 2018 as Middletown Day in the Township of Middletown**

**WHEREAS:** Middletown Township is a 42-square mile community that some 67,000 neighbors call home; and

**WHEREAS:** Middletown Township is a unique collection of neighborhoods, each with its own geographic flavor and historic personality. Together, we form a dynamic community with a strong volunteer spirit; and

**WHEREAS:** Middletown Township began to hold an annual fall festival over a decade ago to offer residents the opportunity to meet friends and neighbors from Middletown Village, Leonardo, River Plaza, Lincroft and everywhere in-between; and

**WHEREAS:** **Middletown Day 2018** will be held rain or shine on Saturday, September 22, 2018 from 11:00AM to 5:00PM on the Great Lawn at Croydon Hall; and

**WHEREAS:** **Middletown Day 2018**, which is sponsored by local businesses, groups and individuals, promises to be a spectacular family fun day. Highlights of the day include a Business and Community Showcase, a food court, local music, a petting zoo and hayride. Now,

**THEREFORE:** I, Mayor Kevin M Settembrino and the Middletown Township Committee, do hereby proclaim September 22, 2018 as **Middletown Day** in Middletown Township. We encourage all of our residents to come celebrate everything that makes Middletown so special.

**Proclamation Declaring September 11, 2018 as Patriot Day and a National Day of Service and Remembrance in the Township of Middletown**

**WHEREAS:** On September 11, 2001, the United States was attacked by terrorists, killing thousands of innocent citizens in New York, Washington, D.C., and Pennsylvania; and

**WHEREAS:** On this 17th anniversary of that terrible day, we pay tribute to the 37 Middletown residents who were senselessly killed in the World Trade Center attack. Their deaths have left indelible holes in the fabric of our tight-knit community; and

**WHEREAS:** In the aftermath of these horrific attacks, thousands of Americans displayed the highest levels of bravery and selflessness, risking or sacrificing their own lives to save their fellow citizens; and

**WHEREAS:** We pay homage to the emergency responders and ordinary citizens who

performed extraordinary acts of courage and valor during our nation's most dire moment of need; and

**WHEREAS:** The tragic events of September 11, 2001 have unified our nation against the forces of hatred and oppression and reaffirmed our dedication to the fundamental American ideals of freedom and liberty; and

**WHEREAS:** A remembrance ceremony will be held at the Middletown World Trade Center Memorial Gardens on Tuesday, September 11, 2018 at 7:30 p.m. As we gather at the Gardens, we are once again demonstrating the resiliency, determination, compassion, strength, and patriotism that define us as Americans. Now,

**THEREFORE:** I, Mayor Kevin M Settembrino and the Middletown Township Committee, so hereby proclaim September 11, 2018 as Patriot Day and the National Day of Service and Remembrance in the Township of Middletown. We urge all citizens to honor those who lost their lives seventeen years ago to reflect upon America's proud tradition of freedom and bravery and to renew our commitment to serving our community, state, and our nation.

**Proclamation Recognizing September 11, 2018 as Childhood Cancer Awareness in the Township of Middletown**

**WHEREAS:** September of each year is recognized as Childhood Cancer Awareness Month throughout the nation; and

**WHEREAS:** Every school day 42 children will be diagnosed with cancer; and

**WHEREAS:** More than 40,000 children undergo treatment for cancer each year; and

**WHEREAS:** In the past 25 years, the FDA has initially approved only three new drugs for any childhood cancer; and

**WHEREAS:** Less than four percent of the Federal government's total funding for cancer research is dedicated to childhood cancers, and only about four percent of the funds raised for the National Cancer Institute go directly to pediatric cancer research; and

**WHEREAS:** Middletown Township is dedicated to educating and mobilizing people about the critical need for funding for pediatric cancer research. Now,

**THEREFORE:** I, Mayor Kevin M Settembrino and the Middletown Township Committee, do hereby proclaim September 2018, and each September going forward, as Childhood Cancer Awareness Month in Middletown Township in order to help raise awareness of pediatric cancer and its victims.

Proclamation Declaring September 2018 as Turn the Town Teal in the Township of Middletown in Recognition of Ovarian Cancer Awareness

**WHEREAS:** Ovarian cancer is called the "silent disease" because its symptoms are often vague or subtle; and

**WHEREAS:** Ovarian cancer is the fifth leading cause of cancer death among women and the leading cause of gynecologic cancer death in the United States. Each year more than 22,000 women are diagnosed with the disease and approximately 14,000 die from it; and

**WHEREAS:** If detected in its early stages, survival from ovarian cancers is 90-95 percent. Yet the five-year survival rate for the disease is only 27 percent, because it is so difficult to detect early; and

**WHEREAS:** September has been designated as National Ovarian Cancer Awareness Month; and

**WHEREAS:** Turn the Towns Teal is a campaign to create awareness of ovarian cancer and its symptoms. This campaign was the inspiration of Gail MacNeil of Chatham, NJ and goes forward in her name and her honor; and

**WHEREAS:** Biodegradable ribbons will be tied on trees and poles throughout Middletown to raise awareness about the disease. Free symptom and information cards will be also placed at local businesses. Now,

**THEREFORE:** I, Mayor Kevin M Settembrino and the Middletown Township Committee, do hereby proclaim that September 2018 is Ovarian Cancer Awareness Month in Middletown Township. Be it further proclaimed that the governing body supports the Turn the Towns Teal Awareness Campaign.

