

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 October 21, 2024.

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 11, 2024.

Roll Call Vote: Present: Clarke, Hibell, Kratz, Mayor Perry
Absent: Settembrino

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Chief Financial Officer Colleen Lapp, Township Engineer Ted Maloney 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 October 27, 2024, as Middletown Day in the Township of Middletown

WHEREAS: Middletown Township is a 42-square mile community that approximately 68,000 residents call home; and

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

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

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WHEREAS: Middletown Day 2024 will be held on Sunday, October 27th from 1:00 to 5:00 PM on the Great Lawn at Croydon Hall. New this year, there will be a performance by Brian Kirk and the Jirks, added Halloween elements, and fireworks at 6:30 PM. The event was originally scheduled to take place in September but was postponed due to inclement weather; and

WHEREAS: Middletown Day 2024, which is sponsored by local businesses, groups, and individuals, promises to be a spectacular day for the whole family. Highlights include a car show and the return of the popular Business and Community Showcase, as well as many familiar favorites including a food court, first responder demonstrations, live entertainment, and more. Now,

THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim October 27, 2024 as **Middletown Day** in Middletown Township. We encourage all our residents to come celebrate everything that makes Middletown so special.

Proclamation Recognizing November 11, 2024, as Veterans Day in the Township of Middletown

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

WHEREAS: Middletown Township will honor the sacrifice and valor of our brave servicemen and women with a Veterans Day Parade on Sunday, November 3rd; and

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

WHEREAS: This year we celebrate the 67th anniversary of the Veterans Day Parade. On behalf of all Middletown residents, we will use this milestone to rededicate ourselves to honoring all the veterans who have served our great nation. Now,

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THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, do hereby proclaim November 11, 2024 as **Veterans Day** in the Township of Middletown in recognition of the courageous efforts of our veterans. We invite residents to join us at the Veterans Day Parade starting at Bayview Elementary School on Sunday, November 3rd at 1:30 PM to honor our American heroes, both past and present.

Proclamation Recognizing November 2024 as Native American Heritage Month in the Township of Middletown

WHEREAS: The Lenni-Lenape Native Americans were the original settlers of Middletown. This peaceful Native American tribe lived a hunter-gatherer lifestyle. They grew and cultivated crops such as corn, squash, and tobacco. They hunted and fished using tools made from rocks; and

WHEREAS: Some white settlers learned the language of the Lenni-Lenape, although the settlers' articulations often led to slightly different pronunciation of words. The name Navesink, pronounced by the Lenni-Lenape as *ne-was-ink*, was borrowed from the Native American word for fishing place. The original Middletown settlers were called the Weapsiel Lenapes, or the white people, by the Native Americans. The First Town Book of Middletown refers to Poricy Brook, the stream which runs into Poricy Pond, as *Choncsis supus Run* and a boundary for five outlots; and

WHEREAS: Beach plums, which grow wild on Sandy Hook, were a delicacy of the Lenni-Lenape Native Americans and the colonists alike. Richard Hartshorne, an early Middletown resident, made a pact with the Native Americans to preserve the beach plum plants; and

WHEREAS: In 1664, Middletown was settled by the English. Thomas Whitlock purchased land from the Lenni-Lenape Native Americans. More land was purchased by Captain John Bowne, Richard Stout, and 10 others. The town was laid out with two rows of building lots bifurcated by an old American Indian path, which later became Kings Highway; and

WHEREAS: Middletown Township's logo is a long-standing symbol of our heritage. It depicts Sachem Popamora, the Lenape chief who was thought to have sold the land that encompassed Middletown to the first settlers. It is a tribute to our past and a reminder to present day residents of those who were responsible for giving us the wonderful place we are fortunate enough to call home. Now,

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THEREFORE: I, Mayor Tony Perry and the Middletown Township Committee, do hereby recognize November 2024, and every November going forward, as **Native American Heritage Month** in the Township of Middletown. We encourage the community to join us in honoring and thanking *those responsible for laying the groundwork for our community.*

APPROVAL OF MINUTES

Township Clerk Heidi Pieluc 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:

October 7, 2024, Workshop Meeting, September 23, 2024, Regular Meeting, March 18, 2024, Executive Session, April 8, 2024, Executive Session, April 22, 2024, Executive Session, May 6, 2024, Executive Session.

