

Regular Meeting of the Township Council of the Township of Toms River was held in the L. Manuel Hirshblond Meeting Room, Municipal Complex, 33 Washington Street, Toms River, New Jersey at 6:09 pm.

Council President McGuckin requested a moment of silence for the Toms River High School North student, who was a victim of a recent motor vehicle accident.

The meeting was called to order by Council President Gregory P. McGuckin and opened with a Salute to the Flag.

Council President McGuckin read the following statement pursuant to the Open Public Meetings Act:

OPEN PUBLIC MEETINGS ACT

This meeting is convened in accordance with the provisions of the Open Public Meetings Act of New Jersey. Let the official Minutes reflect that adequate notice of this meeting has been provided by publishing a notice in the Ocean County Observer on January 6, 2007 and in the Asbury Park Press on January 10, 2007 and thereafter posting same on the Town Hall Bulletin Board for such notices and filing same with the Township Clerk; pursuant to a resolution of the Township Council at its regular meeting of January 3, 2007.

Roll Call occurred at 6:10 p.m.:

Council Member Fiure	Present
Council Member Hill	Present
Council Member Inteso	Absent– Arrived at 6:55 p.m.
Council Member Kubiel	Present
Council Member Maruca	Absent
Council Member Sevastakis	Present
Council President McGuckin	Present

On motion by Council Member Kubiel, seconded by Council Member Hill, and carried with Council Members Kubiel, Fiure, Hill, Sevastakis and McGuckin voting yes, and Council Members Maruca and Inteso absent the following minutes were approved:

- March 13, 2007 Regular Meeting
- March 27, 2007 Regular Meeting

On motion by Council Member Kubiel, seconded by Council Member Hill, and carried with Council Members Kubiel, Sevastakis, Fiure, Hill, and McGuckin voting yes, and Council Members Maruca and Inteso absent the following honoring resolutions were approved.

Township of Toms River Resolution

May 8, 2007

WHEREAS, the poppy, as a memorial flower for the American war dead, is a tradition which began in the years following the First World War; and

WHEREAS, Veterans returning to their homes in this country after World War I remembered the wild poppies which lined the devastated battlefields of France and Flanders Field; and

WHEREAS, the soldiers of all nations came to look upon this flower as a living symbol of their dead comrades' sacrifice; and

WHEREAS, today that little symbolic flower continues to pay tribute to those millions who have answered the call to arms and made the supreme sacrifice; and

WHEREAS, the Poppy Day is more than a symbol, it is a source of hope and aid for many in our nation, as disabled veterans receive financial assistance for making poppies by hand as part of their therapy; and

WHEREAS, the Poppy Day program is designed exclusively for assistance to veterans and their families in time of need; and

WHEREAS, the **American Legion Auxiliary Unit 129** adopted the Poppy as its memorial flower which pays tribute to the war dead and aids the living veterans and their families; and

WHEREAS, the **American Legion Auxiliary Unit 129** has pledged to remind America annually of this debt through distribution of the red crepe paper poppy;

NOW, THEREFORE, I, Gregory P. McGuckin, Council President of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, do hereby proclaim

**May 1 through May 31, 2007 as
POPPY DAYS**

and urge all citizens to pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing this Memorial Poppy on these days.

**Gregory P. McGuckin
Council President**

**Michael J. Fiore
Brian S. Kubiel**

**Carmine C. Inteso, Jr.
Maria L. Maruca**

**Maurice B. Hill
John C. Sevastakis**

**Township of Toms River
Resolution
May 8, 2007**

WHEREAS, children are our most treasured resource, and providing for their health, safety, education and future opportunities remains one of our highest priorities and responsibilities; and

WHEREAS, the safety of our children is a significant concern for parents, community leaders and healthcare givers; and

WHEREAS, on Saturday, May 19, 2007, communities worldwide will be participating in the thirteenth annual “**Kids Day America/International**”; and

WHEREAS, during this annual observance, doctors of chiropractic across New Jersey and the nation, along with local law enforcement, fire department, and other public officials, join together to offer free child ID cards and fingerprinting, spinal health screenings, and educational information about crime and fire prevention, health promotion and disease prevention, and environmental awareness issues;

NOW, THEREFORE, I, Gregory P. McGuckin, Council President of the Township of Toms River, in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, hereby recognize May 19, 2007 as

Kids Day America/International

and encourage the community to work together to educate our children about health, safety, and environmental issues.