Proclamation Recognizing September 2018 as National Recovery Month in the Township of Middletown

**WHEREAS:** National Recovery Month (Recovery Month) is a national observance held every September to educate Americans that substance use treatment and mental health services can enable those with a mental and/or substance use disorder to live a healthy and rewarding life; and

**WHEREAS:** Recovery Month celebrates the gains made by those in recovery, just as we celebrate health improvements made by those who are managing other health conditions such as hypertension, diabetes, asthma, and heart disease. The observance reinforces the positive message that behavioral health is essential to overall health, prevention works, treatment is effective, and people can and do recover. Millions of Americans lives have been transformed through recovery; and

**WHEREAS:** Each September, tens of thousands of prevention, treatment, and recovery programs and facilities celebrate National Recovery Month. They speak about the gains made by those in recovery and share their success stories with their neighbors, friends, and colleagues. In doing so, everyone helps to increase awareness and furthers a greater understanding about the diseases of mental and substance use disorders; and

**WHEREAS:** Now in its 29th year, Recovery Month highlights the achievements of individuals who have reclaimed their lives in long-term recovery and honors the treatment and recovery service providers who make recovery possible. Recovery Month also promotes the message that recovery in all of its forms is possible and encourages citizens to take action to help expand and improve the availability of

effective prevention, treatment, and recovery services for those in need; and

**WHEREAS:** The theme for Recovery Month 2018 is *Join the Voices for Recovery: Invest in Health, Home, Purpose, and Community*, which explores how integrated care, a strong community, sense of purpose, and leadership contributes to effective treatments that sustain the recovery of persons with mental and substance use disorder; and

**WHEREAS:** To help more people achieve and sustain long-term recovery, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, The Township of Middletown, The Middletown Municipal Alliance for the Prevention of Substance Abuse, and Crossroads at the Lincroft Annex invite all residents of Middletown, New Jersey to participate in National Recovery Month. Now,

**THEREFORE:** I, Mayor Kevin M Settembrino and the Middletown Township Committee, do hereby proclaim the month of September 2018 as National Recovery Month in Middletown Township. We call upon the people of Middletown to observe this month with appropriate programs, activities, and ceremonies to support this year's *Join the Voices for Recovery: Invest in Health, Home, Purpose, and Community* theme. Residents, neighbors, friends and networking associates of Middletown are invited to the Alliance Community Rally at Middletown Day on September 22, 2018.

Proclamation Recognizing September 2018 as National Preparedness Month in the Township of Middletown

**WHEREAS:** For more than a decade, the Federal Emergency Management Agency has proclaimed September as National Preparedness Month as part of an effort to encourage personal preparedness for emergencies; and

**WHEREAS:** As we pay tribute to the attacks of September 11<sup>th</sup> and help those impacted by hurricanes, we are reminded of the importance of the need for disaster preparedness; and

**WHEREAS:** The US Department of Homeland Security, local officials and other Federal, State, and County offices as well as the private sector are working to deter, prevent and respond to all types of emergencies, including human-made threats and natural disasters; and

**WHEREAS:** These activities, along with programs like Citizen Corps and others contribute to a level of community unity and preparedness that is critical to securing our community, county, state, and nation; and

**WHEREAS:** Middletown Township and the Office of Emergency Management encourage our residents to take personal responsibility to become informed and prepared to be self-sufficient until assistance can arrive. Preparedness includes maintaining a preparedness kit, having an emergency plan, and making a commitment to practice that plan with their family periodically. Now,

**THEREFORE:** I, Mayor Kevin M Settembrino and the Middletown Township Committee, do hereby recognize September 2018 as National Preparedness Month in Middletown Township. We encourage all citizens to educate themselves about preparedness as a way to improve community resilience during emergencies.

**APPROVAL OF MINUTES**

Township Clerk Heidi Brunt requested a motion to approve the minutes.

It was moved by Mayor Settembrino, seconded by Committeeman Fiore and carried to adopt the minutes of the following meetings:

January 23, 2018  
March 5, 2018  
March 19, 2018  
April 2, 2018  
April 16, 2018  
May 7, 2018

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

Township Clerk Heidi Brunt stated motion carries to approve minutes.