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

Township Clerk Heidi Pieluc stated Motion carries to approve the minutes.

PUBLIC HEARING OF PROPOSED ORDINANCES

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2024-3431 – Ordinance Repealing and Replacing Ordinance No. 2024-3424 Adopting The 325 Highway 36 Redevelopment Plan Consisting of Block 238, Lots 5 And 6 And A Portion of The Central Avenue Right 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 Committeeman Hibell to close public hearing and carried to adopt this ordinance on second and final reading.

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

Township Clerk Heidi Pieluc stated that motion carries to pass this ordinance.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2024-3434 - An Ordinance Providing Funding for Acquisition of Property for The Township of Middletown and Appropriating \$2,100,000 For Such Purpose.

Mayor Perry opened the meeting for public comments.

Melanie Elmiger, 43 Green Tree Terrace, questioned where the property is located.

Don Watson, 1 Collinson Drive, questioned the \$2,100,000 amount and Ordinance 2024-3435 donating property for open space preservation.

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

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

Township Clerk Heidi Pieluc stated that motion carries to pass this ordinance.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2024-3435 – Ordinance Authorizing Entry of Purchase and Sale Agreement with The Richard J. Stavola Family Trust for The Acquisition of Block 1030, Lots 7 And 10 (127 Hubbard Avenue) For Open Space Preservation Purposes

Mayor Perry opened the meeting for public comments.

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

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

Township Clerk Heidi Pieluc stated that motion carries to pass this ordinance.

INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2024-3436 – Ordinance Amending Ordinance No. 2024-3429 Setting Salaries for Non-Contractual Employees For 2024-2025

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, Mayor Perry
 Nays: None
 Abstention: None
 Absent: Settembrino

Township Clerk Heidi Pieluc stated motion carried to pass this ordinance on first reading with a public hearing to be held on November 18, 2024.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2024-3437 – Bond Ordinance Providing an Appropriation Of \$3,571,000 For Various Capital Improvements by And for The Township of Middletown in The County of Monmouth, New Jersey And Authorizing the Issuance Of \$3,392,450 In Bonds or Notes of The Township for Financing Part of The Appropriation.

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, Mayor Perry

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Nays: None
Abstention: None
Absent: Settembrino

Township Clerk Heidi Pieluc stated motion carried to pass this ordinance on first reading with a public hearing to be held on November 18, 2024.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2024-3438 – Bond Ordinance Providing an Appropriation Of \$4,491,000 For Various Park Improvements by And for The Township of Middletown in The County of Monmouth, New Jersey And Authorizing the Issuance Of \$3,704,050 In Bonds or Notes of The Township for Financing Part of The Appropriation

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, Mayor Perry
 Nays: None
 Abstention: None
 Absent: Settembrino

Township Clerk Heidi Pieluc stated motion carried to pass this ordinance on first reading with a public hearing to be held on November 18, 2024.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2024-3439 – Ordinance Amending and Supplementing Chapter 423 Of the Code of The Township of Middletown Governing Stormwater Regulations to Include Article VII Privately-Owned Salt Storage Requirements as Required by State Law

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, Mayor Perry
 Nays: None
 Abstention: None
 Absent: Settembrino

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Township Clerk Heidi Pieluc stated motion carried to pass this ordinance on first reading with a public hearing to be held on November 18, 2024.

Township Clerk Heidi Pieluc read the following ordinance by title:

Ordinance 2024-3440 – Ordinance Repealing and Replacing § 540-1001 To 1012 Of the Code of The Township of Middletown Establishing New Stormwater Management Regulations

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, Mayor Perry
 Nays: None
 Abstention: None
 Absent: Settembrino

Township Clerk Heidi Pieluc stated motion carried to pass this ordinance on first reading with a public hearing to be held on November 18, 2024.

CONSENT AGENDA

Township Clerk Heidi Pieluc requested a motion to adopt a consent agenda including Resolutions 24-277 through 24-289.

