A Workshop Meeting of the Township Committee of Middletown Township was held in the Conference Room at Town Hall, One Kings Highway, Middletown, New Jersey at 7:00 p.m. on December 2, 2019.

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 10, 2019.

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

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Assistant Administrator Jim VanNest, Township Engineer Ted Maloney 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.

PUBLIC HEARING OF PROPOSED ORDINANCES

Township Clerk Brunt read the following Ordinance by title:

Ordinance 2019-3271 – Ordinance Authorizing Granting of Certain Deeds of Easement Upon Portions of Township-Owned Property Pursuant to The Raritan Bay and Sandy Hook Bay, Hurricane and Storm Damage Reduction Project, Port Monmouth, New Jersey, Phase II (Contract 4)

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: Hibell, Settembrino, Snell, Deputy Mayor Fiore, Mayor Perry
Nays: None
Abstention: None
Absent: None

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

Township Clerk Brunt read the following Ordinance by title:

Ordinance 2019-3272 – Ordinance Authorizing Granting of Certain Deeds of Easement Upon Portions of Township-Owned Property Pursuant to The Raritan Bay and Sandy Hook Bay, Hurricane and Storm Damage Reduction Project, Port Monmouth, New Jersey, Phase II (Contract 5)

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: Hibell, Settembrino, Snell, Deputy Mayor Fiore, Mayor Perry
Nays: None
Abstention: None
Absent: None

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

Township Clerk Brunt read the following Ordinance by title:

Ordinance 2019-3273 – Ordinance Approving Entry into A Settlement Agreement and Acquisition of Real Property Relative to Block 4, Lot 20 (27-29 Ideal Avenue)

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: Hibell, Settembrino, Snell, Deputy Mayor Fiore, Mayor Perry
Nays: None
Abstention: None
Absent: None

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

Township Clerk Brunt read the following Ordinance by title:

Ordinance 2019-3274 – Ordinance Authorizing an Easement Swap Involving Block 807, Lot 1.01 On The Tax Maps of the Township of Middletown (1200 Highway 35)

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: Hibell, Settembrino, Snell, Deputy Mayor Fiore, Mayor Perry
Nays: None
Abstention: None
Absent: None

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

Township Clerk Brunt read the following Ordinance by title:

<u>Ordinance 2019-3275</u> – Bond Ordinance Providing an Appropriation of $119,000 For Various Capital Improvements by and for The Township of Middletown in The County of Monmouth, New Jersey and Authorizing the Issuance of $113,050 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, 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: Hibell, Settembrino, Snell, Deputy Mayor Fiore, Mayor Perry
Nays: None
Abstention: None
Absent: None

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

Township Clerk Brunt read the following Ordinance by title:

<u>Ordinance 2019-3276</u> – Bond Ordinance Providing an Appropriation of $1,153,000 For Various Capital Improvements by and for The Township of Middletown in The County of Monmouth, New Jersey and Authorizing the Issuance of $1,095,350 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, 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: Hibell, Settembrino, Snell, Deputy Mayor Fiore, Mayor Perry
Nays: None
Abstention: None
Absent: None

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

Township Clerk Brunt read the following Ordinance by title:

Ordinance 2019-3277 – Bond Ordinance Providing an Appropriation of $5,145,000 For Improvements to Normandy Park Turf Fields by and for The Township of Middletown in The County of Monmouth, New Jersey and Authorizing the Issuance of $4,887,750 In Bonds or Notes of the Township For Financing Part Of The Appropriation.

Mayor Perry opened the meeting for public comments.

Robert Burke, 38 Maida Terrace, said he is a resident who has watched the Township grow. He supports the location and expanding the capacity of Normandy Park turf fields.

Hearing no further 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: Hibell, Settembrino, Snell, Deputy Mayor Fiore, Mayor Perry
Nays: None
Abstention: None
Absent: None

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

CONSENT AGENDA

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 19-269 through 19-279.

