

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 and virtually through WebEx at 7:00 p.m. on August 15, 2022.

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 Asbury Park Press, The Independent and Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 07, 2022.

Roll Call Vote: Present: Clarke, Hibell, Kratz, Settembrino, Mayor Perry  
Absent: None

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Township Engineer Ted Maloney, Chief Financial Officer Colleen Lapp, Deputy Township 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 freedoms and way of life.

### **CERTIFICATE OF APPRECIATION/PROCLAMATIONS**

#### **Proclamation Recognizing September 2022 as Ovarian Cancer Awareness Month in the Township of Middletown**

Township Clerk Heidi Brunt invited Turn the Town Teal volunteer Michele Collins to join Mayor Perry at the front of the room. Michele spoke about being diagnosed in 2015 at age 39 with ovarian cancer and how she has been in remission for seven years. She discussed the high mortality rate of the disease as well as some of the symptoms. She has been involved with painting the town teal for the last four years raising awareness for ovarian cancer.

#### **Presentation Recognizing Middletown High School North Baseball Team for Winning the NJSIAA Group III State Championship**

Township Clerk Heidi Brunt invited Assistant Coach Lou Romeo along with the team to join Mayor Perry at the front of the room. Mayor Perry expressed his gratitude for the team's dedication and time spent this season and for winning the NJSIAA Group III state championship. Mayor Perry read the certificate that was presented to the entire team.

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**Proclamation Recognizing August 31, 2022 as Overdose Awareness Day in the Township of Middletown**

**WHEREAS:** Middletown, New Jersey acknowledges the harm and hardship caused by drug overdose; and

**WHEREAS:** We recognize the purpose of International Overdose Awareness Day as remembering loved ones lost to addiction and ending the stigma of drug-related deaths; and

**WHEREAS:** We resolve to play our part in reducing the toll of overdose in our community which has claimed the lives of 47 Monmouth County residents as of April 30, 2022, along with countless others who have been affected; and

**WHEREAS:** We affirm that the people affected by overdose are our loved ones – children, parents, siblings, friends, and neighbors – who are deserving of our compassion and support. Now,

**THEREFORE:** I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim August 31, 2022 as **Overdose Awareness Day** in Middletown Township. Middletown is partnering with the Prevention Coalition of Monmouth County to support this cause by displaying purple flags at the Tindall Triangle for the 47 Monmouth County residents lost due to overdose. We encourage our community to reach out to the Middletown Municipal Alliance for the prevention of substance use and Crossroads at the Lincroft Annex should they or a loved one need help with battling addiction.

**Proclamation Recognizing September 2022 as Recovery Month in the Township of Middletown**

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

**WHEREAS:** Mental health and substance use disorders affect all communities nationwide. With commitment and support, those impacted can embark on a journey of improved health and overall wellness. The focus of Recovery Month is to celebrate all the people that make the journey of recovery possible by embracing the theme, “Recovery is For Everyone: Every Person, Every Family, Every Community.” Recovery Month spreads the message that people can and do recover every day; and

**WHEREAS:** Through Recovery Month, people become more aware and able to recognize the signs of mental health and substance use disorders and encourages people in need of recovery services to seek help. Managing the effects of these conditions helps

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individuals achieve healthy lifestyles, both physically and emotionally; and

**WHEREAS:** The Recovery Month observance continues to work to improve the lives of those affected by mental health and substance use disorders by raising awareness and educating communities about the effective services that are available. For the above reasons, I am asking the citizens of Middletown Township to join me in celebrating this September as National Recovery Month; and

**WHEREAS:** To help more people achieve and sustain long-term recovery, we encourage our community to reach out to the Middletown Municipal Alliance for the prevention of substance use and Crossroads at the Lincroft Annex should they or a loved one need help with battling addiction. Now,

**THEREFORE:** I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim the month of September 2022 as **Recovery Month** in Middletown Township and call upon our community to observe this month with compelling programs and events that support this year's 32<sup>nd</sup> anniversary of Recovery Month.

**Proclamation Recognizing September 11, 2022 as Patriot Day and 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 people in New York, Washington, D.C., and Pennsylvania; and

**WHEREAS:** On this 21<sup>st</sup> anniversary of that terrible day, we pay tribute to the 37 Middletown residents who were senselessly killed in 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 direst 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

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**WHEREAS:** A remembrance ceremony will be held at the Middletown World Trade Center Memorial Gardens on Sunday, September 11, 2022 at **7:15 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 Tony Perry and the Middletown Township Committee, do hereby proclaim September 11, 2022 as **Patriot Day and National Day of Service and Remembrance** in the Township of Middletown. We urge all citizens to honor those who lost their lives twenty-one 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.

**ADMINISTRATION OF THE OATH OF OFFICE**

Township Clerk Heidi Brunt read the following resolution by title:

**Resolution 22-205 - Resolution Authorizing Appointment of Special Law Enforcement Officers – Class III**

It was moved by Mayor Perry and seconded by Deputy Mayor Hibell to approve Resolution 22-205

Roll Call Vote:           Ayes: Clarke, Hibell, Kratz, Settembrino, Mayor Perry  
                                  Nays: None  
                                  Abstention: None  
                                  Absent: None

Township Heidi Brunt stated Motion carries to approve resolution 22-205.

**Resolution 22-205 - Appointment of Special Law Enforcement Officers - Class III**

**WHEREAS,** the Township Administrator and Chief of Police have previously recommended that the structure of the Police Department be adjusted to include allowing the appointment of certain Special Law Enforcement Officers (Class I, II, and III).

**WHEREAS,** the Chief of Police has complied with the provisions of N.J.S.A.40A:14-146.1 regarding the appointment of Special Law Enforcement Officers and represents that the applicants named below meet all the requirements set forth by statute and recommends the appointment.

**NOW, THEREFORE, BE IT RESOLVED** BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLETOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

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1. That the following individuals are hereby appointed as Special Law Enforcement Officers – Class III, in the Middletown Township Police Department for the calendar year of 2022.

**Special Law Enforcement Officers Class III –**

<b>Chris Algieri</b>	<b>Richard Fusella</b>	<b>William Strohkirch</b>
<b>Charles Loeffler</b>	<b>John Cunningham</b>	<b>Michael Nordstrom</b>
<b>Carl Castellano</b>	<b>Christopher English</b>	<b>Arthur Lima</b>
<b>Thomas Melvin</b>	<b>Richard Knochel</b>	

2. The Township Clerk shall send a certified copy of this resolution to each of the following:
- Each appointee as listed above who shall present themselves before the Township Clerk to take and subscribe to the Oath of Office.
  - Police Department

Township Clerk Heidi Brunt read the names of the Special Law Enforcement Officers Class III to join Mayor Perry at the front of the room. Mayor Perry spoke about the reason for the need for armed officers at schools after the tragedy in Uvalde, Texas. He said four years ago the Board of Ed was reluctant to have armed officers in the schools but today we are changing that and protecting the children. Mayor Perry swore the officers in and congratulated them for the time and dedication.

**APPROVAL OF MINUTES**

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

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adopt the minutes of the following meetings:

July 18, 2022 Regular Meeting

Roll Call Vote:       Ayes: Clarke, Hibell, Kratz, Settembrino, Mayor Perry  
                              Nays: None  
                              Abstention: None  
                              Absent: None

Township Heidi Brunt stated Motion carries to approve the minutes.