Gregory P. McGuckin
Council President

Michael J. Fiure
Brian S. Kubiel

Carmine C. Inteso, Jr.
Maria L. Maruca

Maurice B. Hill
John C. Sevastakis

Township of Toms River
Resolution
May 8, 2007

WHEREAS, the Township Council of the Township of Toms River wishes to honor and salute **Corporal James M. Dolan** on the occasion of his retirement from the Township Police Department, effective April 1, 2007; and

WHEREAS, upon graduating from Toms River High School South and Ocean County College, **Corporal James M. Dolan** joined the United States Air Force in 1973 and was honorably discharged as a Technical Sergeant, Crew Chief. He continued serving his country in the Air Force Reserve, serving a total of thirty-three years, retiring with the rank of Master Sergeant and Load Master Instructor. Among his tours of duty, Master Sergeant Dolan served in Desert Storm in 1991 and was again activated on the night of September 11, 2001, serving in Afghanistan and Iraq; and

WHEREAS, **Corporal James M. Dolan** joined the Toms River Police Department in 1981 and graduated from the 172nd Municipal Police Class at the New Jersey State Police Training Center in Seagirt, New Jersey; and

WHEREAS, he was dedicated to the youngsters of our community, instructing elementary school children on the dangers of alcohol and drugs as a member of the Networks Officers Program; and

WHEREAS, Corporal James M. Dolan was a founding member of the Police Department's Motor Cycle Unit and carried the radio call sign "Motor One;" and

WHEREAS, he was committed to the residents of Toms River Township, serving as a member of the Toms River Volunteer Fire Company since 1975, and a member of the SCUBA team, holding the rank of Chief for several years during his twenty-eight years of service; and

WHEREAS, Corporal James M. Dolan has earned the admiration and regard of those with whom he has come into contact, and his dedicated service to the community and the nation as a Police Officer, Soldier and Firefighter deserves special recognition;

NOW, THEREFORE, I, Gregory P. McGuckin, Council President of the Township of Toms River, in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, wish to honor and salute **Corporal James M. Dolan** for his more than twenty-five years of dedicated service to the Police Department and extend sincere best wishes for continued good health and happiness throughout his retirement years.

Gregory P. McGuckin
Council President

Michael J. Fiure
Brian S. Kubiel

Carmine C. Inteso, Jr.
Maria L. Maruca

Maurice B. Hill
John C. Sevastakis

Township of Toms River
Resolution
May 8, 2007

WHEREAS, the Township Council of the Township of Toms River wishes to honor and salute **Corporal Lawrence E. Clayton** on the occasion of his retirement from the Township Police Department, effective, April 1, 2007; and

WHEREAS, upon graduation from the Nathaniel Hawthorne College in New Hampshire, **Corporal Lawrence E. Clayton** was appointed to the Toms River Police Department on March 14, 1977. He attended the 160th Municipal Class at the New Jersey State Police Training Center in Seagirt, New Jersey; and

WHEREAS, Corporal Lawrence E. Clayton retires as a police K-9 handler, training his first partner, Sandy, at the Atlantic City K-9 Academy in the spring of 1987, and he worked with two additional K-9 partners, T-Rex and Diesel; and

WHEREAS, K-9 Diesel also retired effective April 1, 2007 and will remain with **Corporal Lawrence E. Clayton** and his family; and

WHEREAS, **Corporal Lawrence E. Clayton** was a member of the Emergency Services Unit and Networks Officers Program, dedicating himself to the youngsters of our community by instructing elementary school children on the dangers of alcohol, drugs and other safety lessons; and

WHEREAS, during his tenure, **Corporal Lawrence E. Clayton** has been recognized for his involvement in the arrest of armed subjects nine times and twice honored for his actions out of town as well; and

WHEREAS, **Corporal Lawrence E. Clayton** and his K-9 partner Sandy were instrumental in locating a suspect under the Funtown Pier in Seaside Heights when other officers were unable to do so, and he was also involved in the apprehension of a suspect wanted for attempted murder and aggravated assault; and