**PUBLIC HEARING OF PROPOSED ORDINANCES**

Township Clerk Heidi Brunt read the following ordinance by title:

**2018-3232** – Ordinance Adopting Circus Liquors Redevelopment Plan For The Delineated Area Of Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79 And 81 And Block 870, Lots 1 And 2

Mayor Settembrino, discussed the statement given by the Township. The Township Administrator will discuss how we arrived at this point. Public comments should only be on the ordinance and what is in the ordinance.

Township Administrator Anthony Mercantante explained ordinances and the process involved. Ordinances pertaining to land use like 3232 must go through the consistency review, which is done by the Planning Board.

Mayor Settembrino explained the vote tonight is not a site plan approval process. That process is done by the Planning Board as a separate matter if the developer decides to file a site plan and move forward.

Fran Rheiner - DMR Planners, discussed the Redevelopment Plan ordinance and the impact of the ordinance. He discussed the previous plans presented versus tonight's plan. He discussed the various parts of the plan and what is prohibited as use under the plan. He discussed the design standards with the setbacks. He also discussed the commercial and residential design standards.

Mayor Settembrino Opened the meeting for public comments.

Jeff Thompson, 27 Brandywine Way, commented on the structure and realignment of the roads. Mayor Settembrino responded that the site plan review was the best venue to make that point.

Jeff Abramson, 173 Lynch Road, discussed the amount of the space versus the water management. Mayor Settembrino responded the site plan review is for the Planning Board. Planning Director Sanyogita Chavan said the design would be DEP requirements.

Cathy Rogers, Port Monmouth, commented on the previous plans and not permitted to move forward. She discussed the court process along with the traffic study and affordable housing and resources necessary.



Elaine Lent, 1370 West Front Street, commented she is the head of the Old First Church on Kings Highway and she objects to the development. Deputy Mayor Fiore discussed the historic district. The clarification is the vote tonight it is not on traffic or a specific plan. He discussed the discretion of the Township Committee for the control of the zone.

Joseph Verante, 17 Clavendon Court, expressed his concerns for security based on the design of the commercial portion and the residential component.

Joan Zache, Spruce Drive, asked why is the Township Committee voting tonight? Mayor Settembrino responded for more restrictions on the current zone and for the builders to build less. Committeeman Perry discussed the current plan tonight would allow for further restrictions. Mayor Settembrino said the Planning Board process will be a lengthy process.

Jody Rose, Lynch Road, stated that all concerns being addressed in one night. She has concern of retention basins. Mayor Settembrino responded that zone overlay needs the restrictions first. Township Administrator Anthony Mercantante stated no details can be discussed tonight.

Eugene Sasso, 551 Kings Highway East, objects to the overall development and said it will cause less quality of life. Mayor Settembrino responded the Township Committee cannot dictate what can be built. Deputy Mayor Fiore stated size is all that our jurisdiction allows and not what is the businesses that want to come.

Roseanne Sasso, 551 Kings Highway East, stated she supports the reduced overlay.

Laura Patton, Carriage Drive, said she would like to see more open space.

Ben Forrest, 16 Locust Avenue, stated he is a Clean Water Action Group member and he is opposed to the proposal.

Tara Flemming, 49 Brandywine Way, said she is concerned about the affordable housing and the way the layout is presented separate and spanned out. Township Administrator Anthony Mercantante responded the affordable units are in separate buildings due to the sale versus rental of the units. He discussed the 160 credits for the housing units. Fran Rheiner, DMR Planners discussed the use of encouraging verbiage is not a requirement.

Lisa Walsh, 407 Conover Avenue, asked who is negotiating with the developer. Mayor Settembrino responded negotiations with the developer would be with the Township Committee. Deputy Mayor Fiore responded the redevelopment plan is compliant but they will try to negotiate

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with the developer for community or open space. Ms. Walsh said she has concern over the performance bond compliance. Attorney Nelson discussed the performance bond process.

Justin Biggs, 52 Thompson Avenue, objects to the development and stated it should simply be limited.

Steve Nolton, 77 Church Street, Fair Haven, a Sierra Club member stated his environmental concerns. He is concerned about HVA efficiency and rain gardens, open space percent. Fran Rheiner DMR Planners, responded open space is landscape, wetlands, retention basins and sidewalks.

Regina Mackowicz, 47 Foxwood Run, concerns that the Township Committee has no jurisdiction over the Planning Board. She has started an email campaign.

Lani Lombardi, 20 Galloping Circle, concerned about the traffic, drainage and the consistency. She would like a recording of the Planning Board meeting. Mayor Settembrino responded that the best defensible position is in regard to development. Attorney Nelson stated that the housing portion is tied to the affordable housing component due to the State affordable housing law. The commercial portion was reduced instead. The Township lost trying to zone all housing. Township Administrator Anthony Mercantante responded we are in court currently with the housing plan fighting against development. Ms. Lombardi asked how long does the plan of general development permit. Attorney Nelson responded twenty (20) years. Deputy Mayor Fiore commented the Township Committee is reviewing to see if the potential applicant would listen to the study. Ms. Lombardi responded the Township Committee should amend to have more restriction.