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**PUBLIC HEARING OF PROPOSED ORDINANCES**

Township Clerk Heidi Brunt read the following ordinance by title:

**Ordinance 2022-3349 - Bond Ordinance Providing an Appropriation Of \$1,750,000 For Various Capital Improvements by And for The Township of Middletown in The County of Monmouth, New Jersey And Authorizing the Issuance Of \$650,750 In Bonds or Notes of The Township for Financing Part of The Appropriation.**

Mayor Perry opened the meeting for public comments.

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

Roll Call Vote:           Ayes: Clarke, Hibell, Kratz, Settembrino, Mayor Perry  
                                  Nays: None  
                                  Abstention: None  
                                  Absent: None

Township Clerk Heidi Brunt stated motion carried to pass this ordinance.

Township Clerk read the following ordinance by title:

**Ordinance 2022-3350 – Ordinance Amending Management Salaries for 2022**

Mayor Perry opened the meeting for public comments.

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

Roll Call Vote:           Ayes: Clarke, Hibell, Kratz, Settembrino, Mayor Perry  
                                  Nays: None  
                                  Abstention: None  
                                  Absent: None

Township Clerk Heidi Brunt stated motion carried to pass this ordinance

**INTRODUCTION OF PROPOSED ORDINANCES**

Township Clerk Heidi Brunt read the following ordinance by title:

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**Ordinance 2022-3351 – An Ordinance Authorizing the Vacation of a Portion of Beverly Way Within the Township of Middletown, Monmouth County, New Jersey**

It was moved by Mayor Perry and seconded by Deputy Mayor Hibell to pass this ordinance on first reading.

Roll Call Vote:       Ayes: Clarke, Hibell, Kratz, Settembrino, Mayor Perry  
                          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 6, 2022.

Township Clerk Heidi Brunt read the following ordinance by title:

**CONSENT AGENDA**

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 22-206 through 22-228 removing 22-214 and 22-222 for a separate vote, including Bingo, Raffle and Firefighter Applications

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

Roll Call Vote:       Ayes: Clarke, Hibell, Kratz, Settembrino, Mayor Perry  
                          Nays: None  
                          Abstention: None  
                          Absent: None

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

**Resolution 22-206 – Resolution Establishing Fair Market Value and Authorizing And Directing the Acquisition of Properties Located in The Township of Middletown Designated as Block 265, Lots 64 & 66 By Purchase or Eminent Domain**

**WHEREAS**, the United States Army Corps of Engineers (“**USACE**”) conducted an investigation and identified areas located in the Township of Middletown (the “**Township**”) that were subject to significant coastal storm damage and tide-induced flooding; and

**WHEREAS**, the USACE’s investigation resulted in the Raritan Bay and Sandy Hook Bay, Port Monmouth Feasibility Report for Hurricane and Storm Damage Reduction (the “**Feasibility Report**”) dated September 25, 2000; and

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**WHEREAS**, under Section 101 of the Water Resources Development Act of 2000, and based on the Feasibility Report, the United States Congress authorized a hurricane and storm damage reduction project in the Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey; and

**WHEREAS**, the hurricane and storm damage reduction project included the Raritan Bay and Sandy Hook Bay, Port Monmouth, Phase II, NJ Flood Risk Management Project (the “**Project**”); and

**WHEREAS**, under public law 113-2, the Disaster Relief Appropriation Act of 2013, Chapter 4, Congress appropriated funds for this Project; and

**WHEREAS**, the USACE is now implementing the Project, which provides for hurricane and storm damage reduction and flood risk management and calls for certain improvements on certain real property, including, but not being limited to the construction of a floodwall and/or levee, road closure gates, interior drainage structures and other related work; and

**WHEREAS**, pursuant to Ordinance No. 2021-3324, the Township is authorized and directed to acquire by purchase or gift, or, in the alternative, to take, or condemn certain real property identified as necessary components under the Project’s Phase II Contracts 4b and 5 for the purchase price and/or fair and just compensation as valued by the appraisal reports issued by J. McHale & Associates, Inc. (the “**Appraiser**”), subject to and upon receipt of final approval required by the Project’s Phase II Contracts 4b and 5 and the adoption of a resolution by the Township Committee memorializing the same; and

**WHEREAS**, the Township is in receipt of the appraisal reports reviewed and approved pursuant to the Project’s Phase II Contracts 4b and 5 for the properties set forth in **Exhibit A** (each a “**Property**” and collectively the “**Properties**”) and wishes to proceed with the acquisition of the Properties for the Project.

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

That the Township Committee hereby accepts the valuations by the Appraiser for the Properties in the amounts set forth in the appraisal reports reviewed and approved pursuant to the Project’s Phase II Contracts 4b and 5 and identified in **Exhibit A** attached hereto, as having been performed in a competent manner and in accordance with the relevant appraisal standards and the applicable law as establishing the fair market value of the Properties (the “**Cost of Acquisition**”).

The Mayor, Township Administrator, Archer & Greiner, PC and/or any other attorneys retained by the Township for purposes of the Project, and such other officials, employees and agents of the Township, specifically including, but not limited to professional appraisers, environmental experts, consulting engineers, surveyors and similar professionals as are appropriate, are hereby



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authorized and directed to execute such documents and to perform all other acts necessary to negotiate in good faith or take, condemn (including the institution of any necessary legal action to acquire the real property including but not limited to action to gain necessary access to the real property for related purposes) or to acquire title to the Properties for dedication to the Project; and the Mayor and Township Clerk are hereby authorized and directed to execute any and all documents necessary for the acquisition of said real property; however, no settlement figure, purchase price or stipulation to purchase in excess of the Cost of Acquisition shall be binding on the Township or its agents until the Township Committee gives final approval to such figure or price by resolution.

The Chief Financial Officer of the Township is hereby authorized and directed to pay the purchase price and/or fair and just compensation to the owner of record in the amount of the Cost of Acquisition for each Property as valued by the appraisal reports issued by J. McHale & Associates, Inc., as well as to pay the Township's share of costs connected with title reports, appraisal reports, attorney's fees, professional consultant's fees, and other costs necessary for the general acquisition of any Property by way of condemnation of the real property.

This resolution shall take effect immediately.