WHEREAS, **Corporal Lawrence E. Clayton** was the target of an assassination plot planned by a man who was convicted and serving time on aggravated manslaughter charges who was eventually arrested carrying a high-powered rifle with which he planned to carry out his attack; and

WHEREAS, **Corporal Lawrence E. Clayton** has given generously of his time and talent as a youth hockey coach, Mite Level through Midget Level, Assistant Coach with Toms River High School South and currently serves as Head Coach of the Ice Hockey Team; and

WHEREAS, **Corporal Lawrence E. Clayton** has earned the admiration and regard of those with whom he has come into contact, and his dedicated service to the community as a Police Officer and Hockey Coach deserves special recognition;

NOW, THEREFORE, I, Gregory P. McGuckin, Council President of the Township of Toms River, in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, wish to honor and salute **Corporal Lawrence E. Clayton** for his more than twenty-nine years of dedicated service to the Police Department, and extend sincere best wishes for continued good health and happiness throughout his retirement years.

Gregory P. McGuckin
Council President

Michael J. Fiure
Brian S. Kubiel

Carmine C. Inteso, Jr.
Maria L. Maruca

Maurice B. Hill
John C. Sevastakis

Township of Toms River
Resolution
May 8, 2007

WHEREAS, the Township Council of the Township of Toms River wishes to honor and salute **Police K-9 Diesel** on the occasion of his retirement from the Township Police K-9 Unit, effective April 1, 2007; and

WHEREAS, **K-9 Diesel** was imported from Czechoslovakia where he began his training as a young pup to be a police service dog, and was purchased from Ocean K-9 Incorporated in January of 2003; and

WHEREAS, **K-9 Diesel** was partnered with Corporal Lawrence E. Clayton at the Township Police Department, and they were schooled at the Toms River Police Canine Academy Class #5 where they endured a rugged sixteen week, 700 hour Patrol Dog Class; and

WHEREAS, as a result of the intense training, **K-9 Diesel** formed a unique bond with Corporal Clayton and began to distinguish himself as a highly-driven police service dog; and

WHEREAS, in the Fall of 2003, **K-9 Diesel** and Corporal Clayton endured rigorous training at the Toms River Police Training Center for Narcotics Class #4, a ten week, 400 hour class, where Diesel was taught to detect the odor of narcotics, specifically, Cocaine, Crack Cocaine, Heroin, Marijuana, Methamphetamines and all derivatives of these drugs; and

WHEREAS, throughout his career, **K-9 Diesel** was involved in numerous patrol and narcotic cases and has been an asset to the Township Police K-9 Unit and will be remembered for his endurance, motivation and keen sense of smell that helped him perform in an exemplary manner; and

WHEREAS, **K-9 Diesel's** new assignment will be as a family pet to the Clayton Family, who have loved and cared for him since his arrival to this country;

NOW, THEREFORE, I, Gregory P. McGuckin, Council President of the Township of Toms River, in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, hereby honor and salute **K-9 Diesel**, and thank him for his dedicated service to the Township Police Department and the Community At Large, and extend sincere best wishes for continued good health during his well-deserved retirement years.

Gregory P. McGuckin
Council President

Michael J. Fiore
Brian S. Kubiel

Carmine C. Inteso, Jr.
Maria L. Maruca

Maurice B. Hill
John C. Sevastakis

Township of Toms River
Resolution
May 8, 2007

WHEREAS, the Township Council of the Township of Toms River wishes to honor and salute Police Dispatcher **John W. Glochau Jr.** on the occasion of his retirement from the Township Police Department, effective April 1, 2007; and

WHEREAS, in August 1974, **John W. Glochau Jr.** began his career as a fire dispatcher for Toms River, and in December 1977, he served the Township as Police Dispatcher; and

WHEREAS, as a Dispatcher, **John W. Glochau Jr.**, was the patrol officer's only conduit of information as they raced to calls for help, and his proficiency and calming manner on the job provided timely information to officers responding to life threatening situations in our community; and