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

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

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

<u>Resolution 19-269</u> - Resolution Authorizing Execution of the Monmouth County Office On Aging 2020 Grant Agreement 13-014 For Senior Services

WHEREAS, the Monmouth County Board of Chosen Freeholders has authorized Grants in the amount of $33,500.00 during the year 2020 for the funding of certain programs at the Middletown Senior Center as detailed in a Letter of Intent; and

WHEREAS, the receipt of the grant requires a resolution accepting this funding and authorizing the execution of the 2020 Grant Agreement with the County of Monmouth providing for the use of the funds in accordance with the terms of the grant; and

WHEREAS, this authorization will provide funding for certain health, fitness, education and transportation programs providing benefits to senior citizens utilizing the Senior Center and is appropriate for execution.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown that the Township of Middletown accepts the Grants in the amount of $33,500.00 for the purpose as set forth in the Letter of Intent from the Monmouth County Office on Aging and the Mayor, Chief Financial Officer, and Township Clerk are authorized to execute the 2020 Grant Agreement with the County required for such funding and grants.

<u>Resolution 19-270</u> - Resolution Authorizing Bonds Aggregating the Principal Sum Not to Exceed $9,725,000 Authorized by Nine 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.

December 2, 2019

WHEREAS, the Township Committee of the Township of Middletown, in the County of Monmouth, New Jersey (the "Township"), has heretofore adopted nine 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 $9,725,000 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 nine ordinances into one consolidated issue in the aggregate principal amount not to exceed $9,725,000 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 $1,620,000 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 2019-3252):

> "BOND ORDINANCE PROVIDING AN APPROPRIATION OF $1,707,300 FOR VARIOUS CAPITAL IMPROVEMENTS BY AND FOR THE TOWNSHIP OF MIDDLETOWN IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF $1,621,935 IN BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION."

heretofore finally adopted. The average period of usefulness is 11.52 years.

B. An amount not to exceed $380,000 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 2018-3229):

> "BOND ORDINANCE PROVIDING AN APPROPRIATION OF $400,000 FOR THE ACQUISITION OF PROPERTY LOCATED AT 480 STATE HIGHWAY 36 BY AND FOR THE TOWNSHIP OF MIDDLETOWN IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF $380,000 IN BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION."

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

C. An amount not to exceed $4,212,650 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 2018-3227):

> "BOND ORDINANCE PROVIDING AN APPROPRIATION OF $5,209,500 FOR VARIOUS CAPITAL IMPROVEMENTS BY AND FOR THE TOWNSHIP OF MIDDLETOWN IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF $4,070,275 IN BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION."

heretofore finally adopted.

As amended by an ordinance entitled: (Ord. #2018-3233) finally adopted on September 4, 2018:

> "BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2018-3227 FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLETOWN, NEW JERSEY ON JULY 16, 2018

heretofore finally adopted. The period of usefulness stated in said ordinance is 13.76 years.

D. An amount not to exceed $276,900 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 2018-3224):

> "BOND ORDINANCE PROVIDING AN APPROPRIATION OF $369,250 FOR VARIOUS PARK ACQUISITIONS AND IMPROVEMENTS BY AND FOR THE TOWNSHIP OF MIDDLETOWN IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF $276,937.50 IN BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION."

heretofore finally adopted. The average period of usefulness is 11.32 years.

E. An amount not to exceed $14,900 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 2017-3204:

> "BOND ORDINANCE PROVIDING AN APPROPRIATION OF $1,120,950 FOR VARIOUS CAPITAL IMPROVEMENTS BY AND FOR THE TOWNSHIP OF MIDDLETOWN IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF $1,064,903 IN BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION."

heretofore finally adopted. The average period of usefulness is 7.77 years.

