A Workshop Meeting of the Township Committee of Middletown Township was held in the Court Room at Town Hall, One Kings Highway, Middletown, New Jersey at 7:00 p.m. on April 6, 2020.

Township Clerk Heidi Brunt called the meeting to order and read the following notice:

The Notice Requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to The Star Ledger, The Independent and Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 09, 2020.

Roll Call Vote: Present: Fiore, Hibell, Settembrino, Snell, Mayor Perry
Absent: None

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson and Township Clerk Heidi Brunt.

PLEDGE OF ALLEGIANCE

Township Clerk Brunt led the assembly in the Pledge of Allegiance.

Township Clerk Brunt requested a moment of silence to honor the troops serving worldwide defending our freedoms and way of life.

NOTE FOR THE RECORD

No Executive Session was held.

PUBLIC HEARING OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following Ordinance by title:

Ordinance 2020-3288 – An Ordinance Authorizing the Purchase of Real Property Known and Designated as Tax Block 1029, Lot 1 On The Tax Map of the Township of Middletown, County of Monmouth and State of New Jersey

Mayor Perry opened the meeting for public comments.

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

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

Township Clerk Heidi Brunt stated motion carried to pass this ordinance on second and final reading.

INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2020-3289 – Ordinance Authorizing Execution of Quitclaim Deed for Portion of Taylor's Lane Pursuant Court Order

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

Roll Call Vote: Ayes: Fiore, Hibell, Settembrino, Snell, 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 April 20, 2020.

CONSENT AGENDA

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 20-98 through 20-109

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

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

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

Resolution 20-98 - Resolution Approving Shared Services Agreement with The County of Monmouth for Contract Administration of the Township's Community Development Block Grant Program

WHEREAS, the Township of Middletown ("Middletown") is eligible for various federal funds pursuant to the Community Development Block Grant ("CDBG") program; and

WHEREAS, the CDBG program requires the creation of an appropriate administrative mechanism, and the County of Monmouth ("County") possesses such expertise and has agreed to administer Middletown's CDBG program through the County's Office of Community Development; and

WHEREAS, Middletown and the County have negotiated terms to a shared services agreement providing for same, a copy of which is attached hereto and incorporated by reference; and

WHEREAS, entry into this shared services agreement is authorized by the New Jersey Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.

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 entry into a shared services agreement with the County of Monmouth for contract administration of Middletown's Community Development Block Grant program, consistent with the foregoing.

BE IT FURTHER RESOLVED that Mayor and Township Clerk are hereby authorized and directed to take any and all steps necessary to effectuate the foregoing, including the execution of instruments.

Resolution 20-99 - Resolution Authorizing the Contract for the Roof Replacement/Restoration Project at Croydon Hall for the Middletown Public Works Department through the Educational Services Commission of New Jersey Cooperative Pricing System

WHEREAS, The Township of Middletown is a party to a cooperative purchasing agreement with the Educational Services Commission of New Jersey Cooperative Pricing System, a cooperative purchasing program organized pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-10, and

WHEREAS, the Local Public Contracts Law authorizes a municipality to acquire goods and services through a duly formed cooperative purchasing system without advertising for bids, and

WHEREAS, the Township is in need of Replacing and Restoring the Roof at the Croydon Hall Gymnasium Building for Middletown Public Works Department, and

WHEREAS, the Educational Services Commission of New Jersey Cooperative Pricing System has awarded a contract to Weatherproofing Technologies, Inc. 3735 Green Road, Beachwood, Ohio 44122 for Roof Repair/Replacement (Contract# ESCNJ/AEPA IFB# 017-F) in the amount of $426,871.16, and

WHEREAS, the Chief Financial Officer of the Township of Middletown has certified that adequate funds for such contract are available, and are designated to line item appropriations of the official budget no. see below-. A copy of the said certification is

attached hereto and made part hereof and the funds to be expended herein are assigned to line item no. see below. A copy of the within resolution and certification shall be certified by the Township Clerk. The Township Attorney is satisfied that the availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.