**Resolution 22-207 - Cancellation of Community Development Mortgages**

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

<u>Block</u>	<u>Lot</u>	<u>Borrower</u>	<u>Address</u>	<u>Amount</u>
67	11	Allen & Lilly Giovengo	118 Ocean Ave	25,983

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

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

- A. Community Development

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**Resolution 22-208 - Cancellation of Community Development Mortgages**

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

<u>Block</u>	<u>Lot</u>	<u>Borrower</u>	<u>Address</u>	<u>Amount</u>
69	25	Joseph Mondello	143 Ocean Ave	24,175
404	6	George & Lorraine Gremminger	17 Center Ave	13,400
9	6	Valerie Nashi & Jennifer Ocasio	60 Monmouth Ave	26,600
297	6	Lori Reilly	110 Edward Ave	14,925
562	6	William & Gail Olizarowicz	15 Elinor Street	23,050
600	105	Robert & Stephanie Usa	2 Elm Court	24,761
150	9.01	Bruce Henn	20 Suffolk Ave	13,175
140	5	Hikmet & Serife Cakici	65 Brainard Ave	23,980
843	20	Frances & Janet Kelly Laub	33 Kingfisher Drive	25,000
632	126	Ethel J. & Rita Trumble	46 Melrose Terrace	15,920
246	7	Charles La Bette	36 Michigan Ave	20,980
939	8	Catherine M. Sheridan	36 Delaware Ave	24,975
104	3	Marina Dudash	7 Lester Place	13,400
333	2.01	Isabel Cuccinelli	228 Bay Ave	12,650
880	18	Louis Corvisiero	47 Chapel Hill Road	8,340

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

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

- A. Community Development

**Resolution 22-209 – 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.

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**Resolution 22-210 - Authorizing The Award of a Non-Fair and Open Contract to Pinnacle Indoor Sports to Provide Conceptual Design of An Indoor Recreation Facility**

**WHEREAS**, the Township of Middletown has a need to hire a specialist to provide a conceptual design of an indoor recreation facility located at 202 Main Street Port Monmouth New Jersey 07758; and

**WHEREAS**, the Township has elected to award this contract via a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the Purchasing Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is for one (1) year; and

**WHEREAS**, Pinnacle Indoor Sports , in the aggregate is expected to receive more than the pay to play threshold of \$17,500.00; and

**WHEREAS**, Pinnacle Indoor Sports, has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form, which certifies that Pinnacle Indoor Sports has not made any reportable contributions to a political or candidate committee in the Township of Middletown in the previous one year, and that the contract will prohibit Pinnacle Indoor Sports from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$25,000.00 is available for this purpose in account/line-item number T-03-56-802-120-004 A copy of the said certification is attached hereto and made part hereof.

**THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that the Township enter into an agreement with Pinnacle Indoor Sports for the provision of a conceptual design of an indoor recreation facility located at 202 Main Street Port Monmouth NJ 07758, in the not to exceed amount of \$25,000.00 and that the Business Entity Disclosure Certification and Political Contribution Disclosure form, and Determination of Value be placed on file with this resolution.

**Resolution 22-211 - Resolution Authorizing Award of Contract to A Vendor with A National Cooperative Contract for One (1) Elgin Street Sweeper**

**WHEREAS**, the Township of Middletown as a contracting unit, may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf of the Sourcewell National Cooperative, pursuant to the provision of Local Public Contract Law P.L. 2011, C.139 (the “Law” or “Chapter 139”) and N.J.S.A.52:34-6.2 and the regulations promulgated in Local Finance Notice LFN 2012-10, which permits contracting units to use contracts awarded by national or regional cooperatives or other states that were competitively bid. The law supplements existing law on the use of such contracts and is intended to provide additional flexibility to local government in the area of procurement; and

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**WHEREAS** the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with; and

**WHEREAS**, the Qualified Purchasing Agent has complied with the public notification provisions of public advertisement and has received no protests in accord with law and regulation; and

**WHEREAS**, the Qualified Purchasing Agent, recommends the utilization of this contract based on the requirements of State Law; and

**WHEREAS**, under Sourcwell Contract #093021-ELG Timmerman Equipment Company, an authorized dealer for Elgin Sweeper, can provide the Township with one (1) new Elgin street sweeper in the amount of \$332,151.90 per their quote dated July 18, 2022; and

**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$332,151.90 are available for this purpose in account/line-item number(s) C-04-55-922-339-003. A copy of the said certification is attached hereto and made part hereof.

**THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Middletown that Timmerman Equipment Company, under Sourcwell Contract #093021-ELG be utilized to provide one (1) new Elgin street sweeper in the amount of \$332,151.90.

**Resolution 22-212 - Resolution Authorizing Award of Contract to a Vendor with A National Cooperative Contract for Installation of a Skate Park**

**WHEREAS**, the Township of Middletown as a contracting unit, may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf of the Sourcwell National Cooperative, pursuant to the provision of Local Public Contract Law P.L. 2011, C.139 (the “Law” or “Chapter 139”) and N.J.S.A.52:34-6.2 and the regulations promulgated in Local Finance Notice LFN 2012-10, which permits contracting units to use contracts awarded by national or regional cooperatives or other states that were competitively bid. The law supplements existing law on the use of such contracts and is intended to provide additional flexibility to local government in the area of procurement; and

**WHEREAS** the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with; and

**WHEREAS**, the Qualified Purchasing Agent has complied with the public notification provisions of public advertisement and has received no protests in accord with law and regulation; and

**WHEREAS**, the Qualified Purchasing Agent, recommends the utilization of this contract based on the requirements of State Law; and

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**WHEREAS**, under Sourcewell Contract #112420-SRI Spohn Ranch can provide the Township with the installation of a new skate park at Kunkel Park in the amount of \$839,543.42 per their quote dated July 18, 2022; and

**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$839,543.42 are available for this purpose in account/line-item number(s) C-04-55-922-341-001. A copy of the said certification is attached hereto and made part hereof.

**THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Middletown that Spohn Ranch, under Sourcewell Contract #112420-SRI be utilized to provide the installation of a new skate park at Kunkel Park in the amount of \$839,543.42.

**Resolution 22-213** - **WHEREAS**, the Township of Middletown has a need to purchase a prefabricated building for use at the recycling center; and

**WHEREAS**, the Township has elected to award this contract via a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the Purchasing Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

**WHEREAS**, the contract will terminate upon delivery and acceptance of the structure; and

**WHEREAS**, Jay Henges Enterprises Inc. in aggregate is expected to receive more than the pay to play threshold of \$17,500.00; and

**WHEREAS**, Jay Henges Enterprises, Inc., has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form, which certifies that Jay Henges Enterprises, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Middletown in the previous one year, and that the contract will prohibit Jay Henges Enterprises, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$18,239.14 is available for this purpose in account/line-item number T-03-56-802-330-000. A copy of the said certification is attached hereto and made part hereof.

**THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that the Township enter into an agreement with Jay Henges Enterprises, Inc. for the provision of a prefabricated duraluminum building in the not to exceed amount of \$18,239.14 and that the Business Entity Disclosure Certification and Political Contribution Disclosure form, and Determination of Value be placed on file with this resolution.

**Resolution 22-214** – **Removed from Agenda for Separate Vote**

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**Resolution 22-215 - Authorizing Painting of Conover Beacon Through the Educational Services Commission of New Jersey**

**WHEREAS**, the Township may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf of the Educational Services Commission of New Jersey Cooperative Purchasing System (Co-Op #65MCESCCPS) pursuant to the provision of N.J.S.A. 40A:11-11; and

**WHEREAS**, GPC Inc., 20 E. Willow Street 75, Milburn, NJ 07041, has been awarded the ESCNJ Contract No. 20/21-24 (expiration 06/30/23) for Painting Services Time and Material; and

**WHEREAS**, under Contract 20/21-24, GPC Inc., can provide services to paint the Conover Beacon for the Township of Middletown; and

**WHEREAS**, the Chief Financial Officer for Middletown Township has certified that free and unencumbered funds in the amount of \$335,100.00 are available for this purpose in account/line-item numbers T-06-56-802-120-004. A copy of the said certification is attached hereto and made part hereof.

**THEREFORE, 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 GPC, Inc. for painting of the Conover Beacon in the amount of \$335,100.00.