WHEREAS, **John W. Glochau Jr.** has been recognized for his professionalism many times throughout his 32 ½ year career, and on one memorable occasion he personally was responsible for saving the life of a ten-month old infant through his highly valued communication skills, professionalism on the job and calm handling of the matter, thereby providing valuable instructions over the radio to the distraught parents; and

WHEREAS, he was recently honored with a merit award for his role in coordinating the efforts of forty-six police officers, helicopters and interagency notifications during a bank robbery with minimal communications staffing; and

WHEREAS, **John W. Glochau Jr.** served his community for over twenty-one years as a Volunteer Firefighter with the East Dover Fire Company, serving as Chief for three years, and also as a member of the SCUBA Team; and

WHEREAS, **John W. Glochau Jr.** has earned the admiration and regard of those with whom he has come into contact, and his dedicated service to the community as a Fire and Police Dispatcher, Firefighter and member of the SCUBA Team deserves special recognition;

NOW, THEREFORE, I, Gregory P. McGuckin, Council President of the Township of Toms River, in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, wish to honor and salute **John W. Glochau Jr.** for his more than thirty-two years of dedicated service to the Police Department, and extend sincere best wishes for continued good health and happiness throughout his retirement years.

Gregory P. McGuckin
Council President

Michael J. Fiure
Brian S. Kubiel

Carmine C. Inteso, Jr.
Maria L. Maruca

Maurice B. Hill
John C. Sevastakis

Township of Toms River
Resolution
May 8, 2007

WHEREAS, the month of May 2007 has been designated throughout the nation as "**Older Americans' Month**" with the theme "Older Americans: Making Choices for a Healthier Future;" and

WHEREAS, older citizens are the fastest growing sector of our population, and "**Older Americans' Month**" provides us with an opportunity to recognize and celebrate the tremendous contribution they make to the life and vibrancy of

the Township of Toms River; and

WHEREAS, a growing number of baby boomers are rapidly becoming older citizens, and the number of individuals providing care to family members and friends is expanding significantly; and

WHEREAS, the opportunities and challenges that lie ahead require us to think differently about health and long term care, and work together to rebalance and modernize our current systems so that we may adequately plan for and address the needs of current and future generations; and

WHEREAS, older persons are entitled to live lives of dignity and independence through:

Streamlined access to information and community services; Information about cost-effective prevention practices and activities that will improve health and quality of life;

Innovative, affordable options of care and support that will provide an array of choices about how and where to live; and

WHEREAS, the Senior Center of the Township of Toms River is committed to providing programs and services, including education and recreation, health screenings, mental health and Medicare counseling, legal information, care management and transportation, that will assist our older citizens to make choices for a healthier future;

NOW, THEREFORE, I, Gregory P. McGuckin, Council President of the Township of Toms River, in the County of Ocean and State of New Jersey, do hereby proclaim May 2007 to be **Older Americans' Month** and urge all citizens to honor older adults, and those who care for them, during May and throughout the year. We urge all to promote and participate in activities that contribute to helping older Americans make choices for a healthy and rewarding future.

Gregory P. McGuckin
Council President

Michael J. Fiore
Brian S. Kubiel

Carmine C. Inteso, Jr.
Maria L. Maruca

Maurice B. Hill
John C. Sevastakis

Township of Toms River
Resolution
May 8, 2007

WHEREAS, the Township Council of the Township of Toms River wishes to honor and salute **Harvey L. York** for his selection as the recipient of the "Joseph A. Citta Lifetime Achievement Award" by the Toms River-Ocean County Chamber of Commerce; and

WHEREAS, **Harvey L. York** will be honored by his many friends and colleagues at the Toms River-Ocean County Chamber of Commerce 44th Gala Reception and Dinner Dance on May 16, 2007; and

WHEREAS, Harvey L. York is one of the managing partners of the Novins, York, Pentony & Pagano law firm that has been part of the Toms River community for over seventy years; and

WHEREAS, Harvey L. York has untiringly devoted many years to our community through his association and service with many non-profit organizations, including Chairman of the Ocean County Chapter of the American Heart Association "Heart Walk," Toms River Daybreak Kiwanis Club founder and member, Board of Trustees Ocean County College Foundation, Board of Directors Ocean County United Way, Board of Directors Toms River-Ocean County YMCA, Board of Directors Ocean County Jewish Federation and Board of Directors Toms River-Ocean County Chamber of Commerce; and

