

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 October 15, 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/PROCLMATION

Presentation Recognizing Middletown Day 2018 Gold, Silver & Bronze Sponsors

Recreation Director Janet Dellett presented the Gold, Silver and Bronze sponsors with plaques to thank them for making Middletown Day a success.

Proclamation Recognizing November 11, 2018 as Veterans Day in Middletown Township

WHEREAS: Veterans Day, once called Armistice Day, originated as a national commemoration of the anniversary of the ending of World War I. Congress changed the name to **Veterans Day** in 1954 to expand the significance of the commemoration so that a grateful nation might pay homage to the veterans of all wars who have contributed so much to the preservation of the nation; and

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WHEREAS: Middletown Township and Middletown VFW Post 2179 will honor the sacrifice and valor of our brave servicemen and women with a **Veterans Day** Parade on Sunday, November 4th; and

WHEREAS: We, as citizens of a grateful nation, are thankful for the opportunity to recognize our distinguished veterans whose service has allowed our nation to prosper and let us live in freedom. We pay special tribute to the valiant guardians of our freedom who remain listed as Missing in Action, and we offer support to the loving families who hope for their safe return; and

WHEREAS: This year we celebrate the 61st anniversary of the **Veterans Day** Parade. The theme of the parade is “Thank a Veteran”, and on behalf of all Middletown residents, we will use this milestone to rededicate ourselves to honoring all the veterans who have served our great nation. Now,

THEREFORE: I, Mayor Kevin M Settembrino and the Middletown Township Committee, do hereby proclaim November 11th as **Veterans Day** in Middletown Township in recognition of the courageous efforts of our veterans. We invite the residents of Middletown Township to join us at the **Veterans Day** Parade starting at Bayview Elementary School on Sunday, November 4th at 1:00 p.m. to honor our American heroes past and present.

Proclamation Recognizing November 24, 2018 as Small Business Saturday in Middletown Township (For the Record)

WHEREAS: Middletown, NJ celebrates our local small businesses and the contributions they make to our local economy and community. According to the United States Small Business Administration, there are currently 28.8 million small businesses in the U.S., they represent 99.7 percent of all businesses with employees in the country, and are responsible for 63 percent of net new jobs created over the past 20 years; and

WHEREAS: Small businesses employ over 48 percent of all businesses with employees in the United States; and

WHEREAS: 93 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and

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WHEREAS: 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and

WHEREAS: Advocacy groups, as well as public and private organizations across the country, have endorsed the Saturday after Thanksgiving as Small Business Saturday; and

WHEREAS: 76 percent of all consumers plan to go to one or more small business as part of their holiday shopping; and

WHEREAS: Middletown, NJ supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods. Now

THEREFORE: I, Mayor Kevin M Settembrino and the Middletown Township Committee, do hereby proclaim November 24, 2018, as **SMALL BUSINESS SATURDAY** in Middletown and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

PUBLIC HEARING OF PROPOSED ORDINANCES

None

INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following Ordinance by Title

2018-3240 - Ordinance Establishing Community Assistance Network Volunteer Advisory Committee

It was moved by Mayor Settembrino, seconded by Deputy Mayor Fiore to pass this Ordinance on first reading:

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

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Abstention: None
Absent: None

CONSENT AGENDA

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 18-233 through 18-236 and 18-238 and Bingo and Raffle Applications.

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

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

Resolution 18-233 – Resolution Authorizing the Payment of Bills for October 15, 2018

The Township Committee hereby approves a Resolution for payment of bills for October 15, 2018 in the amount of \$4,105,661.76

Resolution 18-234 - Resolution Authorizing Execution Of The 2018 Food Shopping Agreement With The County Of Monmouth (SCAT)

WHEREAS, the Township of Middletown has heretofore entered into an agreement with the Monmouth County Board of Chosen Freeholders, specifically, the Office of Senior Citizens Area Transportation (SCAT), to provide certain services to senior citizens and handicapped individuals, among others, residing within the Township of Middletown and the Board of Chosen Freeholders of Monmouth County; and

WHEREAS, the Township Committee of the Township of Middletown wishes to continue said service.