F. An amount not to exceed $3,013,350 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 2017-3188):

> "A BOND ORDINANCE RESTATING BOND ORDINANCE NO 2017-3188 TO PROVIDE AN APPROPRIATION OF $3,172,050 FOR VARIOUS CAPITAL IMPROVEMENTS BY AND FOR THE TOWNSHIP OF MIDDLETOWN IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF $3,013,447 IN BONDS OR NOTES

OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION."

heretofore finally adopted.

As amended by an ordinance entitled: (Ord. #2018-3219) finally adopted on September 4, 2018:

"BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2017-3188 FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLETOWN, NEW JERSEY ON APRIL 16, 2018

heretofore finally adopted. The period of usefulness stated in said ordinances is 21.77 years.

G. An amount not to exceed $207,200 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 2012-3051):

"BOND ORDINANCE PROVIDING APPROPRIATION OF $3,800,000 FOR THE DREDGING OF SHADOW LAKE BY AND FOR THE TOWNSHIP OF MIDDLETOWN IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF $3,800,000 IN BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION."

heretofore finally adopted. The average period of usefulness is 20 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 $9,725,000 and are sometimes hereinafter collectively referred to as the "Bonds." The bonds referred to in Subsections A to G shall be designated "General Improvement Bonds, Series 2019" and shall be numbered with the prefix G 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 2020 through 2035, 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 National Association, Iselin, New Jersey, payable on the May 15 and November 15 prior to each June 1 and December 1, commencing June 1, 2020, in an amount equal to the interest accruing to each such June 1 and December 1, and payable as to principal at the corporate trust office of U.S. Bank National Association, payable on the fifteenth 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.

Section 4. The Bonds shall be signed by the Mayor or Deputy Mayor and the Township Chief Financial 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 and Deputy Mayor 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 National Association, if necessary.

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

No. 2019 __

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF MONMOUTH

TOWNSHIP OF MIDDLETOWN
GENERAL IMPROVEMENT BOND, SERIES 2019

DATE OF
ORIGINAL
ISSUE: December __, 2019

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 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 May 15 and November 15 prior to each June 1 and December 1, commencing June 1, 2020, in an amount equal to the interest accruing to each such June 1 and December 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 November 7, 2019 (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 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 December 2, 2019 and entitled "Resolution Authorizing Bonds Aggregating The Principal Sum Not To Exceed $9,725,000 Authorized By Nine 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.

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:_____
ATTEST: Tony Perry, Mayor

_____
By:_____
Heidi R. Brunt, Clerk Colleen Lapp, Chief Financial Officer

(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.

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:

SCHEDULE A

TOWNSHIP OF MIDDLETOWN

GENERAL IMPROVEMENT BONDS, SERIES 2019

Schedule of Principal and Interest Payments

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 Service Bureau of Standard & Poor's Corporation of New York, New York, 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 19-271 - Resolution Approving Adjustments On Certain Previously Awarded Professional Service Contracts

WHEREAS, the Township previously approved entry into various contracts for professional services pursuant to resolution, 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 included amounts not to exceed (the "NTE Amount") for the various contracts; and

WHEREAS, the Township has determined that the NTE Amount 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	Entity	Service	NTE Amount	Additional Funds
19-41	O'Donnell McCord P.C.	Tax Appeals & In Rem Foreclosures	$100,000	$60,000

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 Amounts on the foregoing contracts previously approved by the governing body, upon the terms set forth in this Resolution.

BE IT FURTHER RESOLVED that all previous resolutions inconsistent with the terms of this resolution are hereby repealed to the extent of any such inconsistency.