**Resolution 22-216 - Resolution Authorizing the Award Of A Contract For Police Uniforms & Equipment**

**WHEREAS**, the Township advertised for and received bids for contract #22-12 – Police Uniforms & Equipment in accordance with N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, two proposals were received and publicly opened on July 26, 2022, at 10:00 a.m.; and

**WHEREAS**, there was an exception to the bid specifications noted by the lowest bidder, Bob’s Uniform Shop, Inc., regarding delivery time; and

**WHEREAS**, because of this exception Bob’s Uniform Shop, Inc. was declared unresponsive to the specifications; and

**WHEREAS**, the second lowest bidder, Action Uniform Co., LLC, has confirmed that they can meet the delivery time indicated in the bid specifications; and

**WHEREAS**, the Director of Purchasing and the Chief of Police have recommended that the award of contract #22-12 be awarded to the second lowest bidder, Action Uniform

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Co., LLC, 1500 S. New Rd., Pleasantville, NJ 08232 in a not to exceed amount of \$95,000.00 with their prices as follows:

- Group 1 - \$2,635.00**
- Group 2 - \$1,566.00**
- Group 3 - \$2,080.00**
- Group 4 - \$790.00**
- Group 5 - \$2,070.00**
- Group 6 - \$43.00**

**WHEREAS**, the initial contract term shall begin, August 17, 2022 and end August 16, 2023; with an option for two (2) one (1) year extensions; and

**WHEREAS**, the appropriations to be charged are budget line item number(s) 2-01-25-240-100-235 and no amount of this contract shall be chargeable until certification of available funds are made and upon receipt of a properly executed purchase order.

**THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown that the award for contract #22-12 – Police Uniforms & Equipment be awarded to Action Uniform Co., LLC pursuant to the terms of their bid at the above prices, and that the appropriate officials are hereby authorized to execute the contract with the contractor.

**Resolution 22-217 - Resolution Authorizing the Award of a Contract for Professional Architectural Services for The Veteran’s Affordable Housing Project**

**WHEREAS**, the Township of Middletown (the “**Township**”) requires professional architectural services in relation to the veteran’s affordable housing project; and

**WHEREAS**, pursuant to the fair and open process and resolution no. 22-64, the Township previously appointed DMR Architects as Architect of Record; and

**WHEREAS**, the Township has received a proposal from DMR Architects, to provide the required professional architectural services for the veteran’s affordable housing project in the amount of \$126,000.00, which the Township Engineer has deemed acceptable.

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

1. It hereby authorizes the award of a contract to DMR Architects, 777 Terrace Ave., Suite 607, Hasbrouck Heights, NJ 07604 for professional architectural services related to the veteran’s affordable housing project in an amount not to exceed \$126,000.00.

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2. It hereby authorizes and directs the Mayor or Administrator and the Clerk, subject to final attorney review, to execute an Agreement for the provision of such professional services, a copy of which shall be maintained by the Clerk.

**Resolution 22-218 - Resolution Authorizing Bonds Aggregating the Principal Sum Not to Exceed \$9,466,747 Authorized by Six Bond Ordinances Heretofore Adopted to Finance Part of The Cost of Various General Improvements in The Township of Middletown, County of Monmouth, New Jersey Into One Consolidated Issue of Bonds and Providing for The Form, Maturities and Other Details of Said Consolidated Issue.**

**WHEREAS**, the Township Committee of the Township of Middletown, in the County of Monmouth, New Jersey (the “Township”), has heretofore adopted six bond ordinances authorizing bonds to finance part of the cost of various general improvements in said Township; and

**WHEREAS**, it is necessary to issue bonds pursuant to said ordinances in an aggregate principal amount not to exceed \$9,466,747 and it is deemed advisable and in the best interests of the Township, for the purpose of the orderly marketing of said bonds and for other financial reasons, to combine the bonds authorized under said six ordinances into one consolidated issue in the aggregate principal amount not to exceed \$9,466,747 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey; NOW, THEREFORE,

**BE IT RESOLVED BY TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLETOWN IN THE COUNTY OF MONMOUTH, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) that:

There shall be issued bonds of the Township in the following principal amounts pursuant to the following bond ordinances:

- A. An amount not to exceed \$650,807 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 2021-3315):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$950,000 FOR THE ACQUISITION OF BODY CAMERAS, IN CAR VIDEO AND STORAGE AND ACCESSORIES FOR THE POLICE DEPARTMENT BY AND FOR THE TOWNSHIP OF MIDDLETOWN IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$650,807 IN BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.”



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heretofore finally adopted. The average period of usefulness is 5 years.

B. An amount not to exceed \$5,665,940 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 2021-3321):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$6,414,150 FOR VARIOUS CAPITAL IMPROVEMENTS BY AND FOR THE TOWNSHIP OF MIDDLETOWN IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$5,665,943 IN BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 11.88 years.

C. An amount not to exceed \$300,000 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 2021-3322):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,500,000 FOR VARIOUS IMPROVEMENTS TO THE MUNICIPAL COMPLEX BY AND FOR THE TOWNSHIP OF MIDDLETOWN IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$300,000 IN BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 13 years.

D. An amount not to exceed \$1,520,000 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 2021-3326):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$2,575,000 FOR ACQUISITION OF FAIR VIEW FIELDS PROPERTY LOCATED ON OAK HILL ROAD BY AND FOR THE TOWNSHIP OF MIDDLETOWN IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$2,446,250 IN BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.”

as amended by an ordinance entitled: (Ord. No. 2022-3336):

“BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2021-3326 FINALLY ADOPTED BY THE

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
MIDDLETOWN, NEW JERSEY ON DECEMBER 20, 2021”

heretofore finally adopted. The average period of usefulness is 40 years.

E. An amount not to exceed \$1,330,000 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 2022-3341):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,400,000 FOR CONSTRUCTION OF A SKATEBOARD PARK IN KUNKEL PARK BY AND FOR THE TOWNSHIP OF MIDDLETOWN IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,330,000 IN BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 15 years.

Section 2. The bonds referred to in Section 1 hereof are hereby combined into one consolidated issue of bonds in the aggregate principal amount not to exceed \$9,466,747 and are sometimes hereinafter collectively referred to as the “Bonds.” The bonds referred to in Subsections A to C shall be designated “General Improvement Bonds, Series 2022” and shall be numbered with the prefix G from one (1) consecutively upward. The bonds referred to in Subsections D and E shall be designated “Open Space Bonds, Series 2022” and shall be numbered with the prefix O from one (1) consecutively upward. The bonds of said consolidated issue shall be dated the date of delivery of the Bonds and will be issued in fully registered form. The Bonds of said issue (i) shall be dated the date of delivery of the Bonds, (ii) shall mature in the years 2023 through 2042, or such other years as may be determined by the Chief Financial Officer, (iii) shall bear interest at the interest rates per annum as determined by the Chief Financial Officer, (iv) shall be sold at such price or prices as determined by the Chief Financial Officer, and (v) may be subject to redemption prior to their stated maturities as determined by the Chief Financial Officer, as shall be set forth in the proposal for the purchase of the Bonds acceptance of which is authorized pursuant to Section 5 hereof. The Bonds shall be numbered one consecutively upward, and will be issued in fully registered form.