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

1. The Mayor is hereby authorized to execute, and the Township Clerk to attest, to an agreement between Monmouth County and the Township of Middletown to provide SCAT for 2018.

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2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a. Colleen M. Lapp, CFO
 - b. Janet E. Dellett, Director of Recreation
 - c. Kathleen Lodato, Director
Department of Transportation
250 Center Street
Freehold, NJ 07728

Resolution 18-235 - Authorizing The Acquisition Of A Kenworth T470 Tandem Axle Refuse Packer Cab And Chassis And A Loadmaster Excel Body For The Middletown Public Works Department 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 a new Kenworth T470 Tandem Axle Refuse Packer Cab & Chassis and a Loadmaster Excel Body 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 Gabrielli Truck Sales, 2300 Route 130 North, Dayton, NJ 08810 for the acquisition of a Kenworth T470 Tandem Axle Refuse Packer Cab & Chassis (Contract# ESCNJ 17/18-30) in the amount of \$137,607.01 and has also awarded a contract to Detcon Corp. 5039 Industrial Road, Farmingdale, NJ, 07727 for the acquisition of a Loadmaster LM400 25 YD Rear Demolition Excel Body (Contract # ESCNJ 17/18-30) in the amount of \$101,728.20 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 appropriations of the official budget no. see below-. A copy of the said certification is attached

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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-04-55-918-227-006 - \$239,335.21

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 Gabrielli Truck Sales, 2300 Route 130 North, Dayton, NJ 08810 for the acquisition of a Kenworth T470 Tandem Axle Refuse Packer Cab & Chassis in the amount of \$137,607.01 and Detcon Corp., 5039 Industrial Road, Farmingdale, NJ 07727 for the acquisition of a Loadmaster LM400 25 yd. Rear Demolition Excel Body in the amount of \$101,728.20.

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

Resolution 18-236 - Resolution Authorizing Award of Contract To A Vendor With State Contract For Personal Protective Equipment For The Middletown Fire Department

BE IT RESOLVED, by the Township Committee of the

Township of Middletown, County of Monmouth, State of New Jersey
as follows:

2. In accordance with the requirements of the Local Public Contract Law N.J.S.A. 40:11-12 et seq., and the regulations promulgated there under, the following purchase without competitive bids from a vendor with State Contract is hereby approved:

VENDOR

NEW JERSEY FIRE EQUIPMENT
119-131 ROUTE 22 EAST
GREENBROOK, N.J. 08812

STATE CONTRACT# A80961

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AMOUNT \$299,768.00

DESCRIPTION

PERSONAL PROTECTIVE EQUIPMENT FOR THE TOWNSHIP OF
MIDDLETOWN FIRE DEPARTMENT

WHEREAS, the Chief Financial Officer of the Township of Middletown as certified that adequate funds for such contract are available, and are designated to line item appropriation of the official budget no. C-04-55-918-227-. A copy of the said certification is attached hereto and part hereof and the funds to be expended herein are assigned to line item no. 001. 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-04-55-918-227-001 - \$299,768.00

3. 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) Fire Chief
- D) Vendor

**Resolution 18-238 - Resolution Releasing the Performance Guarantee
For Mountain Hill School Block 835, Lot 15.01**

WHEREAS, the developer of the site known as the Mountain Hill School, Middletown (Block 835, Lot 15.01, Middletown, New Jersey) had posted with the Township a Performance Guarantee in the form of two performance bonds in the amounts of \$14,907 and \$22,512.00 and 10% Cash Bonds in the amount of \$2,814.00 and \$1,863.38; and

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

WHEREAS, the Consulting Engineer David J. Hoder, Jr., P.E., as set forth in this letter of October 27, 2016, indicates that he was inspected the premises and has found no outstanding deficiencies.

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WHEREAS, in light of these findings, the Consulting Engineer recommends in his letter of October 8, 2018 that the current Maintenance Guarantee in the amounts of \$2,814.00 and \$1,863.38 be released.