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, Mayor Perry
 Nays: None
 Abstention: None
 Absent: Settembrino

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

Resolution 24-277 – Resolution Authorizing Award of Contract to A Vendor with A National Cooperative Contract for Fuel, Site, And Fleet Software

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 #092920-GVR Ekos can provide the Township with fuel, site, and fleet software in the amount of \$199,512.00 per their software agreement amendment; and

WHEREAS, the contract term shall begin, October 22, 2024 and end October 21, 2026; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$50,000.00 are available for this purpose in account/line-item number(s) 4-01-26-315-100-235. A copy of the said certification is attached hereto and made part hereof. Availability of funds for the remaining balance of the contract amount is contingent upon the necessary funds being appropriated by the governing body in the 2025 and subsequent Municipal Budgets, inclusive of amount appropriated in the temporary budget as required by N.J. A.C. 5:34-5.3 (a). A copy of the said certification is attached hereto and made part hereof.

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THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middletown that Ekos, under Sourcewell Contract #092920-GVR be utilized to provide fuel, site, and fleet software in the amount of \$199,512.00.

Resolution 24-278 - Resolution Authorizing a Chapter 159 Additional Item of Funding in the 2024 Budget – “National Opioids Settlement Fund”

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 \$14,289.93 grant from the National Opioids Settlement Fund which will bill overseen by the NJ Dept. of Human Services and wishes to amend its 2024 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 2024 budget in the sum of \$14,289.93 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:

“National Opioids Settlement Fund”

BE IT FURTHER RESOLVED that a sum of \$14,289.93 is hereby appropriated under the caption of General Appropriations – Operations Excluded from “CAPS”:

“National Opioids Settlement Fund”

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

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Resolution 24-279 - Resolution Authorizing the Award of a Contract for Mobile Stage

WHEREAS, the Township advertised for and received bids for contract #2024-Bid-22 – Mobile Stage in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, one proposal was received and publicly opened on October 16, 2024, at 10:00 a.m.; and

WHEREAS, the Department of Recreation has recommended that the award of contract #2024-Bid-22 be awarded to Stageline Mobile Stage, 700 Marsolais Street L’assomption, Quebec J5W 2G9 Canada, with their price of \$181,715.00; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$181,715.00 are available for this purpose in account/line-item number(s) C-04-55-922-339-002. 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 the award for contract #2024-Bid-22 –Mobile Stage be awarded to Stageline Mobile Stage, 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 24-280 - Resolution Authorizing Award Of Contract To A Vendor With A National Cooperative Contract for 3” Pro Series Aluminum Prefabricated Dasher Board System For The Township Of Middletown’s Department Of Parks And Recreation

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

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

WHEREAS, under Sourcewell Contract #120320 ATH Athletica Sport Systems, can provide the Township a 3” Pro Series Aluminum Prefabricated Dasher Board System, in the amount of \$185,590.00, per quote dated 9/12/24; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$185,590.00 is available for this purpose in account/line-item number(s) C-04-55-919-277-001. 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 Athletica Sport System, under Sourcewell Contract #120320 ATH be utilized to provide 3” Pro Series Aluminum Prefabricated Dasher Board System in the amount of \$185,590.00.

Resolution 24-281 - 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
24-13	Spiro, Harrison, & Nelson, LLC	General Special Counsel – Condemnation Matters	\$150,000.00	\$450,000.00

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

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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 24-282 - Resolution Authorizing Initiation of Competitive Contracting for The Procurement of An on Demand Micro-Transit Company for The Township's Wellness Wheels Program

WHEREAS, the Township has a desire to contract with one vendor to provide health transportation services for its Wellness Wheels Program; and

WHEREAS, PL 1999 c.440 amended the Local Public Contracts Law and created a new category of contracting called Competitive Contracting; and

WHEREAS, 40A:11-4.3(a) requires that in order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in 40A:11-4.1 are desired to be contracted; and

WHEREAS, the Director of Purchasing has requested permission, and is awaiting approval, from the Division of Local Government Services (DLGS) to procure a micro-transit company via competitive contracting per 40A:11-4.1(k); and

WHEREAS, 40A:11-4.3(b) requires that the competitive contracting process shall be administered by a purchasing agent qualified pursuant to 40A:11-9, or, by legal counsel of the contracting unit, or by an administrator of the contracting unit.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middletown that the Director of Purchasing is hereby authorized to initiate competitive contracting to procure a micro-transit company upon approval by DLGS.