Reverend Rose Marie Newburry, 9 Kennedy Court, thanked the Township Committee and would like to send back to the expert to review more public input. Sustainable requirements are not strong enough and there should be more restrictions on storm water management.

Roxanne Judice, 52 Thompson Avenue, expressed her school impact concerns. Mayor Settembrino responded that is the purview of the Board of Education. Township Administrator Anthony Mercantante discussed the reduction in student population.

Bill Kastning, Holmdel, Monmouth County Conservation Foundation, discussed the mission of the MCF. In regard to the Open Space Committee in Middletown he asked were other commissions asked to participate? Deputy Mayor Fiore responded that the Monmouth County Conservation Foundation nor the Township could buy. Township Administrator Anthony

Mercantante discussed the traffic study and NRDC still reviewing and will be available at site plan. Mr. Kastning also expressed concern about a PILOT program.

Martin Donohue, Heights Terrace, stated that the Middletown Environmental Commission sent a letter and asked that it be shared with the consultant. He is concerned about the stormwater. Mayor Settembrino responded the letters were sent to the Planner and Administration. Committeeman Perry responded it is important to have environmental and fire department input.

Matthew Morro, 17 Tindall Road, serves on the Open Space Preservation Committee he asked to suspend for four weeks. He discussed amendments he would like to see. He discussed green infrastructure percentages and he discussed the buffers. He requested holding off on the vote.

Robert Meyer, 264 Navesink River Road, said he is concerned about the traffic congestion.

Judy Muso, 114 Kings Highway, discussed the towns Master Plan. She discussed the historic area and being inclusive. She requested more restrictions. Mayor Settembrino discussed reaching out to the community. Deputy Mayor Fiore discussed the affordable housing requirements.

David Hauff, 30 Carriage Drive, discussed making amendments to the stormwater plans, drainage and Shepherd Drive. He discussed setbacks, and the large trees in the plan. He also discussed the possibility of a PILOT.

Marta Lefsky, Professional Planner, gave a memo to the Township Committee on the proposed redevelopment plan since the consistency hearing of the Planning Board. She discussed some provisions of the proposed plan. She discussed the woods and possible clear cutting. She discussed the steep-slope ordinance and her concerns for offsite traffic. Attorney Nelson responded on the advice of counsel he directed the Township Committee not to answer any questions based on the litigation filed by Minding Middletown. Ms. Lefsky represents Minding Middletown as a Planning expert.

Candace Cade, 508 Locust Point Road, requested another meeting. She discussed the general development plan, wooded areas and the stormwater.

Fran Rheiner, DMR Planners, the redevelopment plan does not have all NJDEP requirements. Other requirements under the law for site plans will need to be compliant. He discussed the sidewalks and connectivity. Recommended sidewalks for quality in design. Ms. Cade responded to slow the process.

Neil Ruben, Walt Sleep Shop, he objects to the plan based on impact of the Walt Sleep Shop. He requested clarification of the Block/Lot optional developable near the area of redevelopment. He discussed public access easement and the jughandle and its use for deliveries. His concerns were expressed regarding an agreement that was signed.

Gordon Litland, Esq., represents Minding Middletown and he is asking the Township Committee and Town Counsel to reconsider not discussing issues in the lawsuit. He is concerned some issues that were designated site plans issues tonight were proper for this venue. He requests a traffic plan being disclosed under the spirit of the redevelopment law. He is concerned people were prevented from asking questions or testifying. Clients are concerned for what is best for the site. He expressed concern about the consistency review at the Planning Board and have failed to have a proper process. They should have given the Township Committee a report with recommendations not a memo.

Sean Byrnes – 880 West Front Street, discussed his concern regarding the process, he feels it should have more community involvement and that community engagement is necessary. Mayor Settembrino responded most comments were on the proposed plan. Mr. Byrnes asked that the hearing be continued at another meeting. Mr. Byrnes discussed storm basins and the open space. He discussed how the overlay plan will dictate how the Planning Board will act on the site plan application. Community engagement in the redevelopment plans should be used, often feedback from the community is recommended. Mayor Settembrino responded that the Township Committee could not meet with the members of the public. The lawsuit, with Minding Middletown prevented the engagement of the public.

Phyllis Ronnick, 6 Oxford Lane, discussed the Village at Chapel Hill 120 market and 30 affordable units. She discussed the lawsuit with Minding Middletown and the lack of the traffic plan.

Olli DeCenso, 59 Kings Highway, commented the redevelopment plan should have been a good process. Should be further reduction and more open space. She is concerned about traffic and the environment. Mayor Settembrino said the said plan will review everything we are following what is prescribed by law on this portion of the process. He is concerned regarding a defensible position on the zoning of this site. Township Administrator Anthony Mercantante stated that traffic is not being ignored with the development of the Master Plan. When the site plan is filed traffic is studied. The Master Plan creates a blended community. Ms. DiCenso said the lawsuit should not impact public engagement. Mayor Settembrino responded drop the lawsuit.