Resolution 19-272 - Resolution Authorizing a Chapter 159 Additional Item of Funding in the 2019 Budget – "2019 Year End Holiday Drive Sober Grant"

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 $5,500.00 grant from the NJ Dept. of Law and Public Safety, Division of Highway Traffic Safety and wishes to amend its 2019 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 2019 budget in the sum of $5,500.00 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 Law and Public Safety, Division of Highway Safety
"2019 Year End Holiday Drive Sober Grant"

BE IT FURTHER RESOLVED that a sum of $5,500.00 is hereby appropriated under the caption of General Appropriations – Operations Excluded from "CAPS":
NJ Dept. of Law and Public Safety, Division of Highway Safety
"2019 Year End Holiday Drive Sober Grant"

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

Resolution 19-273 - Resolution to Close the Public Assistance Trust Fund 2 Bank Account

WHEREAS, a balance remains in the PATF 2 bank account, which was established with Township funds for the purpose of providing public assistance; and

WHEREAS, the PAFT 2 bank account has been inactive for a number of years and should be closed; and

WHEREAS, it is necessary to formally authorize closure of said bank account balance of $26,556.59 so that the funds may be transferred to the Township Current Fund bank account;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown, of the County of Monmouth, that the PATF 2 bank account be closed and the funds be transferred to the Township Current Fund bank account:

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

Resolution 19-274 - Resolution Authorizing the Transfer of Appropriations in The Local Budget of the Township of Middletown for The Year 2019

WHEREAS, Section 40A:4-58 of the Revised Statutes of New Jersey authorizes the transfer of appropriations, during the last two (2) months of the calendar year, to said budget where adopted heretofore by the governing body by two-thirds vote thereof.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown, as follows:

1. That the excess in the appropriations listed in the column designed "FROM" be transferred to the appropriations listed in the column designated "TO" as follows:

	CURRENT FUND	FROM	TO
Account Number			
9-01-20-145-100-201	Collector - Materials & Supplies	$1,000.00	
9-01-20-150-100-101	Assessor's Office - S/W	$30,000.00	
9-01-25-240-100-101	Police - Patrol S/W	$1,000.00	
9-01-27-330-100-101	Health - Regular S/W	$3,000.00	
9-01-20-100-101-104	Purchasing Part-Time S/W		$3,000.00
9-01-20-145-100-101	Collector Office - Regular S/W		$1,000.00
9-01-20-145-101-260	Collector - Tax Title Liens		$10,000.00
9-01-20-155-100-214	Legal - Special Counsel (formerly other)		$20,000.00
9-01-25-275-100-101	Prosecutor - Regular Salaries		$1,000.00
	TOTAL	**$ 35,000.00**	**$ 35,000.00**

2. The Township Clerk is hereby authorized and directed to transmit to the Chief Financial Officer and Township Auditor, a certified copy of this resolution.

3. This resolution shall take effect immediately

4. A copy of this resolution shall be filed forthwith with the Director of New Jersey, Division of Local Government Services.

Resolution 19-275- Resolution of The Township of Middletown, County of Monmouth, State of New Jersey, Canceling Grant Balance

WHEREAS, there exists Grant Receivables and Grant Reserves on the Balance Sheet; and

WHEREAS, it is necessary to formally cancel the receivable balance and their offsetting appropriation balance from the balance sheet;

Grant	Year	Cancel Appropriation Amount	Cancel Receivable Amount
Chapter 159 FEMA Hazard Mitigation Grant	2015	3.72	
Recreational Trails Program	2016	14,364.25	14,364.25
Chapter 159 Emegency Management Assistance	2017		5,151.35
Chapter 159 Municipal Alliance DEDR Grant	2018	4.00	4.30
Chapter 159 Child Passengr Safety Grant	2018	1,227.50	1,227.50
Chapter 159 Clean Communities Grant	2019		0.50
Chapter 159 Drive Sober/Get Pulled Over	2019	220.00	220.00
Total		$ 15,819.47	$ 20,967.90

NOW, THEREFORE, BE IT RESOLVED Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that the following grant receivable and appropriation balance be canceled:

Resolution 19-276 – Resolution Authorizing the Payment of Bills for December 2, 2019

The Township Committee hereby approves a Resolution of Payment of Bills for December 2, 2019 in the amount of $5,712,829.84

Resolution 19-277 – Resolution Authorizing Award of Contract for A Foam Recycling System

WHEREAS, Bids were received on November 26, 2019, and;

WHEREAS, one (1) bid was picked up by a vendor, and one (1) Responsive Bid was received as follows:

VENDOR	AMOUNT
FOAM CYCLE LLC 3008 GREY CLIFF WAY MILFORD, PA 18337-1833	$62,500.00 BINS $2,350 EA

Bids were advertised as per N.J. State Statutes and affidavit of publication is on file in the Office of the Township Clerk.