Resolution 24-283 - Resolution Authorizing the Purchase of One (1) Leeboy 7000C Paver 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 #65MCESSCCPS) pursuant to the provision of N.J.S.A. 40A:11-11: and

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WHEREAS, Jesco 118 St. Nicholas Avenue South Plainfield, NJ 07080, has been awarded the ESCNJ Contract 23/24-12 for Grounds Equipment and

WHEREAS, under Contract 23/24-12, Jesco Inc. can provide (1) Leeboy 7000C Paver as noted in their quote dated 09/04/2024; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$179,196.90 are available for this purpose in account/line-item number(s) C-04-55-924-430-004. 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 Jesko for the delivery of (1) Leeboy 7000C Paver in the amount of \$179,196.90.

Resolution 24-284 - Resolution Authorizing the Purchase of One Eager Beaver 35 Ton Lowboy Paver Equipment Trailer and One New Holland Ts6 4wd Tractor 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, Cherry Valley Tractor, 35 West Route 70 Marlton, NJ 08053, has been awarded the ESCNJ Contract No.65MCESCCPS, ESCNJ 22/23-12 for Grounds Equipment and

WHEREAS, under Contract 65MCESCCPS, Cherry Valley Tractor, can provide one Eager Beaver 35 Ton Lowboy Paver Equipment Trailer and one New Holland TS6 4WD Tractor as noted in their quote dated 10/04/24; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$192,479.94 are available for this purpose in account/line-item number(s) C-04-55-924-430-004 and C-04-55-924-429-006 . 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 Cherry Valley Tractor Sales for the delivery of one Eager Beaver 35 Ton Lowboy Paver Equipment Trailer and one New Holland TS6 4WD Tractor in the amount of \$192,479.94

Resolution 24-285 - Resolution Authorizing the Purchase of One (1) Dump Body, Salt Spreader, Plow and All Accessories Including Installation for The Kenworth Chassis 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, **Dejana Truck Equipment, 7777 N. 73RD Street, Milwaukee, WI 53223**, has been awarded the ESCNJ Contract 23/24-04 for **Trucks-Class 4-8** and

WHEREAS, under Contract 23/24-04, **Dejana Truck Equipment** can provide for one (1) Dump Body, Salt Spreader, Plow and all Accessories including installation for a Kenworth Chassis as noted in their quote dated 10/04/2024; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of **\$190,437.45** are available for this purpose in account/line-item number(s) C-04-55-924-430-004. 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 Dejana Truck Equipment for the delivery of one (1) **Dump Body, Salt Spreader, Plow and all Accessories including installation for a Kenworth Chassis** in the amount of **\$190,437.45**.

Resolution 24-286 - Resolution Authorizing the Purchase of One (1) 2025 Kenworth T480 Tandem Axle Chassis 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, **Gabrielli Truck Sales, 2300 Route 130 North, Dayton, NJ 08810**, has been awarded the ESCNJ Contract 23/24-04 for **Trucks-Class 4-8** and

WHEREAS, under Contract 23/24-04, **Gabrielli Truck Sales** can provide (1) one 2025 Kenworth T480 Tandem Axle Chassis as noted in their quote dated 10/04/2024; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of **\$173,287.60** are available for

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this purpose in account/line-item number(s) C-04-55-924-430-004. 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 **Gabrielli Truck Sales** for the delivery of **one (1) 2025 Kenworth T480 Tandem Axle Chassis** in the amount of **\$173,287.60**.

Resolution 24-287 - Resolution Authorizing the Purchase of one (1) Procore 1298 Turf Aerator and Two (2) Fieldpro 6040 And One (1) Fieldpro Laser Grade System 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 #65MCECCPS) pursuant to the provision of N.J.S.A. 40A:11-11: and

WHEREAS, Storr Tractor Company, 3191 US 22 Branchburg, NJ 08876, has been awarded the ESCNJ Contract No.65MCECCPS, ESCNJ 22/23-12 (expiration 2/21/25) for Grounds Equipment; and

WHEREAS, under Contract 65MCECCPS, **Storr Tractor Company**, can provide (1) one ProCore 1298 Turf Aerator; and (2) two FieldPro 6040 and (1) one Toro EG-1M Grade System and one (1) Dual Grade Laser Package as noted on their quote dated October 18, 2024; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the total amount of **\$132,270.05** are available for this purpose in account/line-item number(s) C-04-55-924-429-006. 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 **Storr Tractor Company** for the delivery of **one (1) ProCore 1298 Turf Aerator, and two (2) FieldPro and one (1) Toro EG 1M Laser and one (1) Dual Grade Laser Package** for a total amount of **\$ 132,270.05**

