

Workshop Meeting

A Workshop 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 June 5, 2023.

Township Clerk Heidi Pieluc 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 Middletown Sun and Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 05, 2023.

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

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Chief Financial Officer Colleen Lapp, Township Engineer Ted Maloney, Assistant Administrator James VanNest, and Deputy Township Clerk Kaaren Sena

**PLEDGE OF ALLEGIANCE**

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

Township Clerk Heidi Pieluc 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 2023 as Pediatric Cancer Awareness Month in the Township of Middletown**

Township Clerk Heidi Pieluc invited Infinite for Love Founder and families to join Mayor Perry at the front of the room. Mayor Perry spoke about how emotional it is every year making this presentation. He spoke about the Love For Luca 5K race and 100% of the proceeds go to pediatric cancer and that last year over \$56,000 was raised. He read the proclamation that was presented to Infinite for Love and the families.

**WHEREAS:** September of each year is recognized as Pediatric Cancer Awareness Month throughout the nation. Every day 46 children are diagnosed with cancer; and

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

**WHEREAS:** According to the American Childhood Cancer Organization, the FDA has initially approved only four new drugs for any childhood cancer in the past 20 years; and

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

**WHEREAS:** Middletown Township, along with local 501(c)(3) foundation Infinite Love for Kids Fighting Cancer (Infinite Love), is dedicated to educating and mobilizing people about the critical need for funding for pediatric cancer research; and

**WHEREAS:** To help raise money for this important cause, the second annual **Love for Luca 5K** will be taking place on Sunday, September 24<sup>th</sup> in honor and memory of Luca Iacono, a beloved 11-year-old Middletown resident who was taken by cancer in 2019. Now,

**THEREFORE:** I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim September 2023, and every September going forward, as **Pediatric Cancer Awareness Month** in the Township of Middletown. We encourage the community to help keep Luca’s memory alive and honor his life by participating in this event. All proceeds will be given to Infinite Love. Visit [www.runsignup.com/Race/NJ/Middletown/LoveforLuca5KRun](http://www.runsignup.com/Race/NJ/Middletown/LoveforLuca5KRun) to register.

**Proclamation Recognizing September 11, 2023, 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 22<sup>nd</sup> anniversary of that terrible day, we pay tribute to the 37 Middletown residents who were senselessly killed in the World Trade Center attack. Their deaths have left indelible holes in the fabric of our tight-knit community; and

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

**WHEREAS:** We pay homage to the emergency responders and ordinary citizens who performed extraordinary acts of courage and valor during our nation's most dire moment of need; and

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

**WHEREAS:** A remembrance ceremony will be held at the Middletown World Trade Center Memorial Gardens on Monday, September 11, 2023 at **7:00 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, 2023 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- two years ago to reflect upon America’s proud tradition of freedom and bravery and to renew our commitment to serving our community, state, and nation.

**Proclamation Recognizing September 16, 2023, as Usher Syndrome Awareness Day in the Township of Middletown**

**WHEREAS:** Usher syndrome is a relatively rare genetic disorder caused by a mutation in any one of at least 10 genes resulting in a combination of hearing loss and visual impairment, and is a leading cause of combined deafness and blindness. More than 400,000 people are affected by this genetic disorder worldwide, with at least 25,000 of those in the United States; and

**WHEREAS:** Usher syndrome, which is incurable presently, impacts three major senses in the body: Vision, hearing, and balance. **Vision loss** is caused by a progressive vision disorder known as retinitis pigmentosa (RP). RP causes the light-sensing cells in the retina to gradually deteriorate, initially resulting in night blindness, followed by a narrowing of the visual field, commonly known as tunnel vision. Children with Usher syndrome are born with or develop **hearing loss**. It is estimated that upward of 10 percent of people with congenital bilateral, sensorineural hearing loss have Usher syndrome. **Balance** is achieved and maintained through input from your eyes, the vestibular organs in the inner ear, and the sensory systems of the body, such as the skin, muscles, and joints. Thus, people with Usher syndrome suffer from severe balance issues due to vestibular dysfunction; and

**WHEREAS:** There are three clinical types: Type 1, Type 2, and Type 3, which are distinguished by the severity and age when the signs and symptoms

appear. There are at least eleven different genetic types of Usher syndrome, as determined by the genes that are involved. One cannot determine the genetic type by clinical testing, as DNA testing is the only reliable way of determining the true genetic type; and

**WHEREAS:** Because of limited public awareness, those affected with Usher syndrome may suffer from depression, anxiety, isolation, and loss of independence; and

**WHEREAS:** The Usher syndrome community is uniting around the world to spread public awareness, but especially likes to be recognized annually on the third Saturday of September. Now,

**THEREFORE:** I, Mayor Tony Perry and the Middletown Township Committee, do hereby designate September 16, 2023, as **Usher Syndrome Awareness Day** in the Township of Middletown in order to help raise awareness of Usher syndrome and those who are affected.