WHEREAS, Harvey L. York has been an outstanding citizen throughout his lifetime and has been honored by many organizations including, United Way of Ocean County "Community Caring Award," Ocean County College Foundation "Humanitarian of the Year," Ocean County Jewish Federation "Theodor Herzl Leadership Award," Ocean County Girl Scouts "Citizen of the Year," Toms River Kiwanis "Distinguished President Award," Toms River-Ocean County YMCA "Citizen of the Year," and Toms River-Ocean County Chamber of Commerce "Citizen of the Year;" and

WHEREAS, as our community looks back over its many years of being, a few individuals stand out for their caring, their contributions, and their visions, which have made the Township of Toms River such a fine place to live; and

WHEREAS, one of our citizens, **Harvey L. York**, is such an individual, one who is a true leader in our community for many years and known both for his business skills and for his civic activities;

NOW, THEREFORE, I, Gregory P. McGuckin, Council President of the Township of Toms River, in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, wish to publicly recognize and show appreciation to **Harvey L. York** for the great impact he has made on our community and extend sincere appreciation for his contributions to the Township of Toms River.

Gregory P. McGuckin
Council President

Michael J. Fiure
Brian S. Kubiel

Carmine C. Inteso, Jr.
Maria L. Maruca

Maurice B. Hill
John C. Sevastakis

Township of Toms River
Resolution
May 8, 2007

WHEREAS, the Township Council of the Township of Toms River wishes to honor and salute **Michael J. Ritacco** for his selection as the recipient of the "Distinguished Citizen of the Year" award by the Toms River-Ocean County

Chamber of Commerce and

WHEREAS, Michael J. Ritacco will be honored by his many friends and colleagues at the Toms River-Ocean County Chamber of Commerce 44th Gala Reception and Dinner Dance on May 16, 2007; and

WHEREAS, Michael J. Ritacco has been a true leader within the education community for many years, serving as Toms River Regional Schools Superintendent to the largest K-12 suburban school district and the 4th largest school district in the State of New Jersey; and

WHEREAS, Michael J. Ritacco has contributed to the well-being of over 18,600 students, and under his leadership the school district has seen substantial growth with the opening of the Joseph A. Citta Elementary School in 1999 and Toms River Intermediate South in 2005; and

WHEREAS, during his tenure, Toms River Regional Schools has had the lowest tax increase in Monmouth and Ocean Counties, providing a solid education for students while being affordable for taxpayers in the community; and

WHEREAS, through his vision, Toms River Regional School District continues to strengthen its curriculum and provide a quality education in the classroom, while the 3,500 seat Ritacco Center arena serves the student population as a state-of-the-art facility for student activities and hosts a variety of sporting events, live music concerts and trade shows for the entire community; and

WHEREAS, the newly built Bennett Indoor Sports Complex provides a safe facility for students to participate in a variety of sports activities and competitions that otherwise could not take place in inclement weather conditions; and

WHEREAS, we deeply appreciate the important contributions **Michael J. Ritacco** has made to the welfare of our school children and to the progress of our community;

NOW, THEREFORE, I, Gregory P. McGuckin, Council President of the Township of Toms River, in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, wish to publicly recognize and show appreciation to **Michael J. Ritacco** for his timeless efforts and dedication to the educational community, thereby making the Township of Toms River a better place in which to live.

Gregory P. McGuckin
Council President

Michael J. Fiure
Brian S. Kubiel

Carmine C. Inteso, Jr.
Maria L. Maruca

Maurice B. Hill
John C. Sevastakis

Township of Toms River
Resolution
May 8, 2007

WHEREAS, the Township Council of the Township of Toms River wishes to honor

and salute the **Lakewood BlueClaws Baseball Club** for its selection as the recipient of the “Organization of the Year” award by the Toms River-Ocean County Chamber of Commerce; and

WHEREAS, Lakewood BlueClaws Baseball Club will be honored at the Toms River-Ocean County Chamber of Commerce 44th Gala Reception and Dinner Dance on May 12, 2007; and