Resolution 24-288 - Resolution Authorizing Emergency Appropriation for Legal and Expert Fees for Various Litigation Matters Involving Planning and Open Space Acquisitions

WHEREAS, pursuant to N.J.S.A. 40A:4-46, the Township of Middletown (the “**Township**”) needs to make an emergency appropriation, after the adoption of its 2024 budget, for a purpose which is not foreseen at the time of the adoption thereof, or for which adequate provision was not made therein; and

WHEREAS, due to protracted litigation involving planning and open space acquisition matters, \$230,000 of additional funds are required to be appropriated through the end of 2024 to cover anticipated legal and expert fees; and

WHEREAS, the total amount of the emergency appropriations created, including that appropriation to be created by this resolution is \$230,000.00 and three (3) percent of the total operating appropriations in the budget for 2024 is \$2,585,928.39; and

WHEREAS, this additional emergency appropriation does not exceed 3% of the total of current operating appropriations funded in the adopted budget for 2024, nor are any notes or bonds required to cover this appropriation; and

WHEREAS, this emergency appropriation shall be provided for in full in the 2025 budget, and is requested to be excluded from CAPS, pursuant to N.J.S.A. 40A:4-53.3c(1).

NOW, THEREFORE, BE IT RESOLVED by not less than two-thirds of the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that:

1. An emergency appropriation be and the same is hereby made to the current fund for other expenses of \$230,000 to cover litigation expenses consisting of legal and expert fees associated with various matters for the remainder of 2024.
2. Said emergency appropriation shall be provided in full in the 2025 budget and is requested to be excluded from CAPS pursuant to N.J.S.A. 40A:4-53.3c(1).
3. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.
4. This Resolution shall become effective immediately upon adoption.

Regular Meeting

Resolution 24-289 – Resolution Authorizing the Payment of Bills for October 21, 2024

The Township Committee hereby approves a resolution authorizing the payment of bills for October 21, 2024, in the amount of \$3,237,541.07.

DISCUSSION ITEM

NJ Best Practices

Chief Financial Officer Colleen Lapp informed the Township Committee that the Best Practices Inventory required by the State has been completed. The Township scored well above the minimum required to receive 100% State aid.

Kunkel Park Request

Township Administrator spoke to the Township Committee about a request received to make a memorial located at the back of the Kunkel Park Skate Park an official Township memorial. The memorial is in honor of a resident that died of an overdose at the location many years ago. Friends have been maintaining this memorial all these years and at this time they would like to see it become an official Township memorial.

TOWNSHIP COMMITTEE COMMENTS:

Committeeman Clarke, None

Committeewoman None

Deputy Mayor Hibell, announced that Middletown Day is Sunday October 27th. He also announced that big opening of Oasis at the old Wild Scallion location.

Mayor Perry, announced and encouraged all to attend Middletown Day Sunday October 27th from 1:00-5:00 a big day lots of activities and a concert by Brian Kirk and the Jerks. He said this is the last meeting before Election Day and that early voting will begin Saturday October 26th through Sunday November 3rd at the Senior Center.

PUBLIC COMMENTS:

Reverend Debbie Cook, All Saints Memorial Church, 202 Navesink Avenue, spoke about her advocacy for affordable housing and encouraged the Township Committee to pride itself in diversity.

Regular Meeting

Resident of Red Hill Road, is a member of the Middletown Housing Coalition and supports Reverend Cook's efforts.

Don Watson, 1 Collinson Drive, he inquired about discussion at the last meeting regarding ordinances to be introduced tonight, he questioned where the tree ordinance is?

Melanie Elmiger, Green Tree Circle, speaking on behalf of the Lincroft Village Green Association she thanked the Township Committee for coming to their meeting. She said there was another accident on Route 520 today and that the speeding has not improved. She commended Lt. Ciccone who has been wonderful and has radar and speed readers to pinpoint the problem areas. She also spoke about the resolution for open space and the new open space rules and what it means to Middletown, where do you put all the units.

ADJOURNMENT

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adjourn at 7:47 pm.

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

Township Clerk Heidi Pieluc stated the motion carried to adjourn.

Respectfully submitted,

Heidi R Pieluc
Township Clerk

Approved:

Anthony S. Perry, Mayor