FOAM CYCLE LLC, 3008 GREY CLIFF EWAY, MILFORD, PA 18337-1833 shall Furnish and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated November 26, 2019, said bidder being the Lowest

Responsible Bidder.

DESCRIPTION	**VENDOR**
PROVIDE A FOAM RECYCLING FOAM SYSTEM OR EQUIVALENT IN THE AMOUNT OF $62,500.00 AND SIX (6) ADDITIONAL METAL BINS AT $2,350 EACH FOR THE PUBLIC WORKS DEPARTMENT	CYCLE, LLC 3008 GREY CLIFF WAY MILFORD, PA 18337

WHEREAS, bids have been reviewed by the Purchasing Agent and Ted Maloney, Director of Public Works and it is their recommendation that the contract be awarded to FOAM CYCLE, LLC, 3008 GREY CLIFF WAY, MILFORD, PA 18337 in the amount of $76,600.00.

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 the contract for "Foam Recycling system or Equivalent" to Foam Cycle, LLC in the amount of $76,600.00.

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

2. **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 appropriation of the official budget G-02-40-700-525-. A copy of the said certification is attached hereto and made a part hereof and the funds to be expended herein are assigned to the line item no. 016. A copy of the within resolution and certification shall be certified by the Township Clerk. The Township Attorney is satisfied that the certification of availability of funds has been provided and a copy of within resolution shall be made a part of the file concerning said resolution and appointment.

G-02-40-700-525-016 - $76,600.00

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

A) Purchasing Agent
B) Chief Financial Officer
C) Ted Maloney, Dir. of Public Works
D) Above vendor

Resolution 19-278 - Resolution Reducing the Performance Guarantee for Blaisdell Property Block 1020, Lot 10, 11 &12

WHEREAS, the developer of the Site known as Blaisdell Property had posted with the Township a Previously Reduced Performance Guarantee in the form of a 100% Cash Bond issued by Shadow Lane, LLC in the amount of $984,854.00; and

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

WHEREAS, the Consulting Engineer, as set forth in his letter of November 21, 2019, indicates he has inspected the premises and has recommended that the performance guarantee in the form of a 100% cash bond in the amount of $984,854.00 be reduced as follows:

Reduced Performance Guarantee to Remain on Deposit	**$573,448.00**
Cash to be Released	**$411,406.00**

WHEREAS, the Township Committee agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Middletown Township Committee that the Performance Guarantee be reduced.

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

a. T&M Associates
b. Planning
c. Heidi Brunt, Township Clerk
Township of Middletown.
Kings Highway Middletown,
NJ 07748-2085

Resolution 19-279 - Resolution Authorizing a Change Order No. 3 for the 2018 Roadway and Drainage Improvements, Contract 2

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

CHANGE ORDER NO 1 FOR THOMPSON AVENUE IMPROVEMENTS

DESCRIPTION OF CHANGE:

EXTRAS: **Various Items are increased to reflect as built quantities**

SUPPLEMENTARY: **S-2 Sleepy Hollow Drainage Repairs; S-4 Sleepy Hollow Drainage Improvements; S-9 Sleepy Hollow Dewatering for Drainage Improvements; S-10 Poricy Park Concrete Improvements; S-11 Balloch Place Drainage and Rip Rap Swal Improvements; S-12 4" High Density Polyethylene Pipe, Type SP; S-13 8" High Density Polyethylene Pipe, Type SP; S-14 Detectable Warning Surface; S-15 135 Proscilla Drive Drainage Repairs; S-16 Red Oak Tree. 3 ½" – 4" Ca;., B&B**

