

Regular Meeting

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 May 21, 2018.

Township Attorney Brian Nelson 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, Settembrino, Mayor Murray  
Absent:

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, CFO Colleen Lapp, Director of Public Works and Engineer Ted Maloney.

**PLEDGE OF ALLEGIANCE**

Township Attorney Brian Nelson led the assembly in the Pledge of Allegiance.

Township Attorney Brian Nelson requested a moment of silence to honor the troops serving worldwide defending our freedom and way of life.

**PRESENTATIONS:**

Mayor Stephanie Murray invited the Mayor's for the day up to the podium to be recognized and participate in the opening of the meeting. There were 5 present from the local elementary schools as follows:

Bernard Daus, Leonardo Elementary School  
Sydney Rosen, Lincroft Elementary School  
Aaron Smith, Port Monmouth Elementary School  
Luke Roberts, Nut Swamp Elementary School  
Lauren Vultaggio, River Plaza Elementary School

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**PUBLIC HEARING OF PROPOSED ORDINANCES**

Township Attorney Brian Nelson read the following ordinance by title:

**2018-3220 – An Ordinance Providing Funding For Various Preliminary Expenses In Connection With The Municipal Complex For The Township Of Middletown And Appropriating \$250,000 For Such Purpose**

Mayor Murray Opened the meeting for public comments.

Hearing no further comments from the public, it was moved by Mayor Murray, seconded by Deputy Mayor Settembrino 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  
                              Absent:

**INTRODUCTION OF PROPOSED ORDINANCES**

None

**CONSENT AGENDA**

Township Attorney requested a motion to adopt a consent agenda including Resolutions 18-150 through 18-160 and Bingo and Raffle Applications.

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

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

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**Resolution 18-150 – Resolution Authorizing the Payment of Bills.**

The Township Committee hereby approves a Resolution for payment of bills for May 21, 2018 in the amount of \$28,056,641.38.

**Resolution 18-151 - Resolution Authorizing Acceptance Of Deed Of Covenants And Restrictions In Block 707, Lot 1 (Proposed Lot 1.01)**

**WHEREAS**, on February 7, 2018, the Robert W. Paulus Trust (the “Applicant”) received minor subdivision approval with variances from the Planning Board pursuant to Planning Board Resolution No. 2017-105, upon the property presently designated on the Township’s official tax map as Block 707, Lot 1, subject to the conveyance of certain deeds to the Township; and

**WHEREAS**, as a condition of approval, the Applicant was required to provide a “restrictive covenant in favor of the Township requiring that owner maintain the existing retaining wall, whether on Lot 1 or in the right-of-way;” and

**WHEREAS**, the Applicant has provided the Township with a deed of covenants and restrictions to satisfy the foregoing requirement in the Planning Board Resolution, the form of which has been reviewed and approved by the Township Attorney.

**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 Deed of Covenants and Restrictions described above and attached hereto is accepted by the Township of Middletown.

**BE IT FURTHER RESOLVED** that the Mayor and the Township Clerk are hereby authorized and directed to take all appropriate steps to effectuate the foregoing, including the recording of the Deed in the office of the Monmouth County Clerk

**Resolution 18-152 - Resolution Authorizing The Chief Financial Officer To Transfer Trust Account Balances To Current Fund Surplus**

**WHEREAS**, various trust account balances exist that do not have the required Dedication by Rider per N.J.S. 40A:4-39; and

**WHEREAS**, the Chief Financial Officer of the Township of Middletown wishes to cancel and transfer these balances to maintain an efficient bookkeeping of the financial accounting records; and

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**WHEREAS**, the Chief Financial Officer has investigated the following accounts and has determined that they should be cancelled and the funds transferred to the Current Fund Surplus of the Township of Middletown;

Account Number	Description	Amount
<b>Trust Fund</b>		
T-03-56-860-100-100	Special Trust - Clover Hill SO	1,429.46
T-03-56-860-101-600	Special Trust - Madden Holobin B678 L22&23	2,000.00
T-03-56-860-102-800	Special Trust - Coutre Tom -TA B794 L9.01	10.00
T-03-56-860-103-800	Special Trust - Wilson Thomas B1364 L9	550.00
T-03-56-860-104-900	Special Trust - Bayshore Task	1,000.00
T-03-56-860-105-900	Special Trust - Mun Sec B1364 L4	150.00
T-03-56-860-106-900	Special Trust - Weimer T B1363 L2	2,000.00
T-03-56-860-107-900	Special Trust - Weimer T B1363 L3	250.00
T-03-56-860-111-500	Special Trust - Res for Unidentified Items	27,895.54
	<b>TOTAL</b>	<b>\$35,285.00</b>

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

One certified copy of this resolution will be filed by the Township Clerk with the Director of Local Government Services.