C-04-55-919-276-003 - $426,871.16

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

1. It hereby awards a contract to Weatherproofing Technologies, Inc. 3735 Green Road, Beachwood, Ohio 44122 for the Roof Replacement Project at Croydon Hall Gymnasium in the amount of $426,871.16.

2. A certified copy of this resolution shall be provided by the Office of the Township

Clerk to each of the following:

A) Purchasing Agent
B) Comptroller
C) Ted Maloney, Director of Public Works
D) Vendor

Resolution 20-100- Resolution Authorizing Renewal of Award of Contract for GPS Tracking Services

WHEREAS, The Township of Middletown awarded a contract for GPS Tracking Services to Vehicle Tracking Solutions, LLC on April 16, 2014 to provide GPS Tracking services, including providing support for the sites and providing updates to the Township GPS program; and

WHEREAS, in 2014, the contract was solicited for a one-year term with the option for the Township to extend the contract for additional one year extensions up to a total term of 7 years as permissible per N.J.S.A. 40A:11-15(5) for data-related services; and

WHEREAS, Vehicle Tracking Solutions, LLC is a recognized GPS Tracking firm with an expertise with software products that track and report vehicle positions for the Township; and

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

1. It hereby awards an extension of the existing contract for an additional twelve (12) months to Vehicle Tracking Solutions LLC, 10 East 5th Street, Deer Park, NY 11729, not to exceed $45,000.00. Funds for the 2020 portion of such contract are available and are designated to line item appropriations:

0-01-26-310-100-259

2. **BE IT FURTHER RESOLVED**, that this contract is open-ended pursuant to N.J.A.C. 5:30-5.5(b)2, with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase order prior to each request for service.

3. **BE IT FURTHER RESOLVED**, that this contract was awarded pursuant to a Fair and open Process in accordance with N.J.S.A. 19:44A-20.5 et seq.

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

A.) Purchasing Agent
B.) Comptroller
C.) Ted Maloney, Director of Public Works
D.) Vendor

<u>Resolution 20-101</u> - Resolution Awarding Professional Services Contract for Special Counsel

WHEREAS, the Township of Middletown seeks special counsel to provide legal services to the Township as special conflict counsel, which is a professional service exempt from the bidding requirements of the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a); and

WHEREAS, the law firm of McOmber & McOmber has qualified and agreed to serve as special conflicts counsel at a rate of $160 per hour, exclusive of fees for witnesses, experts, filing fees, legal research, and other reasonable allowable expenses; and

WHEREAS, this contract award shall be made in an amount not to exceed $5,000, subject to the certification of the availability of funds by the Township's Chief Financial Officer, and upon terms subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Middletown, in the County of Monmouth, State of New Jersey, hereby awards a professional services contract to McOmber & McOmber to serve as special conflicts counsel, consistent with the foregoing terms.

<u>Resolution 20-102</u> - Resolution Authorizing Full Refunding of Recreational Fees for Programming Cancelled Due to Coronavirus Pandemic and Any Future States of Emergency or Public Health Emergencies

WHEREAS, Middletown Township Ordinance § 240-25(D) establishes a general recreational fee schedule (the "Fee Schedule"), which is applicable unless otherwise provided by agreement approved by the governing body; and

WHEREAS, the Fee Schedule provides limited refunds for fees paid, based upon the advance notice of cancellation provided by the applicant, and in certain instances subject to a refund processing fee; and

WHEREAS, Governor Phil Murphy has declared a State of Emergency and Public Health Emergency to address the Coronavirus pandemic; and

WHEREAS, the Township Committee seeks to authorize the full refunding of fees for recreational activities that are unable to take place as a consequence of the Coronavirus pandemic or any similar circumstance in the future.

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 authorizes the full refunding of recreation fees that have been paid for programming that has been or will be cancelled in the future as a consequence of the Coronavirus pandemic.

BE IT FURTHER RESOLVED that the Township Committee authorizes the full refunding of recreation fees paid for programming that is cancelled as a consequence of any State of Emergency or Public Health Emergency declared by the Governor of the State of New Jersey in the future.

BE IT FURTHER RESOLVED that the Director of Recreation is hereby authorized and directed to take any and all steps reasonably necessary to effectuate the foregoing.