Monica Manning, 36 Spruce Drive, said she is concerned about traffic. The study for the first application addresses the square footage in the redevelopment. T&M did a traffic report. She discussed the plan in detail and discussed a reduction of the project.

Diane Mellicent – commented there is a conflict of interest with Committeeman Perry and NDRC.

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

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

### **INTRODUCTION OF PROPOSED ORDINANCES**

Township Clerk Heidi Brunt read the following ordinance by title:

**2018-3233 - Bond Ordinance Amending Bond Ordinance Number 2018-3227  
Finally Adopted By The Township Committee Of The Township Of  
Middletown, New Jersey On July 16, 2018**

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

Roll Call Vote:       Ayes: Fiore, Hibell, Perry, Snell, Mayor Settembrino  
                              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 September 4, 2018.

Township Clerk Heidi Brunt read the following ordinance by title.

**2018-3234 - Ordinance Authorizing An Easement Swap Involving The Estates At Bamm  
Hollow Development**

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

Roll Call Vote:       Ayes: Fiore, Hibell, Perry, Snell, Mayor Settembrino  
                          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 September 4, 2018.

Township Clerk Heidi Brunt read the following ordinance by title.

**2018-3235 - Ordinance Authorizing An Easement Swap Involving Block 807, Lot 1.01 On The Tax Maps Of The Township Of Middletown (1200 Highway 35)**

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

Roll Call Vote:       Ayes: Fiore, Hibell, Perry, Snell, Mayor Settembrino  
                          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 September 4, 2018.

Township Clerk Heidi Brunt read the following ordinance by title

**2018-3236 - Ordinance Adopting Amended Municipal Complex Redevelopment Plan For Block 815, Lots 1.01, 6 And 7 On The Official Tax Map Of The Township Of Middletown**

Ordinance was removed until the November 19, 2018 meeting.

Township Clerk Heidi Brunt read the following ordinance by title.

**2018-3237 - Ordinance Establishing Township Funded Death Benefit Incentive For Volunteer Firefighters And Emergency Medical Services Members**

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

Roll Call Vote:       Ayes: Fiore, Hibell, Perry, Snell, Mayor Settembrino  
                          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 September 4, 2018

**CONSENT AGENDA**

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 18-194 through 18-205 and Bingo and Raffle Applications.

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

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

**Resolution 18-194 - A Resolution Authorizing The Submission Of An Application To The New Jersey Department Of Transportation's Safe Routes To School Program 2018**

**WHEREAS**, the Township of Middletown desires to further the safety of children on their way to and from local schools by obtaining a grant from the New Jersey Department of Transportation (NJDOT) through the 2018 Safe Routes to School (SRTS) Program Grant; and,

**WHEREAS**, SRTS is a program of the United States Department of Transportation Federal Highway Administration (FHWA) which provides funds to governmental entities so they may substantially improve the ability of primary and middle school students to walk and bicycle to school safely; and,

**WHEREAS**, the Township of Middletown, in coordination with the Middletown Township Board of Education, has worked diligently to implement projects that improve the accessibility, safety, use and maintenance of the areas surrounding schools within the community; and,

**WHEREAS**, the Township of Middletown has designated plans specifically designed to address and eliminate current issues related to pedestrian safety surrounding the River Plaza Elementary School within the Township's community; and,

**WHEREAS**, the Township of Middletown proposes within its aforementioned plans, the installation of a permanent barrier, in the form of a fence, along Hubbard Avenue between the roadway and the sidewalk around River Plaza Elementary School (to be known as the Project Area); and,

**WHEREAS**, this project activity involves land that is owned by the County of Monmouth, and the County of Monmouth will document a clear commitment to maintain this area (curb-to-curb maintenance) as it always has and support this application by the Township of Middletown. The Township of Middletown will document a clear commitment to maintain the Project Area's sidewalks as it always has. This document will also make clear the boundaries of ownership between the County of Monmouth and the Township of Middletown; and,

**WHEREAS**, responsibilities for administering the proposed project in accord with federal and state guidelines (to be known as the Responsible Charge) will be Ted Maloney, full-time Department of Public Works Director and Township Engineer, and,

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Township Council of the Township of Middletown, State of New Jersey formally authorize submission of the electronic grant application identified as **SRS-2018-Hubbard Avenue Pedestrian Improvement-00040** to the New Jersey Department of Transportation for funding under the Safe Routes to Schools Program on behalf of the Township of Middletown.