**Resolution 18-153 - Authorizing Fireworks Display On Private Property Pursuant To N.J.S.A. 21:3-3**

**WHEREAS**, N.J.S.A. 21:3-3 requires the Governing Body to authorize the display of fireworks on private property subject to the review and approval of the Municipal Fire and Police Officials;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that subject to the confirmation by the Fire Official that the agreements with the Fire Department and First Aid Squad are in place for making vehicles available during the Fireworks Display, that approval is hereby given for the Fireworks Display on private property by the BEACON HILL COUNTRY CLUB located at 8 Beacon Hill Road, Atlantic Highlands on the date provided on their application for July 3<sup>rd</sup>, 2018.

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**Resolution 18-154 - Authorizing Fireworks Display On Private Property Pursuant To N.J.S.A. 21:3-3**

**WHEREAS**, N.J.S.A. 21:3-3 requires the Governing Body to authorize the display of fireworks on private property subject to the review and approval of the Municipal Fire and Police Officials;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that subject to the confirmation by the Fire Official that the agreements with the Fire Department and First Aid Squad are in place for making vehicles available during the Fireworks Display, that approval is hereby given for the Fireworks Displays on private property by the NAVESINK COUNTRY CLUB located at 50 Luffburrow Lane, Middletown on the date provided on their application for May 27<sup>th</sup> and July 3<sup>rd</sup>, 2018.

**Resolution 18-155 - Authorizing Fireworks Display On Private Property Pursuant To N.J.S.A. 21:3-3**

**WHEREAS**, N.J.S.A. 21:3-3 requires the Governing Body to authorize the display of fireworks on private property subject to the review and approval of the Municipal Fire and Police Officials;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that subject to the confirmation by the Fire Official that the agreements with the Fire Department and First Aid Squad are in place for making vehicles available during the Fireworks Display, that approval is hereby given for the Fireworks Display on private property by RIVERVIEW MEDICAL CENTER FOUNDATION located at the DiPiero residence at 810 Navesink River Road, Rumson on the date provided on their application for July 3<sup>rd</sup>, 2018.

**Resolution 18-156 - Resolution Authorizing Shared Services Agreement With Holmdel For Provision Of Animal Control Services**

**WHEREAS**, the Township of Holmdel has the need for animal control services, which have been provided by Middletown since 2015; and

**WHEREAS**, the Township of Middletown is willing and able to provide such qualified services; and

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**WHEREAS**, pursuant to the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) the parties wish to enter an shared services agreement for animal control 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 the Mayor and Clerk are hereby authorized and directed to execute the Shared Services Agreement attached hereto and made part hereof with Holmdel pursuant to the terms and conditions contained therein for a term of three (3) years and seven (7) months with an annual payment of \$20,750 being made to the Township for the services rendered.

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded with executed copies of the Agreement to the Township of Holmdel and the Chief Financial Officer.

**BE IT FURTHER RESOLVED** that pursuant to N.J.S.A. 40A:65-4b, a certified copy of this Resolution and Agreement shall be filed with the Department of Community Affairs Division of Local Government Services.

**Resolution 18-157 - Project Completion For Ideal Beach Phase 1– Closing Statement**

**WHEREAS**, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

**WHEREAS**, the Township of Middletown entered into a Municipal Open Space Program Grant Agreement with the County of Monmouth on December 6, 2011 that provided \$200,000 for the reconstruction of beachfront access at Ideal Beach in North Middletown under Application No. #10-15 that required certain conditions be met by the Township of Middletown prior to receipt of the aforesaid funds; and

**WHEREAS**, the Monmouth County Park System requires a certified copy of a resolution of the governing body determining that the project aforesaid was finally complete and a closing statement of "Final Change Order" adopted by the governing body.