WHEREAS, the Township Committee agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Middletown Township Committee that the performance guarantee be released.

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

- a. Joseph E. Maloney, PE – Township Engineer
- b. Middletown Township Planning Department
- c. Mountain Hill School

Resolution 18-237 - Resolution Authorizing Shared Services Agreement With The Borough Of Highlands For Comprehensive Building Department Services

WHEREAS, the Borough of Highlands has the need for Building Department services;
and

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

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) the parties wish to enter a shared services agreement for Building Department 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 Highlands pursuant to the terms and conditions contained therein for a term of Four (4) years with an annual payment of \$192,500.00 being made to the Township for the services rendered and in accordance with the agreement attached hereto and made a part hereof.

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BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded with executed copies of the Agreement to the Borough of Highlands 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.

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

BINGO AND RAFFLE APPLICATIONS

Knights of Columbus #6552 Lombardi Council	18-151A
Junior League of Monmouth County	18-174
St. Leo the Great PTA	18-175
St. Leo the Great PTA	18-176
Middletown Village PFA	18-177
Husky House Inc.	18-178
Husky House Inc.	18-179
Premier Theatre Company	18-180
Premier Theatre Company	18-181
St. Mary's R.C. Church	18-182
Music Sponsors South of Middletown Township	18-183
Middletown High School North PFA	18-184
Christian Brothers Academy	18-185
Christian Brothers Academy	18-186

VOLUNTEER FIRE FIGHTER APPLICATIONS

Leonard J. Mahoney, Port Monmouth Fire Company

TOWNSHIP COMMITTEE COMMENTS:

Committeeman Hibell, Navesink Hook & Ladder received a new fire truck. He attended the Ice World event and thanked everyone for coming.

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Committeewoman Snell, she attended Fairview fields clothing drive for Middletown Soccer Club. She attended the Stride and Ride foundation for honoring 9/11 victims.

Committeeman Perry, thanked Deputy Chief Schweizer with New Jersey Natural Gas for joint drill. He attended shared service meeting a bipartisan group starting conversations emphasizing shared services. He promoted the Community Assistance Network. He met with the Veterans Affair Committee on promotion of the war memorials in Middletown.

Deputy Mayor Fiore, thanked the sponsors and volunteers of Middletown Day. Discussed a shared service with the Building Department in Highlands. He promoted providing more services for our tax dollars. The Township Committee is pro-business and discussed the vital nature of business in our tax structure. He announced Sears going out of business. He discussed a mailer to Shady Oaks and one regarding Stevenson Park.

Mayor Settembrino, he met with Comcast news on the Microgrid status update. The grant was \$150,000 for the study of Microgrid in our region. Power would be generated locally and if there is a power outage this would power critical infrastructure for standby power for substations. Middletown is becoming a leader in this field. He mentioned the Jersey Matters interview regarding Middletown being the #1 safest city in New Jersey with over 60,000 residents.

PUBLIC COMMENTS:

Linda Alonzo, Shady Oaks, she is concerned about the proposed/conceptual plan of soccer fields. Opposes traffic and the destruction of the beautiful Stevenson park. She mentioned traffic since the area is near the hospital. She is also concerned what this could do to property values.

Township Administrator Anthony Mercantante discussed the traffic on West Front Street and why no traffic study was done. He spoke about Bodman Park, Fairview Fields and McMahan Park and discussed the size of these other locations. Parks are generally used on the weekends and the parks mentioned do not generate too much traffic so a traffic study would be pointless. The utilization of vehicles will be far less. He discussed the use of the parks mentioned and no traffic study was needed.

Deputy Mayor Fiore, discussed the concept plan is not going to be implemented and the grant is only for 2 soccer fields not 9 fields. He discussed the nearby soccer fields that do not produce parking concerns. Stevenson park was selected because there is a need for fields and it's the only location that doesn't require mass tree cutting. Stevenson park is 150 acres and 2 acres would be soccer fields and the Township owns the location. We've looked at our inventory of fields and the only other

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location is in Belford and would need Board of Education approval. Property values will not decrease because of the fields. He discussed the term silly season in regards to election season.