Section 3. The Bonds shall be payable as to interest at the corporate trust office of U.S. Bank Trust Company, National Association, Iselin, New Jersey, (or other trustee bank selected by the hereinafter defined Authority) payable on the March 15 and September 15 prior to each April 1 and October 1, commencing April 1, 2023, in an amount equal to the interest accruing to each such April 1 and October 1, and payable as to principal at the corporate trust office of U.S. Bank National Association, payable on the 15th day of the month immediately preceding the due date therefor. Interest on the Bonds shall be calculated on the basis of a 360-day year or twelve 30-day calendar months.

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Section 4. The Bonds shall be signed by the Mayor or Deputy Mayor and the Township Chief Financial Officer (each an “Authorized Officer”), by their manual or facsimile signatures, and the corporate seal of the Township shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Township.

Section 5. The Bonds are hereby sold and awarded to the Monmouth County Improvement Authority (the “Authority”) by an Authorized Officer at a price determined by the Authorized Officer pursuant to the terms of a Bond Purchase Agreement between the Township and the Authority (the “Bond Purchase Agreement”). The Mayor, Deputy Mayor and Chief Financial Officer are hereby authorized on behalf of the Township to execute the Bond Purchase Agreement by and between the Township and the Monmouth County Improvement Authority and the Continuing Disclosure Agreement by and between the Township and U.S. Bank Trust Company, National Association, if necessary.

Section 6. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form:

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No. 2022 G-\_, O-

**UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF MONMOUTH**

**TOWNSHIP OF MIDDLETOWN  
GENERAL IMPROVEMENT BONDS, SERIES 2022  
OR  
OPEN SPACE BONDS, SERIES 2022**

DATE OF  
ORIGINAL  
ISSUE: October \_\_, 2022

TOWNSHIP OF MIDDLETOWN in the County of Monmouth, New Jersey, hereby acknowledges itself indebted and for value received promises to pay to

**THE MONMOUTH COUNTY IMPROVEMENT  
AUTHORITY (the "Authority")  
c/o U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION  
(the "Trustee")**

the principal sums on the dates and in the amounts set forth on Schedule A attached hereto and made a part hereof and to pay interest on such sum from the DATE OF ORIGINAL ISSUE of this bond until payment in full at the interest rates per annum and in the amounts shown on Schedule A attached hereto and made a part hereof. Interest is payable to the Authority at the corporate trust office of the Trustee on the March 15 and September 15 prior to each April 1 and October 1, commencing April 1, 2023, in an amount equal to the interest accruing to each such April 1 and October 1. This bond as to principal will be payable on the fifteenth day of the month immediately preceding the due date therefor at the corporate trust office of the Trustee. Amounts not paid when due hereunder shall bear interest at the Late Payment Rate until paid. This bond shall be prepayable as set forth in Section 1303 of the bond resolution adopted by the Authority on August 11, 2022 (as the same may be supplemented and amended, the "Bond Resolution").

Both principal of and interest on this bond is payable in lawful money of the United States of America and in immediately available funds.

As used herein, "Business Day" shall mean any day that is not a Saturday, a Sunday or a legal holiday in the State of New Jersey or the State of New York or a day on which the Trustee is legally authorized to close. "Late Payment Rate" shall mean a rate per annum equal to the lower of (i) the greater of (a) three percent above the interest rate that JPMorgan Chase publicly announces from time to time as its prime lending rate, such interest rate to

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change on the effective date of each announced change in such rate and (b) the rate then payable on this bond, and (ii) the maximum interest rate allowed by law.

The Bonds are subject to redemption prior to their stated maturities.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of New Jersey, and is one of the Bonds referred to in a resolution of the Township of Middletown adopted on August 15, 2022 and entitled “Resolution Authorizing Bonds Aggregating The Principal Sum Not To Exceed \$9,466,747 Authorized By Six Bond Ordinances Heretofore Adopted To Finance Part Of The Cost Of Various General Improvements In The Township Of Middletown, County Of Monmouth, New Jersey Into One Consolidated Issue Of Bonds And Providing For The Form, Maturities And Other Details Of Said Consolidated Issue,” and the bond ordinance referred to therein, in all respects duly approved and published as required by law.

The full faith and credit of the Township of Middletown are hereby irrevocably pledged for the punctual payment of the principal of and the interest on, and all other amounts due under, this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Township of Middletown, is within every debt and other limit prescribed by such Constitution or statutes.

The Township of Middletown agrees to pay (i) all costs and expenses (including legal fees) in connection with the administration and enforcement of this bond, which includes but is not limited to costs in connection with the enforcement of the County Guaranty (as defined in the Bond Resolution) and (ii) its share of the amounts payable pursuant to Section 9(vi)(B) of the Bond Purchase Agreement between the Township of Middletown and the Authority.

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**IN WITNESS WHEREOF**, the TOWNSHIP OF MIDDLETOWN, in the County of Monmouth, New Jersey has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor or Deputy Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Township Clerk, and this bond to be dated the DATE OF ORIGINAL ISSUE as specified above.

TOWNSHIP OF MIDDLETOWN

By: \_\_\_\_\_

— Anthony S. Perry, Mayor

ATTEST:

\_\_\_\_\_  
By: \_\_\_\_\_  
Heidi R. Brunt,  
Clerk

Colleen Lapp,  
Chief Financial Officer

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(Assignment Provision on Back of Bond)

ASSIGNMENT

FOR VALUE RECEIVED \_\_\_\_\_ hereby sells, assigns and transfers unto \_\_\_\_\_. (Please Print or Type Name and Address of Assignee) the within bond and irrevocably appoints \_\_\_\_\_ as Attorney to transfer this bond on the registration books of the \_\_\_\_\_ with full power of substitution and revocation.

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NOTICE

The signature of this assignment must correspond with the name as it appears on the face of the within bond in every particular.

Dated:

Signature of Guarantee:

  

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SCHEDULE A

TOWNSHIP OF MIDDLETOWN  
GENERAL IMPROVEMENT BONDS, SERIES 2022  
OR  
OPEN SPACE BONDS, SERIES 2022

Schedule of Principal and Interest Payments



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Section 7. The Township Chief Financial Officer is hereby authorized and directed (a) to cause a copy of the written opinion with respect to the Bonds which is to be rendered by the firm of Gibbons P.C. (complete except for omission of its date) to be printed or referred to on the Bonds, and at the time of the original delivery of payment for the Bonds and when such written opinion is rendered, to cause the Township Clerk to certify to the truth and correctness of such copy of opinion by executing on each of said Bonds, by manual or facsimile signature, a certificate subjoined to each such copy, and to file a signed duplicate of such written opinion in such Clerk's office and at each place at which the Bonds are payable, (b) to cause the applicable CUSIP number (if any) assigned for each of said Bonds by the CUSIP Global Services, which is managed on behalf of the American Bankers Association by S&P Global Market Intelligence, to be printed on each of the Bonds, and (c) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds.

Section 8. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to the Authority and the payment of the purchase price thereof in accordance with the Bond Purchase Agreement, the Township Chief Financial Officer is hereby authorized and directed as of said date of issue, to execute and deliver to said purchaser (a) an arbitrage certification with respect to the Bonds under and for the purpose of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and (b) an accompanying opinion of Gibbons P.C. as of said date of issue with respect to said arbitrage certification for the purposes of said Section 148.