WHEREAS, the “Organization of the Year” honors are bestowed on individuals and/or organizations that have shown community concern, and have demonstrated outstanding, unselfish service in single or multiple fields in the civic, social, cultural, legal, religious, educational, health, business or athletic life in the Ocean County area; and

WHEREAS, in 1998, the concept for a minor league baseball stadium was approved for the Lakewood, New Jersey site, and on April 17, 2000 ground was broken for the new facility; and

WHEREAS, the **Lakewood BlueClaws Baseball Club** was the name selected as a result of a “Name the Team” contest, and on September 20, 2000, the BlueClaws became a Single A Affiliate of the Philadelphia Phillies; and

WHEREAS, the **Lakewood BlueClaws** opened its first season in 2001 and has drawn a record-breaking number of fans to FirstEnergy Park throughout its six-year history, leading the South Atlantic League in attendance in each year of play; and

WHEREAS, in 2005 the **Lakewood BlueClaws** received the Bob Freitas Award, an organizational award for excellence in Minor League Baseball; and

WHEREAS, the **Lakewood BlueClaws** organization, as well as individual team members and staff, have won many major awards and are especially proud of winning the South Atlantic League Division Championship in 2006; and

WHEREAS, the **Lakewood BlueClaws Baseball Club** enjoys a rich history of involvement with the community and loyal fans, and provides coach’s clinics, youth baseball camps and corporate and community events in their state-of-the-art facility;

NOW, THEREFORE, I, Gregory P. McGuckin, Council President of the Township of Toms River, in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, wish to recognize the **Lakewood BlueClaws Baseball Club and Staff** for providing fun-filled entertainment to people of all ages that are proud to call themselves “BlueClaws Fans.”

Gregory P. McGuckin
Council President

Michael J. Fiure
Brian S. Kubiel

Carmine C. Inteso, Jr.
Maria L. Maruca

Maurice B. Hill
John C. Sevastakis

J. Mark Mutter, Township Clerk administered the Oath of Office to the Auxiliary Police Officers.

Discussion was held regarding promotions and new hires within the Police Department.

The Toms River South Pop Warner organization made a presentation to Council Member Sevastakis for his past support of the organization.

**RESOLUTION REFUSING TO CONSENT TO A
DE-ANNEXATION OF BAY BEACH WAY FROM
THE TOWNSHIP OF TOMS RIVER
TO THE BOROUGH OF LAVALLETTE**

MAY 8, 2007

WHEREAS, on or about October 4, 2006 the petitioners filed with the Township Clerk's Office a letter and petition seeking consent of the Township of Toms River (then known as the Township of Dover) pursuant to *N.J.S.A. 40A:7-12, et. seq.*, for de-annexation or secession of a portion of property along Bay Beach Way, and the annexation of those lands to the Borough of Lavallette; and

WHEREAS, by letter dated October 24, 2006, the Law of the Township of Toms River, confirmed receipt of the petition and indicated that the same was forwarded to the Township of Toms River Planning Board; and

WHEREAS, it was anticipated that the Planning Board would conduct a public hearing on the matter by Friday, December 8, 2006, and report to the governing body on or before January 8, 2007; and

WHEREAS, by agreement between the petitioners' attorney and the Planning Board, the Board conducted public hearings on December 20, 2006 and January 10, 2007 recommending that a portion of Beach Bay Way not be de-annexed, and

WHEREAS, the petitioners consented to an extension of time for preparation and adoption of a Planning Board report; which was adopted on February 7, 2007. (A copy of the February 7, 2007 Planning Board report is attached hereto); and

WHEREAS, the petitioners consented to an extension of time for this Council to conduct a public meeting on April 10, 2007; and

WHEREAS, at the public hearing of April 10, 2007 the Toms River Township Planner submitted the Planning Board report dated February 7, 2007 and exhibits of the Planning Board hearings; and

WHEREAS, the Township Planner explained that at the Planning Board hearings, there were a myriad of questions by the public in favor of de-annexation; and

WHEREAS, the Township Planner explained that the affected area contains 58 homes and two vacant lots; and

WHEREAS, the Township Planner quoted from page 20 of that report the following:

Accordingly, the Toms River Township Planning Board hereby recommends and concludes to the Toms River Township Council that Petitioners have failed to carry their burden of establishing that the refusal to consent to the annexation is

detrimental to their economic and social well being and that the annexation will not cause significant injury to the well being of Toms River Township; and