Committeeman Perry, discussed the Bayview school fields there are two baseball fields in the back of the location. It was proposed to the Board of Education to move the baseball fields and make soccer fields. This would allow other fields to be rested and regrown.

Margaret Gordon, Dicerkson Court, she is concerned about property values and the lake. She is against the Stevenson plan.

John Tocco, Shady Oaks, West Front Street, he said traffic is a major concern. It is a direct route to Riverview Hospital and the road is too narrow. He asked what is the proof that 2 field won't expand and that there will be no lights. He asked what time the games stop year round? He said things that start small will expand. He suggested Fort Monmouth as another location to consider.

Mayor Settembrino, confirmed dawn to dusk park with no lights as well as no other funds to expand beyond 2 fields.

Committeeman Perry, mentioned a shared service agreement with Brookdale is possible for field use.

Diane Fisler, 870 West Front Street, read a statement objecting to the construction of fields in the park and expressed traffic concerns. She discussed the quiet nature and cited a quote.

Jim Andrews, 11 Dawnlee Drive, Red Bank, he did a title search for the property and deeds were converged and all declaration of encumbrance. All lands are for recreation and conservation use for parks, etc. Need approval from State. He discussed the concept plan. Stevenson tract was set aside for passive recreation.

Deputy Mayor Fiore, discussed the possible 9 field concept plan and would not move forward with more phases. He discussed the one lane bridge and concern for the access being limited.

Allison Levin Levista, Resident, discussed concern for construction of Village 35 retail/residential and the need protect open space. She is concerned about over development.

Denise Thompson, Resident, stated that the Ueland Neighborhood, which is adjacent to Stevenson Park has children who play soccer and are effected by the lack of field space. Fields are not usable in the fall for practices without lights. The fields would be for game use only.

Deputy Mayor Fiore responded the fields are for game use on weekends and not practice.

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Denise Thompson, responded regarding the lack of notice for this project. She discussed the 300 parking spaces, irrigation, maintenance and tournament use as a concern. She supports pursuing fields at Bayview. She recommended they pull the grant request.

Leo Christofili, Shady Oaks, objects to the funds for 9 soccer fields and the debt service and maintenance versus the lake dredging. He discussed the position of a former Mayor Scharfenberger at the State and as a Freeholder. He thinks Deputy Mayor Fiore as a coach should recuse himself from the application of the grant.

Wayne Oldroyd, 27 Dickerson Court, discussed the Township Master Plan and work with the concepts and people participation. He objects to this process issue. He suggested returning to the master Plan. He believes the park plan should be a conservation and this is the wrong use and the wrong spot.

Deputy Mayor Fiore, responded he agrees with the comments and the Township Committee did review the Master Plan. This location was the best choice and they are still looking for another location. This process is not over.

Township Administrator Anthony Mercantante, responded the Master Plan and Recreation Master Plan has the need for facilities in a single location. The reason the concept plan has 9 fields is to plan for the future since we don't know the future need.

Daniella Reid, Shadow Lake Village, she is concerned about the noise and concerned about the lake.

Jamie Kennedy, 12 Melissa Lane, opposes the fields in Stevenson park. The Middletown park should not be used for fields. She discussed the percentage of children using the fields. This is a want and not a need. We need bigger schools since homes are built all over without new schools. She is requesting the Township and the Board of Education make children the best they can be. We need another resolution to this proposal.

Mayor Settembrino, responded alternate locations are being looked into.

Doug Niose, Harbor Street, stated that kids play soccer and need more facilities. The current fields are in bad shape and Stevenson is a great concept.

Barrett Tiel, Prince Court, Shady Oaks, commented that fields are needed but they are not Shady Oaks need. He objects due to car restriction over one lane bridge. He requested withdrawal of the application.