**PUBLIC HEARING OF PROPOSED ORDINANCES**

Township Clerk Heidi Pieluc read the following ordinance by title:

**Ordinance 2023-3388 – Ordinance Amending and Supplementing The Code Of The Township Of Middletown Establishing Procedures And Standards Regarding Deployment Of Small Wireless Facilities Within Public Rights-Of-Way**

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 Pieluc stated the motion carried to pass this ordinance.

Township Clerk Heidi Pieluc read the following ordinance by title:

**Ordinance 2023-3389 – Ordinance Authorizing Acceptance Of Deed Of Conservation Easement Upon A Portion Of Block 698, Lot 12.01 (59 Oakland Avenue)**

Mayor Perry opened the meeting for public comments.

Workshop Meeting

Don Watson, Collinson Dr., asked if this easement would help the storm drain problem in the area of Oakland. Township Engineer Ted Maloney answered that this is a different area and that the drain was repaired.

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 Pieluc stated the motion carried to pass this ordinance.

### **INTRODUCTION OF PROPOSED ORDINANCES**

Township Clerk Heidi Pieluc read the following ordinance by title:

**Ordinance 2023-3390 - Ordinance Adopting Circus Liquors Redevelopment Plan Amendment For The Delineated Area Consisting Of Block 825, Lots 53.02, 53.03 And 55.01 (Formerly Block 825, Lots 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, And 81); Block 825, Lots 58 And 70; And Block 870, Lots 1 And 2 Within The Circus Liquors Redevelopment Plan Area**

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 Pieluc stated motion carried to pass this ordinance on first reading with a public hearing to be held on September 18, 2023.

### **CONSENT AGENDA**

Township Clerk Heidi Pieluc requested a motion to adopt a consent agenda including Resolutions 23-231 through 23-237 and Firefighter Application.

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

Workshop Meeting

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

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

**Resolution 23-231 - Resolution Authorizing a Chapter 159 Additional Item of Funding in the 2023 Budget – NJ Dept of Agriculture “Spotted Lanternfly (SLF) Reimbursement Program”**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Township of Middletown has received a grant from the NJ Dept of Agriculture for insect control and wishes to amend its 2023 budget to include \$15,000.00 of this grant 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 2023 budget in the sum of \$15,000.00 which is now available as revenue under Special Item of Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:  
NJ Dept. of Agriculture  
“Spotted Lanternfly (SLF) Reimbursement Program”

**BE IT FURTHER RESOLVED** that a sum of \$15,000.00 is hereby appropriated under the caption of General Appropriations – Operations Excluded from “CAPS”:  
NJ Dept. of Agriculture  
“Spotted Lanternfly (SLF) Reimbursement Program”

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

**Resolution 23-232 - Resolution Authorizing Award Of Contract To A Vendor With A National Cooperative Contract For (1) One 524 Wheel Loader**

**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

**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 Sourcewell Contract #011723-JDC Jesco Inc., 118 St Nicholas Ave, South Plainfield, NJ 07080-1808, an authorized dealer for John Deere Heavy Construction Equipment, can provide the Township with one (1) new 524 Wheel Loader in the amount of \$224,896.00 per their quote dated August 10, 2023; and

**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$224,896.00 are available for this purpose in account/line-item number(s) G-02-40-700-021-030, G-02-40-700-022-183, G-02-40-700-023-200. 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 Jesco Inc., under Sourcewell Contract #011723-JDC be utilized to provide one (1) new 524 Wheel Loader in the amount of \$224,896.00.

**Resolution 23-233 - Authorizing The Execution Of A Commodity Resale Agreement With The County Of Monmouth**

**WHEREAS**, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and

**WHEREAS**, the County of Monmouth has authorized the renewal of the Monmouth County Commodity Resale System (SYSTEM IDENTIFIER 99174 – MCCRS), for the period of October 1, 2023 through September 30, 2028; and

**WHEREAS**, it would be in the best interest of this Municipality to remain a member of the Monmouth County Commodity Resale System for that period.

**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 Municipal Clerk are hereby authorized and directed to execute the attached Commodity Resale Agreement with the County of Monmouth.

**BE IT FURTHER RESOLVED** that the Municipal Clerk forward a certified copy of this resolution, along with the executed Commodity Resale Agreement to Elizabeth Perez, Shared Services Coordinator, Office of Shared Services, County of Monmouth, Hall of Records Annex, First Floor, 1 East Main Street, Freehold, New Jersey 07728.

**Resolution 23-234 - Resolution Approving Additional Funds For Previously Approved Contract**

**WHEREAS**, the Township Committee regularly approves entry into various contracts, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, in order to ensure fiscal responsibility, the various approving resolutions include amounts not to exceed (the “**NTE Amount**”) for the corresponding contracts; and

**WHEREAS**, the Township has determined that the NTE Amounts must be increased for certain contracts in order to address increased needs for the remainder of the contract period; and

**WHEREAS**, the Township seeks to increase the NTE Amount on the following contracts by the amounts specified as “Additional Funds” as provided herein:

Resolution No.	Entity	Service	NTE Amount	Additional Funds
23-74	Nationwide Insurance	Stop Loss Coverage	\$1,740,547.00	\$259,453.00

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown, in the County of Monmouth, State of New Jersey, that it hereby approves modifications to the NTE Amount on the foregoing contract previously approved by the Township Committee, upon the terms set forth in this Resolution.