WHEREAS, certain sections of the report contain the following description of the property:

1. Bay Beach Way runs from its intersection with Route 35 South in a westerly direction towards Barnegat Bay. It is contiguous to the northwestern border of the Borough of Lavallette.
2. Bay Beach Way is separated to its north and to its south by lagoons and almost all of the lots along Bay Beach Way have water frontage.
3. Two tax lots are vacant parcels owned by the Ocean Beach Surf Club, Inc., and are utilized by the residents of the area. The remaining 58 parcels are residential in nature and each have a typical lot size of about 4,000 square feet with 40 feet of lot frontage (Pages 2 & 3 of the report); and

WHEREAS, certain sections of the report contain the following characteristics of the neighborhood:

1. Fifty Eight residential lots are essentially developed.
2. The street is comprised of homes originally intended for seasonal use, which were small in nature.
3. The street is characterized by persons without school-age children who have originally purchased the homes but have slowly and steadily begun moving to Bay Beach Way year round.
4. Renovations and/or total tear downs/reconstructions are underway on at least three separate lots.
5. Approximately two thirds of the 58 lots are still one story homes, while about one third have already been reconstructed, had significant additions erected and/or have second floors.
6. No school-age children reside year-round on Bay Beach Way and none attend Toms River Regional Schools.
7. There is a reasonable likelihood and in fact a probability that renovation, rehabilitation and demolition and reconstruction of the existing homes along Bay Beach Way, consistent with the petitioners' testimonies regarding the same, are likely to yield increased tax revenues to the Township of Toms River in the future.
8. It would be inappropriate for the Planning Board and for the Township to simply consider a "snap shot" of the tax revenues along Bay Beach Way at this date. (pages 3 & 4); and

WHEREAS, certain sections of the report contain the following tax revenues and tax related issues affecting Bay Beach Way:

1. If the secession were granted, the tax loss to Toms River Township for the year 2006 would be \$302,885.00. This represents that portion of the taxes paid on the sixty properties for which secession is sought that goes to schools, municipal purposes, local open space and the fire district levies.
2. If the \$302,885.00 reduction were to be compensated for by an increase in taxes solely, then the 2006 tax rate would be increased from \$3.158 per hundred dollars of assessed value to

- \$3.160 per hundred dollars of assessed value or an increase of 2/10 of one cent.
3. The tax revenue reduction of \$302,885.00 when divided amongst the remaining 41,133 properties shown as line items for Toms River Township would be \$7.374 per line item.
 4. The change in the tax rate of 2/10 of one cent when applied to the average assessed value of a single-family residence in Toms River Township for the year 2006 would result in an increase in taxes of \$2.78 per year on that home.
 5. In order to determine the tax difference for the owners of the properties seeking secession it is necessary to consider the equalization ratio as well as the tax rate and assessments in Toms River Township and the Borough of Lavallette. As an example, it was determined that the fair method of determining the potential tax difference for a home assessed presently in Toms River Township at \$380,000.00 would be to apply the equalization ratio of 38%.
 6. Thus, the home would have a true value of \$1 million. The tax payment on it would be \$3.158 per \$100.00 times \$380,000.00 assessment for a tax bill of \$12,000.00.
 7. By comparison the same \$1 million true value home assessment in accordance with the Lavallette equalized ratio of 93% would be assessed at \$930,000.00 and would be subject to the Lavallette tax of \$.754 per \$1,000.00. This would produce a tax bill of \$7,012.00. Thus the tax differential would be \$4,988.00. This formula could be used at any other dollar figure using the above formula.
 8. The Planning Board concludes that a loss of over \$12,000,000.00 in ratables cannot, under any circumstances, be considered de minimus.
 9. In addition, as previously set forth, there are no school-age children residing along Bay Beach Way and thus the loss of \$200,000.00 in school tax revenues, with no corresponding decrease in expenses, would be a significant economic detriment to the tax payers of Toms River Regional Schools.
 10. Furthermore, petitioners did not offer any expert testimony or other evidence as to how the corresponding tax loss would be appropriately made up by Toms River Township, Toms River Fire District No. 1 and Toms River Schools, other than to suggest a tax increase to the remaining Toms River municipal and school tax payers. (pages 4 through 6).