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**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Township of Middletown that all conditions of Grant Agreement on December 6, 2011 have been satisfied by the Township of Middletown and that the project has been completed; and

**BE IT FURTHER RESOLVED** that the Township of Middletown made final payment to the contractor 3R Painting and Contracting per the letter of the municipal engineer Joseph E. Maloney, PE, PP, CME of March 30, 2018 [Attached] and that final payment was made per voucher [Attached] on March 6, 2018 under check no. 2102, which are hereby attached and also on file in the Municipal Clerk's Office

**Resolution 18-158 - Resolution Ratifying Memorandum Of Agreement ("Moa") With Communications Workers Of America Local 1032 Middletown Crossing Guards Unit**

**WHEREAS**, the Township of Middletown ("the Township") and the Communications Workers of America Local 1032, representing the Township's Crossing Guard Unit ("the Union"), were parties to a Collective Bargaining Agreement ("CBA") from January 1, 2014 through December 31, 2017; and

**WHEREAS**, the Township and the Union have been engaged in good faith negotiations for the purpose of reaching terms and conditions for a successor CBA; and

**WHEREAS**, the Township's and the Union's negotiating teams have recommended ratification of an MOA establishing new CBA terms and conditions covering the period of January 1, 2018 through December 31, 2021, and the Union having already ratified the same.

**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 MOA amending and supplementing the CBA with the Communications Workers of America Local 1032, representing the Township's Crossing Guard Unit, for the period of January 1, 2018 through December 31, 2021 is hereby ratified by the Township pursuant to the terms and conditions of the MOA annexed hereto and made part hereof.

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the Mayor and Township Clerk are hereby authorized and directed to execute the ratified MOA annexed hereto and made part hereof on behalf of the Township along with revisions to the CBA reflecting the same.

**Resolution 18-159 - Appointment To Environmental Commission**

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 individual be hereby appointed as a member of the Environmental Commission pursuant to the "Code of the Township of Middletown" for terms commencing May 21, 2018 expiring December 31, 2019.

**ELIZABETH FASSMAN-BECK**

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

2. The Township Clerk shall send a certified copy of this resolution to each of the following:
- a. The appointee listed above shall present himself before the Township Clerk to take and subscribe to the Oath of Office.
  - b. Environmental Commission

**Resolution 18-160 - Resolution Requesting Extension For NJDOT Municipal Aid Grant For Plan Modifications For Thompson Avenue Improvements**

**WHEREAS**, the Township's engineers have applied for certain NJDOT grant funds for improvements to Thompson Avenue that require design work to be completed for public bidding and award prior to a July 4, 2018 deadline; and

**WHEREAS**, certain utility work and other factors have resulted in delays that make the July 4, 2018 deadline unlikely to be met to allow for sufficient statutory timelines for bidding, advertising and contract awards to take place.

**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 requests that the NJDOT grant the requested three month extension as indicated in T&M Associate's correspondence dated May 10, 2018 for the Township's engineers to complete necessary design work for NJDOT review, bidding, advertising and contract award for improvements to be made to Thompson Avenue with funding from the NJDOT's Municipal Aid grant program.



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**BINGO AND RAFFLE APPLICATIONS**

Premier Theater Company	18-98
Premier Theater Company	18-99
NJ Thoroughbred Horse Industry	18-100
Monmouth Council Inc. Boy Scouts of America	18-101
Monmouth Council Inc. Boy Scouts of America	18-102
Monmouth County Historical Association	18-103
Community Fire Company	18-104
Mater Dei Booster Club	18-105
Christian Brothers Academy	18-106

**TOWNSHIP COMMITTEE COMMENTS:**

Not Recorded

**PUBLIC COMMENTS:**

Not Recorded

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**ADJOURNMENT**

It was moved by Mayor Murray, seconded by Deputy Mayor Settembrino and carried to adjourn at 9:20 p.m.

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

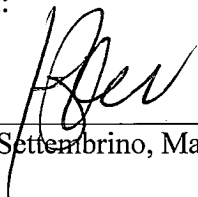
Attorney Nelson stated motion carried to adjourn.

Respectfully submitted,



Heidi Brunt  
Township Clerk

Approved:

  
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Kevin M Settembrino, Mayor