Section 9. The proceeds of the Bonds shall be applied in the amounts and for the purposes provided in Section 1 hereof, and to pay and fund any bond anticipation notes theretofore issued for such purpose and then outstanding.

Section 10. The Mayor or Deputy Mayor and Township Chief Financial Officer are hereby authorized and directed, as is the Township Clerk, to execute all documents and certificates, necessary for the sale and delivery of said Bonds.

Section 11. This resolution shall take effect immediately.

**Resolution 22-219 - Resolution Authorizing the Middletown Police Department to Participate in The Defense Logistics Agency, Law Enforcement Support Enforcement Support Office, 1033 Program to Enable the Police Department to Request and Acquire Excess Department Of Defense Equipment**

**WHEREAS**, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

**WHEREAS**, rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

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**WHEREAS**, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response and resiliency; and

**WHEREAS**, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling and upkeep of the property and for specialized training on the operation of any acquired property; and

**WHEREAS**, N.J.S.A. 40A:5-30.2 requires the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through the 1033 program.

**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 Middletown Police Department is hereby authorized to enroll in the 1033 program through December 31, 2022.

**BE IT FURTHER RESOLVED** that the Middletown Police Department is hereby authorized to acquire items on non-controlled property designated “DEMIL A”, which may include: office supplies, office furniture, computers, electronic equipment, generators, field packs, nonmilitary vehicles, off-road vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, excavation equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, respirators, binoculars, and any other supplies and equipment of a nonmilitary nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Middletown Police Department, without restriction.

**BE IT FURTHER RESOLVED** that the Middletown Police Department is hereby authorized to acquire “DEMIL B through Q” property, listed in the unredacted portion of the DEMIL inventory sheet if it shall become available in the period of time for which this resolution authorizes.

**BE IT FURTHER RESOLVED** that the Chief of Police for the Middletown Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property.

**BE IT FURTHER RESOLVED** that the Middletown Police Department shall provide a quarterly accounting of all property obtained through the 1033 program which shall be available to the public upon request.

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately and shall be valid to authorized requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 program during the period of time for which this resolution authorizes.

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**BE IT FURTHER RESOLVED** that this authorizing resolution will expire on December 31, 2022 and continued participation in this program will require annual authorization by the governing body.

**Resolution 22-220 - Resolution Authorizing Shared Services Agreement with Middletown Board of Education for Provision of Armed Class III Special Law Enforcement Officers at All Middletown Schools**

**WHEREAS**, in June 2022, the Township of Middletown (the “Township”) and the Middletown Township Board of Education (the “Board”) agreed to general terms for the provision of armed police officers at each Middletown school, which was implemented through the end of the school year under a Letter of Intent; and

**WHEREAS**, N.J.S.A. 40A:14-146.10 establishes the position of Class III Special Law Enforcement Officer to provide security to schools in the State of New Jersey when school is in session for students and staff; and

**WHEREAS**, the Township and the Board both recognize the potential benefits of the provision of such services by Class III Special Law Enforcement Officers to the students and staff of Middletown’s public schools; and

**WHEREAS**, the Township and the Board desire to enter into an agreement whereby the Middletown Township Police Department shall provide for Class III Special Law Enforcement Officers to be hired and assigned to the Middletown public school district; and

**WHEREAS**, the Uniform Shared Services and Consolidations Act, N.J.S.A. 40A:65-1 et seq. authorizes local governmental entities to enter into an agreement, among other things, for the sharing of services with boards of education.

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

1. It hereby authorizes and directs the Mayor to execute the Shared Services Agreement attached hereto and made part hereof for the provision of Class III Special Law Enforcement Officers to the Board for a term of two school years, with one renewal period for another two school years with the consideration being the actual costs and expenses incurred by the Township for the provision of such services to be billed on a quarterly basis.
2. Pursuant to N.J.S.A. 40A:65-4b, a certified copy of this Resolution and Shared Services Agreement shall be filed with the Department of Community Affairs Division of Local Government Services.

**Resolution 22-221 - Resolution for Temporary Emergency Appropriation**

**WHEREAS**, an emergency has arisen with respect to Legal Fees and Fuel Costs as a result of litigation and commodity increases, and no adequate provision was made in the 2022 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

**WHEREAS**, the total amount of the emergency appropriations created, including that appropriation to be created by this resolution is \$400,000.00 and three (3) percent of the total operating appropriations in the budget for 2022 is \$2,257,009.62, and

**WHEREAS**, foregoing appropriation together with prior appropriations does not exceed the three (3) percent of the total operating appropriations in the budget for 2022; and

**NOW, THEREFORE, BE IT RESOLVED** (not less than two thirds of all members of the Township Committee of the Township of Middletown, New Jersey affirmatively concurring) that in accordance with the provisions of NJS 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made to the current fund for other expenses in the amount of \$400,000 (\$200,000.00 for each purpose)
2. Said emergency appropriation shall be provided in full in the 2023 budget and had been requested and approved to be excluded from CAPS pursuant to NJSA 40A:4-45.3c(1)
3. Two (2) certified copies of this resolution be filed with the Director of Local Government Services.

This Resolution shall become effective immediately upon adoption.

**Resolution 22-222 - REMOVED FROM CONENT AGENDA FOR SEPARATE VOTE**

**Resolution 22-223 - Resolution in Opposition Of New Jersey Division of Alcoholic Beverage Control's Special Conditions on Limited Brewery Licensees**

**WHEREAS**, the New Jersey Division of Alcoholic Beverage Control (NJABC) issued new special conditions on each limited brewery licensee (aka “craft brewery”) in the state beginning Friday, July 1, 2022; and

**WHEREAS**, under the license conditions, craft breweries are limited to hold 25 on-site activities open to the general public annually, as well as 52 private parties, and breweries can also attend 12 off-premises events, such as town, charitable and holiday celebrations; and

**WHEREAS**, under these license conditions, craft breweries have restrictions on the types of television proگرامing they can air in their tasting rooms, restricts what types of live

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or record music they play or host, limits what food options they can make available to customers, bans the sale of coffee, and prohibits the sale of soft drinks and other non-alcoholic beverages not made onsite at the brewery; and

**WHEREAS**, according to the national Brewers Association, the one-hundred and forty-one craft breweries operating in New Jersey, including two in the Township of Middletown, in calendar year 2021 contributed almost \$2 billion to the state's economy, creating over 11,000 jobs at an annually income of more than \$55,000 per employee; and

**WHEREAS**, these new conditions will force these local, homegrown small businesses to rethink business models and closely consider which events they should participate in or host, which will reduce their profits and their opportunities to engage in their communities; and

**WHEREAS**, visiting these microbreweries is about each of their unique experiences, and these proprietors have found exciting ways to engage other local businesses, vendors and artists in their communities; and

**WHEREAS**, the Governor and State Legislature should work with breweries to develop smart and fair law revisions and regulations that will guide state regulators at the NJABC on how to oversee the state's craft beer industry.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey strongly opposes the NJABC special conditions on Limited Brewery Licensees, and requests the conditions be removed immediately.

**BE IT FURTHER RESOLVED** that copies of this resolution shall be forwarded to the leaders of the New Jersey Legislature and Governor Phil Murphy.