**BE IT FURTHER RESOLVED** that the above-referenced resolutions are hereby repealed only to the extent of their inconsistency with the terms of this Resolution.

**Resolution 23-235 - Resolution Authorizing Change Order No. 2 For The Dog Park At Tindall Park**

**WHEREAS**, the Township Committee originally contracted with Mixalia Enterprises for the Dog Park at Tindall Park in the amount of \$532,000.00; and

**WHEREAS**, the contractor and Township have encountered unforeseen circumstances requiring the change order as proposed; and

**WHEREAS**, the Township requires additional estimated quantities as listed on Change Order No. 2 increasing the contract by \$24,564.93, making the total amount of the contract to date \$583,250.05; and

**WHEREAS**, the amount of the change orders requested is a total net increase of \$51,250.05, which represents in total less than the aggregate maximum increase of 20% allowed by N.J.A.C 5:34-11-3(a)(9); and

**WHEREAS**, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$24,564.93 is available for this purpose in account/line-item number(s) C-04-55-922-345-001 & 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 that Change Order No. 2, with an increase in the amount of \$24,564.93, be authorized and executed by the appropriate officials.

**Resolution 23-236 – Resolution Authorizing the Payment of Bills for September 5, 2023**

The Township Committee hereby approves a resolution authorizing the payment of bills for September 5, 2023, in the amount of \$14,383,350.66.

**Resolution 23-237 - Resolution Authorizing Solicitation Of Electric Supply Bids**

**WHEREAS**, the Township of Middletown (the “Township”) has chosen to avail itself of energy consulting and management services provided by TFS Energy Solutions, LLC d/b/a Tradition Energy, pursuant to Contract 2018-017 procured through the City of Mesquite’s OMNIA Partners, Public Sector, f/k/a/ U.S. Communities Government Purchasing Alliance Request, which is a nationally recognized purchasing cooperative; and

**WHEREAS**, pursuant to N.J.S.A. 52:34-6.2(b)(3), the Township is authorized to enter purchases through a nationally recognized cooperative, provided the Township determines that the use of same “shall result in cost savings after all factors, including charges for service, material, and delivery, have been considered”; and

**WHEREAS**, in accordance with the Electric Discount and Energy Competition Act (P.L. 1999, Chapter 23), Tradition Energy will be seeking competitive pricing in the marketplace for electric supply service for the 67 Township accounts; and

**WHEREAS**, Tradition Energy utilized its online pricing system to perform an indicative Request for Proposals for preliminary bid prices on August 23, 2023 from Tier 1 electricity suppliers that serve Jersey Central Power and Light (“JCP&L”) for the 67 Township accounts served by JCP&L through the current supplier Constellation Energy; and

**WHEREAS**, Tradition Energy obtained preliminary pricing for five potential contract terms – 12 months, 24 months, 36 months, 48 months, and 60 months; and

**WHEREAS**, the Township has determined that the pricing available through the national cooperative is far lower than the pricing available to the Township outside the national cooperative program; and

**WHEREAS**, procuring electric supply service through the national cooperative will result in cost savings after all factors, including charges for service, material, and delivery, have been considered.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, that for the aforesaid reasons cited in the recitals above it hereby authorizes the Township Administrator to work with Tradition Energy to formally solicit bids for the Township’s electrical supply for the period beginning December 1, 2023.

**BE IT FURTHER RESOLVED** that upon receipt of formal bids the Township Administrator is authorized to select and lock in the best price and duration proposed, the Township Committee will adopt a confirming resolution authorizing an energy supply agreement with the terms determined to be most favorable to the Township at its next scheduled meeting.

**FIREFIGHTER APPLICATION**

Jake Wargacki – Station 6

**TOWNSHIP COMMITTEE COMMENTS:**

Committeeman Clarke, commented he was thinking about his involvement in pediatric cancer and how he has gotten to know quite a few kids and that it is both inspiring and humbling. He also commented that he wears a gold tie at every Township Committee meeting as a nod to Infinity for Love.

Workshop Meeting

Committeeman Settembrino, commented that he agrees with all of the comments made by Committeeman Clarke.

Committeewoman Kratz, commented that as a parent it is unimaginable to have to deal with pediatric cancer. She is proud and thankful for the families out there that do what they do in support.

Deputy Mayor Hibell, agreed with the other committee members regarding pediatric cancer. He commented that he hopes all the students had a good first day back at school.

Mayor Perry, commented on how he has spoken quite a bit about pediatric cancer and to see what has come out of it is unbelievable.

**PUBLIC COMMENTS:**

Melanie Elmiger, Green Tree Terrace, commented that first she wants to applaud the Township Committee for their continued investment in the parks and also wanted to acknowledge Jerry Johnson a Department of Public Works Park Supervisor for the maintenance work done at the Village Green. She also had a question who is responsible for maintaining the Acme Road Easement? Township Engineer Ted Maloney that the property owner will be responsible for the grass and the Township will be responsible for the road.

**ADJOURNMENT**

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adjourn at 7:30pm.

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

Township Clerk Heidi 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