REDUCTIONS: **Various Items are reduced to reflect as built quantities**

	ADDITIONAL	REDUCTION
Total reductions this CO	xxxxxxxxx	$165,597.44
Total extras this CO	$54,892.00	xxxxxxxxxxx
Total Supplementary this CO	$180,087.88	xxxxxxxxxxx
Total this CO	$234,979.88	$165,597.44
Net change this CO	$69,382.45	
Previous Change Orders	$201,485.00	$44,800.00
Total Change Orders to Date	$436,464.88	$210,397.44
Net Change in Contract	$226,067.45	
Original Contract Amount	$2,512,763.50	
Change Orders to Date	$226,067.45	
Revised Contract Price	$2,738,830.95	

be and the same is hereby ratified and confirmed.

BE IT FURTHER RESOLVED, The Township Clerk shall send a certified copy of this resolution to the following:

a. Purchasing
b. Joseph E. Maloney, PE – Township Engineer
c. T&M Associates
d. S. Brothers

TOWNSHIP COMMITTEE ACTING AS THE ABC ISSUING AUTHORITY

Township Clerk Brunt requested a motion to adopt Resolution 19-280 authorizing the Person to Person transfer of License No. 1331-44-008 for the 2019-2020 licensing period

It was moved by Mayor Perry and seconded by Deputy Mayor Fiore to adopt Resolution 19-280.

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

Township Clerk Brunt stated motion carried to adopt Resolution 19-280.

Resolution 19-280 - Resolution Authorizing a Person to Person Transfer of License No 1331-44-008 to Saker Enterprises Management Company, Inc.

WHEREAS, an application has been filed for a Person to Person transfer of Plenary Retail Consumption License #1331-44-008 heretofore issued to Middletown Liquor, LLC as an inactive license; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business.

NOW, THEREFORE, BE IT RESOLVED that the Middletown Township Committee, acting as A.B.C. Board, does hereby approve, effective December 2, 2019 the person to person transfer of the aforesaid Plenary Retail Consumption License #1331-44-008 heretofore issued to Saker Enterprises Management Company, Inc. as an inactive license; and

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

a. Division of A.B.C.
Shelia Inverso
PO BOX 087
Trenton, NJ 08625-0087

b. Police Department

c. Gloria Saker
Saker Enterprises Management Company Inc.
c/o Douglas Lubek
Wilentz, Goldman, Spitzer, P.A.
Meridian Center I
Two Industrial Way West
Eatontown, NJ 07724-2265

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

DISCUSSION ITEMS

a. Contract for the 2020 Recreation Bus Trips

TOWNSHIP COMMITTEE COMMENTS:

Committeeman Hibell, stated that he supports the Normandy Park improvements.

Committeewoman Snell, None

Committeeman Settembrino, commented that December 7th is the Ideal Beach Christmas tree lighting ceremony and December 8th is the Middletown Arts Center Christmas tree lighting.

Deputy Mayor Fiore, thanked Mr. Burke for his comments in support for this turf field an investment to Normandy Park, funded by open space trust and grants. He said they are working toward a ten-year plan.

Mayor Perry, stated he hopes to see everyone at Christmas tree lightings. He thanked the youth sports leagues for support. He thanked Deputy Mayor Fiore and Township Administrator Anthony Mercantante for working on improvement with little impact to operating budget or debt. He also thanked Township Engineer Ted Maloney and Amy Sarrinikolaou for their efforts in obtaining the foam recycling the first in the State.

PUBLIC COMMENTS:

None

ADJOURNMENT

It was moved by Mayor Perry, seconded by Deputy Mayor Fiore and carried to adjourn at 7:15 pm.

Roll Call Vote: Ayes: Hibell, Settembrino, Snell, Deputy Mayor Fiore, 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