Resolution 20-103 - Resolution Authorizing Agreements with Constellation NewEnergy, Inc. For Electric Supply Service for A Period of Twenty-Four (24) Months Beginning June 1, 2020

WHEREAS, the Township of Middletown 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 into 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 sought competitive pricing in the marketplace for electric supply service for the 81 Township accounts shown on Attachment A; and

WHEREAS, Tradition Energy utilized its online pricing system to perform an indicative Request for Proposals for preliminary bid prices on March 24, 2020 from Tier 1 electricity suppliers that serve Jersey Central Power and Light ("JCP&L") for the 81 Township accounts served by JCP&L through current supplier South Jersey Energy; and

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

WHEREAS, the Township determined that the pricing available through the national cooperative is 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; and

WHEREAS, Tradition Energy received updated bid prices on April 6, 2020 for a twenty-four month contract term for the 81 Township accounts; and

WHEREAS, Constellation NewEnergy, Inc. provided the lowest responsible bid for a twenty-four (24) month contract term comprised of variable capacity pricing from June 1, 2020 to September 30, 2020 and fully-fixed capacity pricing from October 1, 2020 through May 31, 2022 for electric supply service for the Township's 81 accounts, pursuant to the draft agreements attached hereto as Exhibit B and incorporated by reference ("Agreements"); and

WHEREAS, it is in the best interest of the Township to enter into the Agreements for its 81 Accounts with Constellation NewEnergy, Inc. for electric supply, for a period of twenty-four (24) months, beginning on the June 1, 2020; and

WHEREAS, the estimated cost for electric supply during the 24-month term of the contract is $766,000; and

WHEREAS, the Chief Financial Officer of the Township has certified that adequate funds for such contract are available.

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 awards a contract to Constellation NewEnergy, Inc. for electric supply service with variable capacity pricing from June 1, 2020 to September 30, 2020, consistent with the foregoing.

BE IT FURTHER RESOLVED that the Township Committee hereby awards a contract to Constellation NewEnergy, Inc. for electric supply service with fully-fixed capacity pricing from October 1, 2020 through May 31, 2022, consistent with the foregoing.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute the contracts with Constellation NewEnergy, Inc., substantially in the form attached hereto and incorporated by reference, subject to the final review and approval of the Township Attorney.

BE IT FURTHER RESOLVED that Constellation NewEnergy, Inc. shall comply with requirements of N.J.S.A. 10:2-1 (Anti-Discrimination in Employment), N.J.S.A. 10:5-31 et seq. and N.J.A.C.17:27 et seq. (Equal Employment Opportunity), 42 U.S.C. § 12101 et seq. (Americans with Disabilities Act), and N.J.S.A. 52:32-44 et seq. (New Jersey Business Registration).

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

A) Purchasing Agent
B) Constellation NewEnergy, Inc.
C) Director of the Department of Public Works
D) Tradition Energy

Resolution 20-104- Resolution Waiving Requirement for Claimant Certifications in Certain Instances, During Covid-19 State of Emergency

WHEREAS, N.J.S.A. 40A:5-16 requires that all claims for payment being made include claimant certifications for the processing of purchase orders for payments; and

WHEREAS, N.J.A.C. 5:30-9A.6 gives municipalities discretion to not require claimant certification by enacting a standard policy by resolution for vendors or claimants who do not provide such certification as part of its normal course of business; and

WHEREAS, generally, vendors do not provide such certification as part of the normal course of business which can create unnecessary confusion and delay in processing claims for payment; and

WHEREAS, the claimant certification cannot be waived for reimbursement of employee expenses, or for services provided exclusively and entirely by an individual; and

WHEREAS, given the continuing State of Emergency, difficulties securing claimant certifications during this time, and in the interest of the public safety, health and welfare of all parties involved, the Township's Chief Financial Officer has recommended waiving claimant certification requirements to the extent permitted by law until such time as the COVID-19 State of Emergency is lifted by the Governor.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that, effective immediately and so long as the current COVID-19 State of Emergency shall remain in place, pursuant to N.J.A.C. 5:30-9A.6, the Township exercises its discretion to not require

claimant certifications except as required for reimbursement of employee expenses, or for services provided exclusively and entirely by an individual.