Carl Malhausen, Shady Oaks, stated he objects to the plan.

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Deputy Mayor Fiore, responded, it is the flattest land and would need the least amount of grading.

Township Administrator Mercantante, commented farm location is the flattest land. Also the Township Committee has tried alternate locations over the past 10 years. We need to address the needs.

Carmella, 13 Honeysuckle Lane, Shady Oaks, commented that this is becoming a political football. She objects to the location it is too close to Shady Oaks homes. The owners deserve the right to quiet enjoyment of their homes. Serious issues of safety and quality of life. She will support other plans.

Martha Christofili, Shady Oaks, commented all other fields are surrounded by trees and you cannot see the homes behind them. She said there is nothing blocking their home from the fields. She supports sports but not this plan. She is concerned about the traffic as well.

Deputy Mayor Fiore, responded there is evidence that other locations allow for adequate egress in and out of locations.

Martha Christofili, responded easement was done and should be respected.

Kay Andrews, 11 Dawnlee Drive, objects to the notification process. The Township Committee did not notify the residents. The public hearing was done when people were away for the labor day holiday. She objects to the lack of transparency of the process and not consulting advisory boards. She asked who wrote the grant application?

Township Administrator Anthony Mercantante, responded a Township Consultant wrote the grant application.

Frank Guadiano, Middlebrook Court, commented on how much the grant is and the source. He is happy that other alternate locations are being looked into.

Deputy Mayor Fiore, responded it doesn't have to be 9 fields when you only need 2 fields.

Maryanne Kligman, 26 Harbor Green Circle, objects to Mercantante's statement on it not being necessary for a traffic study for the project at Stevenson. She objects to mixed signals and there are alternatives. She also objects to the conflict with the Board of Education and Township Committee. She requested the application be withdrawn and amend the deed for Stevenson to be for passive recreation.

James Grenefege, Red Coach Lane, confirmed the Township owns the land at Stevenson park. He requests a traffic study be done. He objects to elections being referred to as silly season. He asked Committeeman Perry about the email that was circulated.

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Committeeman Perry, responded they are looking into it and his campaign team said they did not take emails illegally they were obtained through OPRA.

Committeeman Fiore, responded that no law was broken but there was a person who was arrested for stealing the Republicans campaign signs.

Regina Mackowicz, 47 Foxwood Run, asked how can you find information on conduct of a Township meeting. She objects to Township Committee members whispering on the dais. She asked what is the difference between transcriber and minutes.

Township Attorney Brian Nelson, responded minutes are not transcribed. He went on to explain the decorum of meetings.

Linda Malhausen, Manchester Court, objects to the Stevenson tract being used as soccer fields and requested the preservation of the tract. She is concerned about the lake, parking and use of emergency access roads. She requested the withdrawal of the application.

Valerie Barney, West Front Street, she is concerned the location of the fields and what it will do to the value of homes in the area. She wants to know how many accidents there have been on West Front Street. She is concerned about the bridge traffic and if the grant money is not received the project will still go forward.

Jim Connors, Smoketree Terrace, Shady Oaks, objects to the plan.

Robert Burke, Maida Terrace, supports this proposal for multi-purpose fields. This cannot be a not in my backyard problem and need to look into the future.

Debra Harry, 882 West Front Street, discussed the use of McMahon park to build 2 soccer fields.

Marjorie Cohen, Honey Suckle Lane, Shady Oaks, she sent a picture around to the Township Committee of the Stevenson bridge. She also discussed the road erosion and underground spring.

Michael DiCicco, 46 Alexander Drive, objects to the transparency of the process for the project. Discussed the Village 35 and lack of ability of input into the Redevelopment Plan. He discussed the Town Hall project and the agenda item that was pulled. He stated the Stevenson Park hearing being scheduled after Labor Day. He is requesting more answers regarding development. He also mentioned the way the email list was obtained and that it was unethical.

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ADJOURNMENT

It was moved by Mayor Settembrino, seconded by Deputy Mayor Fiore and carried to adjourn at 10:45 p.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