**Resolution 22-224 - Resolution Adopting Revisions to Deferred Compensation Program for Township Employees to Conform with New Treasury Regulations**

**WHEREAS**, the Township of Middletown (the “Employer”) by resolution previously adopted a Deferred Compensation Plan (the “Plan”) for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

**WHEREAS**, the Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008 , the Worker, Retiree and Employer Recovery Act of 2008 and the Small Business Act of 2010 amended sections of the Internal Revenue Code (the “Code”) and the rules and/or

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regulations issued thereunder affecting Section 457 Deferred Compensation Plans (cumulatively, the “Acts and Regulations”); and

**WHEREAS**, the Employer desires its Plan to conform with the changes in the Code and Treasury regulations brought about by the Acts and Regulations; and

**WHEREAS**, the Employer desires to adopt a restated Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations; and

**WHEREAS**, such revised Plan shall supersede the previously adopted Plan.

**NOW, THEREFORE BE IT RESOLVED** that the Employer hereby adopts a revised Plan 92-PD-Lincoln-121316.

**BE IT FURTHER RESOLVED** that Lincoln Retirement Services, LLC (“Lincoln”) has agreed to continue to be the provider of the Deferred Compensation Program for employees and elected officials.

**BE IT FURTHER RESOLVED** that Lincoln will continue to provide, for the benefit of the participants the Alliance contract.

**BE IT FURTHER RESOLVED** that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln in the selection of a provider pursuant to N.J.A.C. 5:37-5.7.

**BE IT FURTHER RESOLVED** that the Mayor or Township Administrator is authorized and directed to execute an Administrative Services Agreement with Lincoln (94-SA-Lincoln-110217) and such other agreements as are necessary to implement the Deferred Compensation Program.

**BE IT FURTHER RESOLVED** that it is implicitly understood that there is to be no cost or contribution by the Employer to the program.

**BE IT FURTHER RESOLVED** that the Township Administrator is authorized to serve as the “Administrator” of the plan, represent the Employer, and execute individual deferred compensation agreements with each said employee.

**BE IT FURTHER RESOLVED** by the Employer that the Clerk forward a certified true copy of this resolution to the Township Administrator.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at Post Office Box 803, Trenton, NJ 08625-0803.

**Resolution 22-225 - Appointment of Police Chaplains**

**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 Police Chaplains of Middletown Township for the year 2022:

**PASTOR NICK D'ANGELO  
REVEREND DR. DERREK DOHERTY**

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. Police Department

**Resolution 22-226 - Amending Resolution 21-249 Increasing Maximum Amounts for State Contract Vendors**

**WHEREAS**, resolution 21-249 authorized the Township of Middletown to purchase various pieces of furniture from authorized vendors under the State of New Jersey Cooperative Pricing Program 1-NJCP as authorized by N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-77.15; and

**WHEREAS**, it is necessary to amend the maximum amount allocated to one state contract vendor due to the need for additional furnishings at the new town hall; and

**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$25,000.00 are available for this purpose in account/line-item number C-04-55-922-347-001. A copy of the said certification is attached hereto and made part hereof.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee that the Purchasing Agent on behalf of the Mayor and the Township Administrator as Contracting Agent is hereby authorized to process purchase orders with the vendors listed below in accordance with the terms of the State Contracts as indicated, in the not to exceed amount listed for each.

EXISTING VENDOR	STATE CONTRACT #	CATEGORY	EXISTING AMOUNT	NEW AMOUNT
National Office Furniture	81721	Furniture: Office, Lounge, and Systems	\$33,000.00	\$58,000.00

**Resolution 22-227 - Authorizing the Purchase of Video Surveillance and Security Equipment Through the Union County Cooperative Pricing System**

**WHEREAS**, the Township may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf of the Union County Cooperative Pricing System (Co-Op #8UCCP) pursuant to the provision of N.J.S.A. 40A:11-11: and

**WHEREAS**, Johnston Communications, 36 Commerce St., Springfield, NJ 07081, has been awarded the UCCP Contract No. 24-2021 (expiration 3/28/23) for Telephone/Associated Services Systems - Equipment, Installation, Maintenance Services; and

**WHEREAS**, under Contract 24-2021, Johnston Communications, can provide video surveillance and security equipment, installation, and maintenance for Tindall Park; and

**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$200,378.44 are available for this purpose in account/line-item number T-03-56-802-120-004. A copy of the said certification is attached hereto and made part hereof.

**THEREFORE, 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 Johnston Communications for the delivery, installation, and maintenance of video surveillance and security equipment as noted above in the amount of \$200,378.44.

**Resolution 22-228 – Resolution Authorizing the Payment of Bills for August 15, 2022**

The Township Committee hereby approves a resolution for the Payment of Bills for August 15, 2022, in the amount of \$45,219,912.91

**Bingo and Raffle Applications**

- St. Leo the Great PTA 22-84
- Middletown HS North PFA 22-85
- Middletown HS North PFA 22-86
- Amanda Gambacorto Foundation, Inc. 22-87
- Friends of the Middletown Public Library 22-88



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Friends of the Middletown Public Library	22-89
Middletown North Touchdown Club	22-90
Middletown North Touchdown Club	22-91
Middletown North Touchdown Club	22-92
Ocean Avenue School PTA	22-93
Middletown HS South PFA	22-94
Corona	22-95
Christian Brothers Academy	22-96
Corona	22-97
Knights of Columbus #6553	22-68-A

**RESOLUTIONS REMOVED FROM CONSENT AGENDA FOR SEPARATE VOTE**

Township Clerk Heidi Brunt requested a motion to adopt resolution 22-214 Authorizing the Award of Contract for Professional Engineering Services for Tindall Park Tennis and Basketball Court Improvements

It was moved by Mayor Perry and seconded by Deputy Mayor Hibell and carried to adopt Resolution 22-214

Roll Call Vote:           Ayes: Hibell, Kratz, Settembrino, Mayor Perry  
                              Nays: None  
                              Abstention: None  
                              Absent: None  
                              Recuse: Clarke

**Resolution 22-214 - Resolution Authorizing the Award of Contract for Professional Engineering Services for Tindall Park Tennis and Basketball Court Improvements**

**WHEREAS**, the Township of Middletown (the “**Township**”) requires survey and design services in relation to the **Tindall Park Tennis and Basketball Court Improvements**

**WHEREAS**, pursuant to the fair and open process and Resolution No. 22-19, the Township previously qualified multiple engineering firms to provide consulting engineering services; and

**WHEREAS**, the Township has received a proposal from **Colliers Engineering & Design** to provide the required professional engineering services in the amount of **\$76,500.00**, which the Township Engineer has deemed acceptable.

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

Regular Meeting

3. It hereby authorizes the award of a contract to **Colliers Engineering & Design**, 331 Newman Springs Road, Red Bank NJ 07701 for professional engineering services related to the **Tindall Park Tennis and Basketball Court Improvements Project** in an amount not to exceed **\$76,500.00**.
4. It hereby authorizes and directs the Mayor and the Clerk, subject to final attorney review, to execute an Agreement for the provision of such professional services, a copy of which shall be maintained by the Clerk.

Township Clerk Heidi Brunt requested a motion to adopt resolution 22-222 Authorizing a Chapter 159 Additional Item of Funding in the 2022 Budget – Shared Service Agreement Between the Township of Middletown and Middletown Township Schools Board of Education Special Law Enforcement Officer Class III.