Resolution 20-105 – Resolution for Temporary Emergency Appropriation

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number accounts and no adequate provision has been made in a Year 2020 temporary budget for the aforesaid purposes, and

WHEREAS, NJS 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned, and

WHEREAS, the total temporary emergency resolutions adopted in the Year 2020 for the Township pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:4-20) including this resolution total $28,347,114.81 for the Current Fund, 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:4-20:

1. An emergency temporary appropriation shall be and the same is hereby made for the following purposes:

2. That said emergency temporary appropriations will be provided for in the 2020 budget under the appropriate titles.

3. That one certified copy of this resolution will be filed with the Director of Local Government Services

SEE WORKSHEET NEXT PAGE

Attachment 1 - 2020 Temporary Budget Worksheet		
Account Number	**Description**	**4/6/2020 Meeting**
Current Fund		
0-01-20-100-100-100	A/E S&W	55,000.00
0-01-20-100-101-100	Purchasing S&W	25,000.00
0-01-20-110-100-100	Township Committee S&W	1,200.00
0-01-20-120-100-100	Township Clerk S&W	25,000.00
0-01-20-130-100-100	Finance - S&W	47,000.00
0-01-20-130-100-200	Finance - O/E	5,000.00
0-01-20-140-100-100	MIS - S&W	7,000.00
0-01-20-145-100-100	Collector - S&W	27,000.00
0-01-20-150-100-100	Assessor - S&W	27,500.00
0-01-20-155-100-200	Legal - O/E	75,000.00
0-01-21-180-100-100	Planning - S&W	21,000.00
0-01-21-180-101-100	Planning Board - S&W	3,000.00
0-01-21-185-100-100	Zoning Board - S&W	3,000.00
0-01-22-195-100-100	Inspections - S&W	112,000.00
0-01-23-220-100-200	Insurance Benefits	140,000.00
0-01-25-240-100-100	Police S&W	1,160,000.00
0-01-25-252-100-101	Emergency Management - S&W	3,000.00
0-01-25-265-100-100	Fire - S&W	1,500.00
0-01-25-265-101-100	Uniform Fire Safety - S&W	20,000.00
0-01-25-275-100-100	Prosecutor - S&W	5,800.00
0-01-26-290-100-100	Streets & Roads - S&W	35,000.00
0-01-26-290-102-100	Parks - S&W	60,000.00
0-01-26-290-104-100	Dept of Public Works Administration & Engineering-S&W	28,000.00
0-01-26-305-100-100	Solid Waste & Recycling - S&W	33,000.00
0-01-26-310-100-100	Maintenance of Township Property - S&W	92,000.00
0-01-26-315-100-100	Fleet Maintenance - S&W	41,000.00
0-01-27-330-100-100	Health - S&W	17,000.00
0-01-27-330-101-100	Alliance - S&W	6,000.00
0-01-27-330-101-200	Alliance - O/E	2,000.00
0-01-28-370-100-100	Recreation - S&W	15,000.00
0-01-36-471-200-284	Statutory Public Employees Retirement	1,618,816.00
0-01-36-472-200-284	Statutory - Social Security	135,000.00
0-01-36-475-200-284	Statutory - Police/Firemens Retirement	3,680,722.00
0-01-36-477-200-284	Defined Contribution Retirement Program (DCRP)	14,500.00
0-01-42-101-203-270	Interlocal Agreement - Monmouth County Regional Health	42,000.00
0-01-43-490-100-100	Court - S&W	36,000.00
0-01-46-870-100-100	Emergency Appropriation - Public Health Emergency - S&W	(20,000.00)
0-01-46-870-100-200	Emergency Appropriation - Public Health Emergency - O/E	(50,000.00)
	TOTAL	**$7,550,038.00**

<u>Resolution 20-106</u> - Resolution Directing That the Township Shall Not Accept Any Cash Payments During Covid-19 State of Emergency

WHEREAS, the Township of Middletown ("the Township") has been conducting essential governmental services while reducing or eliminating potential exposures to COVD-19; and