**Resolution 18-195 - Appointments To Planning Board**

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 members of the Middletown Planning Board pursuant to the "Code of the Township of Middletown" for terms as set forth below:



**HOWIE BREY**  
Mayors Designee

**SEAT I**  
Unexpired Term  
Expiring 12/31/2018

**KEVIN COLANGELO**  
CLASS IV

**SEAT VI**  
Unexpired Term  
Expiring 12/31/2021

2. The Township Clerk shall send a certified copy of this resolution to each of the following:

- a. Each appointee listed above who shall present themselves before the Township Clerk to take and subscribe to the Oath of Office.
- b. Planning Board

**Resolution 18-196- Appointments To Middletown Library Board**

**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 or reappointed as members of the Middletown Library Board pursuant to the "Code of the Township of Middletown" for terms as set forth below:

**SUSAN KYRILLOS**

**SEAT VII**  
Unexpired Term  
Expiring 12/31/2019

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. Library Board

**Resolution 18-197- Resolution Authorizing Deputy Mayor To Solemnize Marriages**

**WHEREAS**, pursuant to N.J.S.A. 37:1-13a, the Deputy Mayor may be authorized to solemnize marriages when authorized by the Mayor or Chairman of the Township Committee; and

**WHEREAS**, the Mayor who serves as Chairman of the Township Committee wishes to permit the Deputy Mayor to solemnize marriages.

**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. 37:1-13a, the Deputy Mayor is hereby authorized to solemnize marriages between such persons as may lawfully enter into a matrimonial relationship under New Jersey law.

**Resolution 18-198- Resolution Accepting Deeds Of Conservation Easement**

**WHEREAS**, on February 7, 2018, the Robert W. Paulus Trust (the "Trust") received a minor subdivision approval with variances for the property formerly designated as Block 707, Lot 1 on the tax map of the Township of Middletown, and commonly known as 348 Hillside Avenue; and

**WHEREAS**, as a condition of approval, the Trust was required to submit to the Township forms of conservation easements for critical areas (steep slopes) on Lots 1, 2, and 3 of the approved subdivision; and

**WHEREAS**, the deeds have been reviewed and approved by the Township Engineer and Township Attorney as to form.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the Trust's deeds of conservation easement attached hereto and made part hereof as Exhibit A are hereby agreed to and accepted by the Township.

**BE IT FURTHER RESOLVED** that the Mayor and the Township Clerk are hereby authorized and directed to execute the deeds of conservation easement attached hereto and made part hereof as Exhibit A.

**Resolution 18-199 - Authorizing Award Of Contract For Thompson Avenue Improvements**  
**Contract # 18-01**

WHEREAS, bids were received on Wednesday, August 1, 2018.

WHEREAS, three (3) bids were picked up by vendors, and two (2) responsive bids were received as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
1. BLACK ROCK ENTERPRISES, LLC 1316 ENGLISHTOWN ROAD OLD BRIDGE, NJ 08857	\$323,193.30
2. LUCAS CONSTRUCTION GROUP 173 AMBOY ROAD MORGANVILLE, N.J. 07751	\$379,156.90

Bids were advertised as per N.J. State Statutes and affidavit of publication is filed in the Office of the Township Clerk.

BLACK ROCK ENTERPRISES, LLC, 1316 ENGLISHTOWN ROAD, OLD

BRIDGE, NJ 08857 shall Furnish and Deliver the following as per Bid Proposal, Specifications & Covenants thereof dated August 1, 2018 said bidder being the Lowest Responsive Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
THOMPSON AVENUE IMPROVEMENTS CONTRACT NO. 18-01	BLACK ROCK ENTERPRISES, LLC 1316 ENGLISHTOWN ROAD LD BRIDGE, NJ 08857

**WHEREAS**, said bids were reviewed by the Purchasing Agent and William S. Chapin, Consulting Engineer, T&M Associates and it is their recommendation that the contract be awarded to BLACK ROCK ENTERPRISES, LLC in the amount of: \$323,193.30.

**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 the contract for the 2018 Thompson Avenue Improvements Contract No.

18-01 to Black Rock Enterprises, LLC, 1316 Englishtown Road, Old Bridge, NJ 08857 in the amount of \$323,193.30.

**BE IT FURTHER RESOLVED**, this contract is 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 award should be made subject to concurrence for each road by NJDOT and the approval of the Office of Wage and Hour Compliance.

**WHEREAS**, the Director of Finance of the Township of Middletown has certified that adequate funds 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 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.

C-04-55-915-141-005 - \$97,759.00  
C-04-55-917-188-003 - \$225,434.30

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) Director of Finance
- C) William S. Chapin, T&M Associates
- D) Ted Maloney, Township
- E) Brian Nelson, Township Attorney
- F) All of the above bidders

**Resolution 18-200- A Resolution Of The Township Committee Of The Township Of Middletown, County Of Monmouth, State Of New Jersey Authorizing The Sale Of Township-Owned Personal Property Which Exceeds The Fair Market Value Of \$5,400.00 In Accordance With N.J.S.A. 40a:11-36**

**WHEREAS**, in accordance with N.J.S.A. 40A:11-36 it is the desire of the governing body to authorize the sale of Township-Owned personal property not needed for public use:

**WHEREAS**, N.J.S.A. 40A:11-36 further provides that said sale shall be an on-line sale to the highest bidder if the property to be sold therein has an estimated fair value in excess of \$5,400.00 and is neither livestock nor perishable goods; and

**WHEREAS**, N.J.S.A. 40A:14-157 provides that the governing body may authorize the sale by an on-line auction of certain tangible personal property in the possession of the Police Department, provided that said property was found and recovered by a member of the Police Department acting in the line of duty; that said property owner's whereabouts is unknown and unascertainable or that said property owner refuses receipt thereof; and that those items of said property which are motor vehicles were held for six months; and

**WHEREAS**, the Township of Middletown has determined that certain tangible personal property has been recovered by members of its Police Department acting in the line of duty, and which property meets the statutory standards of N.J.S.A. 40A:14-157.

**WHEREAS**, the Township of Middletown will conduct its on-line auction beginning Tuesday, September 11, 2018 and ending on Tuesday, September 25, 2018.

**WHEREAS**, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

**WHEREAS**, the Township of Middletown intends to utilize the online auction services of Auction Liquidation Services located at [www.usgovbid.com](http://www.usgovbid.com); and

**WHEREAS**, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9.

**WHEREAS**, the terms and conditions of the agreement entered into with the vendor are available on the vendor's website and available in the office of the Township Clerk.

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

1. That the Township of Middletown's Director of Public Works is authorized and directed to collect all personal property owned by Middletown Township which is no longer needed for public use and all property held by the Police Department under the circumstances described above.

2. Sell the surplus personal property as indicated on Schedule A, on an online auction website entitled www.usgovbid.com to the highest bidder, which shall be advertised and directed in accordance with applicable State law.
3. That all proceeds, less any reasonable and necessary expenses, from said sale shall be paid into the General Municipal Treasury.
4. That a public notice shall be placed in the Two River Times setting forth the date and time of the on-line auction together with a description of the items to be sold.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the terms and conditions of the agreement entered into between Auction Liquidation Services and the Township of Middletown are available at www.usgovbid.com and in the Middletown Clerk's office, and a certified copy of the within resolution be forwarded by the Middletown Clerk to the following:

- A) Purchasing Agent
- B) Comptroller
- C) Ted Maloney, Director of Public Works
- D) Craig Weber, Chief of Police

**Resolution 18-201- Resolution Authorizing National Park Service Agreement Renewal for Building Department Plan Reviews of Fort Hancock**

Rescheduled to the September 4, 2018 meeting.

**Resolution 18-202 - Resolution Establishing The Department Of Recreation Temporary Change Fund For Middletown Day Only**

**WHEREAS**, there is a need to establish a temporary change fund for the Department of Recreation to provide change for Middletown Day only;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown, County of Monmouth hereby authorizes the establishment of a temporary change fund in the amount of \$1,000.00 for the Department of Recreation for Middletown Day only.

**Resolution 18-203 - Resolution Extending Grace Period For Payment Of 3rd Quarter 2018 Taxes**

**WHEREAS**, N.J.S.A. 54:4-64 provides that third quarter tax bills were to be mailed at least 47 days prior to the due date of August 1, 2018; and

**WHEREAS**, because of delays outside of the Township's control, the bills could not be mailed prior to this deadline; and

**WHEREAS**, N.J.S.A. 54:4-66.3d provides that when third quarter tax bills cannot be mailed by June 14, taxes shall not be subject to interest until at least 25 days after the tax bills are mailed.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that the interest charged as per Resolution No. 18-62, shall be waived if payment of third quarter tax bills is received by August 22, 2018. Any payments not made within this time shall be charged interest from the State set due date of August 1, 2018.

**Resolution 18-204 - Chapter 159 "FY 2019 Municipal Alliance DEDR Grant for 2018/2019"**

**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 \$30,000.00 grant from the Monmouth County Board of Alcohol and Drug Abuse Services for the Substance Abuse Prevention Education Programs and wishes to amend its 2018 budget to include this amount as revenue, and

**WHEREAS**, a condition of receiving the grant is that the Township of Middletown must provide a match of \$7,500.00, and

**WHEREAS**, sufficient funding for this match is available in the 2018 budget line item, Match for Indeterminate Grants.

**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 2018 budget in the sum of \$30,000.00 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:

Monmouth County Board of Alcohol and Drug Abuse Services

“Substance Abuse Prevention Education Programs”

**BE IT FURTHER RESOLVED** that a sum of \$30,000.00 be and the same is hereby appropriated under the caption of General Appropriations Operations Excluded from “CAPS”:

Monmouth County Board of Alcohol and Drug Abuse Services

“Substance Abuse Prevention Education Programs”

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

**Resolution 18-205 – Resolution Authorizing Payment of Bills for August 20, 2018**

The Township Committee hereby approves a Resolution for payment of bills for August 20, 2018 in the amount of \$38,930,208.67.