Roll Call Vote:           Ayes: Hibell, Kratz, Settembrino, Mayor Perry  
                              Nays: None  
                              Abstention: None  
                              Absent: None  
                              Recuse: Clarke

**Resolution 22-222 - Resolution Authorizing a Chapter 159 Additional Item of Funding in the 2022 Budget – Shared Service Agreement Between Township of Middletown and Middletown Township Schools Board of Education (Special Law Enforcement Officers III, SLEO III)**

**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 entered into a shared service agreement to receive \$591,898.00 from the Middletown Township Schools Board of Education and wishes to amend its 2022 budget to include this amount as revenue, and

**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 2022 budget in the sum of \$591,898.00 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:

Shared Service Agreement  
Middletown Township Schools Board of Education-SLEO III

Regular Meeting

**BE IT FURTHER RESOLVED** that a sum of \$591,898.00 is hereby appropriated under the caption of General Appropriations – Operations Excluded from “CAPS”:  
Shared Service Agreement  
Middletown Township Schools Board of Education-SLEO III

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

**TOWNSHIP COMMITTEE ACTING AS THE ABC ISSUING AUTHORITY**

Township Clerk Heidi Brunt requested a motion to adopt resolution 22-229 Authorizing Renewal of Liquor License with Special Ruling 1331-44-007

It was moved by Mayor Perry and seconded by Deputy Mayor Hibell and carried to adopt Resolution 22-229

**TOWNSHIP COMMITTEE ACTING AS THE ABC ISSUING AUTHORITY**

**Resolution 22-229 - Resolution Authorizing the Renewal of Liquor Licenses with Special Rulings for the 2022-2023 Licensing Term**

**WHEREAS**, applications have been made to the Middletown Township Committee for Liquor License in the Township of Middletown for the licensing year beginning July 1, 2022 and ending June 30, 2023 accompanied by an assigned fee per Chapter 240-1 A of the Code of the Township of Middletown.

**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, have received, a special ruling for renewal from the Director of the NJ ABC, and it appearing that the applications are in due form and that all legal formalities have been met.

License Number	Licensee	Status
1331-44-007	Christine Tramitz and Robert DeFilippo	Inactive

**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.

Regular Meeting

Roll Call Vote:       Ayes: Clarke, Hibell, Kratz, Settembrino, Mayor Perry  
                          Nays: None  
                          Abstention: None  
                          Absent: None

Township Clerk Heidi Brunt stated motion carried to adopt Resolution 22-229

Township Clerk Heidi Brunt requested a motion to adopt resolution 22-230 Authorizing the Person to Person and Place to Place transfer of Liquor License 1331-44-007

It was moved by Mayor Perry and seconded by Deputy Mayor Hibell and carried to adopt Resolution 22-230

**Resolution 22-230 - Resolution Authorizing Person to Person and Place To Place Liquor License Transfer Plenary Retail Consumption License 1331-44-007**

**WHEREAS**, Wanamassa Liquors, Inc., submitted an application for a Person to Person / Place-to-Place transfer on March 28, 2022, of license 1331-44-007 currently licensed to Christine Tramitz & Robert DeFillipo and is inactive; and

**WHEREAS**, the application has been deemed complete and the Township of Middletown has no objection to the Person to Person / Place-to-Place transfer; and

**WHEREAS**, the License has been properly renewed for the current license term, and the applicant/licensee is qualified to be licensed according to the requirements of Title 33 of the New Jersey Statutes as well as local ordinances consistent with Title 33 and the applicant/licensee has disclosed the necessary requirements for this application.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Middletown that the Township Committee, acting. as the local A.B.C. Board, approves the Person to Person / Place-to-Place transfer of Plenary Retail Distribution License #1331-44-007 to Wanamassa Liquors, Inc. 616 Newman Springs Rd., Lincroft, NJ 07738.

**BE IT FURTHER RESOLVED** that a certified copy of the Resolution and Application be provided by the Office of the Township Clerk to each of the following: NJ State Division of the Alcohol Beverage Control, Middletown Township Police Department, and Wanamassa Liquors, Inc. 616 Newman Springs Rd., Lincroft, NJ 07738.

Roll Call Vote:       Ayes: Clarke, Hibell, Kratz, Settembrino, Mayor Perry  
                          Nays: None  
                          Abstention: None  
                          Absent: None

Township Clerk Heidi Brunt stated motion carried to adopt Resolution 22-230

Regular Meeting

**TOWNSHIP COMMITTEE COMMENTS:**

Committeeman Clarke, commented on the amazing accomplishments in the Township. He commended The Board of Education for championing the shared service agreement to provide Special Law Enforcement Officers in the schools to protect our children.

Committeeman Settembrino, commented on the great partnership with the Board of Education for the shared service agreement. He congratulated the Middletown High School North baseball team on the championship win.

Committeewoman Kratz, congratulated Michele Collins in her fight to beat ovarian cancer. She also congratulated the Middletown High School North baseball team for winning the championship. She thanked to Board of Education for the successful shared service agreement for the Special Law Enforcement Officers.

Deputy Mayor Hibell, thanked the Board of Education members and personally Frank Capone on the wonderful experience with the new Special Law Enforcement Officers. He congratulated the Middletown High School North baseball team for winning the championship.

Mayor Perry, stated it is a great day for Middletown and the great partnership between the Board of Education and the Township Committee. He commented that the PBA fundraiser was a great event and a special charity Mia's Mission was chosen as an organization that makes a difference in people's lives. He congratulated the Navesink Fireman's Fair this weekend had the largest crown in history. He stated that the average cost for the Middletown Township Fire Department is \$30.00 per homeowner. He announced Middletown Day is September 24, 2022 from 11:00 to 5:00.

**PUBLIC COMMENTS:**

Fredrick Johnson, 66 Pape Drive, discussed tax increase. He respectfully said something must be amiss with the calculation. Taxes increased by 26% in one year. He spoke about the ADP tax program and discussed the assessment appeal deadline. He requested the Township Committee investigate the program closer. The Mayor discussed the ADP program and said the Township has no jurisdiction over the ADP program as it is State Law. The changes must come from legislature, State Senate or the Governor.

Melanie Elminger, Greentree Terrace, inquired on an update on the two way Acme road in Lincroft. Township Administrator Anthony Mercantante said that there should be an update at the next Township Committee meeting. She also requested information on what is being done to prevent the car thefts that have been occurring? The Mayor responded that residents should report suspicious vehicles and lock all doors. He also commented that bail reform has crippled Police Departments The thieves are utilizing minors and then they are shipping the cars to South America.

Regular Meeting

Jane Reilly, 66 Pape Drive, commented that she is opposed to the ADP program and the 26% tax increase. She asked the Township Committee to address the unfairness. Township Administrator Anthony Mercantante discussed the sale prices will be picked up next year that were not picked up this year.

Jennifer Gregorio, 2 Bray Avenue, North Middletown, complained about the quality of life issues at Ideal Beach, the barn fires, the drinking on the beach, people urinating on lawns. She discussed the paid parking lot that is causing parking problems on the street. She also complained about the maintenance changes.

**ADJOURNMENT**

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adjourn at 8:44 pm.

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

Clerk Brunt stated motion carried to adjourn.

Respectfully submitted,

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Heidi R Brunt  
Township Clerk

Approved:

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Anthony S. Perry, Mayor