WHEREAS, the Township is not legally obligated to accept payments being made in cash and there are multiple alternatives to making payments in cash for taxes or other programs or services operated by the Township, including by checks being placed in the mail, or by making payments on the Township's website; and

WHEREAS, given the continuing State of Emergency and in the interest of the public safety, health and welfare of all parties involved to prevent the continued spread of COVID-19, the Township wishes to eliminate as much in person contact as possible, along with contact with cash that often changes hands many times a day; and

WHEREAS, while the Township will still accept non-cash payments in person, it greatly discourages individuals from doing so because there are many easy alternatives available to make payments without any personal contact.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that, effective immediately and so long as the current COVID-19 State of Emergency shall remain in place, the Township shall not accept any payments being made in cash.

Resolution 20-107 – Resolution Authorizing Payment of bills for April 6, 2020

The Township Committee hereby approves a Resolution for the Payment of Bills for April 6, 2020 in the amount of $4,853,530.54.

Resolution 20-108 - Resolution Authorizing Township Use of Storm Recovery Reserve for Covid-19 Emergency

WHEREAS, N.J.S.A. 40A:4-62.1 authorizes municipalities to establish a storm recovery reserve, which may be used "for any purpose necessary to protect the safety, security, health, and welfare, of its citizens from damage" caused by an emergency that has been declared by the President of the United States or the Governor of the State of New Jersey; and

WHEREAS, pursuant to Executive Order, Governor Phil Murphy has declared a State of Emergency and Public Health Emergency to address the Coronavirus emergency; and

WHEREAS, pursuant to Local Finance Notice 2020-06, municipalities are authorized to utilize storm recovery reserve funds for their COVID-19 response.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown, in the County of Monmouth, State of New Jersey it hereby authorizes the use of the Township's storm recovery reserve in order to fund its response to the COVID-19 pandemic.

BE IT FURTHER RESOLVED that the Township Administrator and Chief Financial Officer are hereby authorized and directed to take any and all steps reasonably necessary to effectuate the foregoing.

BE IT FURTHER RESOLVED that the Township Clerk shall transmit a true copy of this resolution to the Director of the Division of Local Government Services in the Department of Community Affairs.

Resolution 20-109 - RESOLUTION AUTHORIZING UTILIZATION OF ELECTRONIC SIGNATURES DURING COVID-19 STATE OF EMERGENCY

WHEREAS, the Township of Middletown ("the Township") has been conducting essential governmental services while reducing or eliminating potential exposures to COVID-19; and

WHEREAS, given the continuing State of Emergency and in the interest of the public safety, health and welfare of all parties involved to prevent the continued spread of COVID-19, the Township wishes to eliminate as much in person contact as possible, along with contact with documents that must generally be signed in original form by individuals; and

WHEREAS, it has been recommended that the Township implement systems that would allow for the acceptance of digital signatures.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that, effective immediately and so long as the current COVID-19 State of Emergency shall remain in place, the Township shall accept electronic signatures in a form and method approved by the Township Administrator.

TOWNSHIP COMMITTEE COMMENTS:

Committeeman Settembrino, requested everyone do their best at social distancing and to stay well.

Committeewoman Snell, commented on her neighbors daughter and her creative chalk writings on the sidewalk.

Committeeman Hibell, thanked the volunteers and the staff for a great job.

Deputy Mayor Fiore, commented on what a great community faced with great challenges and with the help of healthcare workers and first responders we will protect each other.

Mayor Perry, thanked the IT Department for the great job getting the meeting out to the public over the internet. He is proud of our response and battle against this pandemic. This is the first time I am looking at empty pews and hope we will see you soon.

PUBLIC COMMENTS:

Don Watson, Collinson Drive, stated he was happy to see the Committee brining the meeting to people via the internet.

ADJOURNMENT

It was moved by Mayor Perry, seconded by Deputy Mayor Fiore and carried to adjourn at 7:20 pm.

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

Clerk Brunt stated motion carried to adjourn.

Respectfully submitted,

_____
Heidi R Brunt
Township Clerk

Approved:

_____
Anthony S. Perry, Mayor