**BINGO AND RAFFLE APPLICATIONS**

St. George Greek Orthodox	18-127
St. George Greek Orthodox	18-128
St. George Greek Orthodox	18-129
Monmouth Conservation Foundation	18-130
Bayview PTA	18-131
Bayview PTA	18-132
Bayview PTA	18-133
Bayshore Anglers Association	18-134
St. Leo the Great School PTA	18-135



**BINGO AND RAFFLE APPLICATIONS CON'T)**

American Legion Post #338	18-136
St. Mary's RC Church	18-137
St. Mary's RC Church	18-138
St. Mary's RC Church	18-139
Special People United to Ride	18-140
Bank Parents of Middletown HS North	18-141
Thomas Fette Scholarship Fund	18-142
Thomas Fette Scholarship Fund	18-143
Navesink Hook & Ladder	18-144
Monmouth Museum & Cultural Ctr.	18-145
Monmouth Museum & Cultural Ctr.	18-146
Middletown HS South PFA	18-147
Middletown HS South PFA	18-148
Middletown HS South PFA	18-149
Middletown HS South PFA	18-150
Knights of Columbus #6552	
Vincent J. Lombardi Council	18-151
Ladies Ancient Order of Hibernians	18-152
James P. Mella Jr. Memorial Found.	18-155

**TOWNSHIP COMMITTEE ACTING AS THE ABC ISSUING AUTHORITY****Resolution 18-206- Resolution of The Township Committee Of The Township Of Middletown, County Of Monmouth, State Of New Jersey Authorizing Renewal Of Plenary Retail Consumption License 1331-44-007-002**

**WHEREAS**, applications have been made to the Middletown Township Committee for **PLENARY RETAIL CONSUMPTION LICENSES** for the year beginning July 1, 2018 and ending June 30, 2019 accompanied by a statutory fee of \$1,658.00.

<u>NUMBER</u>	<u>LICENSEE</u>	<u>TRADE</u>
<u>NAME</u>		
1331-44-007-002	CHRISTINE TRAMITZ AND ROBERT DEFILIPPO	Inactive

**WHEREAS**, the premises where the licenses are sought have been duly inspected by the Office of the Chief of Police of the Township of Middletown, and it appearing that the applications are in due form and that all legal formalities have been met.

**BE IT FURTHER RESOLVED** that the Township Clerk issue the necessary licenses pursuant to this resolution and that a certified copy of this resolution be forwarded to the Director of Alcoholic Beverage Control of the State of New Jersey, provided that in each case payment of \$200.00 filing fee by the licensee have been made to the Division of Alcoholic Beverage Control in accordance with P.L. 1970, Chapter 77.

**Resolution 18-207 - Resolution of The Township Committee Of The Township Of Middletown, County Of Monmouth, State Of New Jersey Authorizing Renewal Of Plenary Retail Consumption License 1331-33-013-010**

**WHEREAS**, applications have been made to the Middletown Township Committee for PLENARY RETAIL CONSUMPTION LICENSES for the year beginning July 1, 2018 and ending June 30, 2019 accompanied by a statutory fee of \$2,280.00.

<u>NUMBER</u> <u>NAME</u>	<u>LICENSEE</u>	<u>TRADE</u>
1331-33-013-010	La Bella Vita Corporation	Inactive

**WHEREAS**, the premises where the licenses are sought have been duly inspected by the Office of the Chief of Police of the Township of Middletown, and it appearing that the applications are in due form and that all legal formalities have been met.

**BE IT FURTHER RESOLVED** that the Township Clerk issue the necessary licenses pursuant to this resolution and that a certified copy of this resolution be forwarded to the Director of Alcoholic Beverage Control of the State of New Jersey, provided that in each case payment of \$200.00 filing fee by the licensee have been made to the Division of Alcoholic Beverage Control in accordance with P.L. 1970, Chapter 77.

**TOWNSHIP COMMITTEE COMMENTS:**

Committeeman Perry, commented on his faith in the Planning Board to explore further reduction.

Regular Meeting

Committeewoman Snell, commented that the Township Committee did its due diligence over the past few weeks, it's the best we can make it for everyone.

Deputy Mayor Fiore, commented it was reduced in size from 2009, unfortunate in reality he had to vote yes. This issue has been litigated for 25 years.

Mayor Settembrino, commented they cannot prevent them from developing. This is a reduction and responsible. We cannot purchase the property.

**PUBLIC COMMENTS:**

Candace Cade, 508 Locust Point Road, objects to adoption of 2018-3232. She said it should have taken longer to review.

**ADJOURNMENT**

It was moved by Mayor Settembrino, seconded by Deputy Mayor Fiore and carried to adjourn at 1:45 a.m.

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

Clerk Brunt stated motion carried to adjourn.

Respectfully submitted,



Heidi Brunt  
Township Clerk

Approved:

  
Kevin M. Settembrino, Mayor