WHEREAS, certain sections of the report contain the following analysis of services provided to Bay Beach Way:

1. The Board requested that Chief Michael Mastronardy of the Toms River Township Police Department testify regarding police protection provided to Ocean Beach in general and Bay Beach Way in particular. Chief Mastronardy testified that the police department maintains a minimum of two officers on the barrier island section of the Township 24 hours a day, designated as the 91 post and the 912post (sic).
2. Toms River Township provides backup to the Lavallette Township Police Department and the Chief testified that that occurs more than Lavallette Borough police backup Toms River Police. The Toms River Police Department currently has 160 officers.

3. Chief Mastronardy testified that if the annexation petition were granted it would not reduce the costs incurred by the Township in providing police protection services to the barrier island communities nor would it decrease the amount of personnel devoted to the barrier island.
4. Fire trucks traveling from the Ocean Beach Volunteer Fire Company on Kittiwake Avenue would travel a distance along the roadways of 0.5 miles to reach Bay Beach Way while fire trucks traveling from the Lavallette Volunteer Fire Company located on Bayview Avenue between Philadelphia Avenue and Brooklyn Avenue to Route 35 North to Route 35 South to Bay Beach Way would travel 1.2 miles and would encounter additional traffic light delays.
5. The Toms River Police Department District 2 substation is located adjacent to the Ocean Beach Volunteer Fire Company and is therefore 0.5 miles from Bay Beach Way, closer than the Lavallette Police Department.
6. The petitioners reference to the use of public libraries is also misleading. The petitioners have alleged that they do not travel to the "Toms River" library, but would rather use the library located in Lavallette. However, at the hearing it was established that the libraries in question are Ocean County libraries
7. The Board acknowledges that the petitioners would have to travel approximately 10 miles to downtown Toms River in order to visit Toms River Town Hall for items such as planning and zoning approvals, building permits and the like. Typically, payment of taxes or other municipal fees can be done through the mail.
8. The petitioners testified regarding location of shopping facilities and claim that they frequent businesses in Lavallette for the purpose of shopping.
9. On cross examination, petitioners admitted that Lavallette does not have a supermarket and that the closest supermarket is the A&P supermarket in the Ortlely Beach section of Toms River Township. (pages 6 through 9); and

WHEREAS, the attorney for the petitioners for de-annexation came forward to rebut the facts and conclusions contained in the February 7, 2007 Planning Board report; and

WHEREAS, the attorney for the petitioners provided the following as it related to the petitioners in relationship to the remaining township:

1. There are 21 voters in the affected area which unanimously signed the petition
2. There are 58 houses in the area, with 55 home owners signing the petition
3. The petitioners are one eighth of one percent of the people
4. one twentieth of one percent of the voters
5. one thirty third of one percent of the area
6. one seventh of one percent of the homes
7. three eighths of one percent of the ratables; and

WHEREAS, the attorney for petitioners claimed that twice in the past the Township denied de-annexation known as West Point Island and Westmont Shores which was overturned by the courts; and

WHEREAS, the attorney for the petitioners claimed that the same factors de-annexing West Point Island and Westmont Shores hold true today for Bay Beach Way, particularly as Bay Beach Way is the smallest of the parcels; and

WHEREAS, the attorney for the petitioners claimed that the case and statutory law has remained the same since the two court decisions de-annexing portions of the Township; and

WHEREAS, the attorney for the petitioners claimed that the average homeowner will pay an additional two dollars and seventy eight cents per year as a result of the de-annexation; and

WHEREAS, the attorney for the petitioners claimed that the economic effect on the township tax payers is de minimus; and

WHEREAS, the attorney for the petitioners claimed that the petitioners would lose \$2,700.00 annually in property taxes if the de-annexation is rejected; and

WHEREAS, the attorney for the petitioners claimed that de-annexation would result in a \$75.00 reduction in flood insurance; and

WHEREAS, the attorney for the petitioners claim that the petitioners shop, bank and go to church in Lavallette; and

WHEREAS, the attorney for the petitioners claim that they golf in the Township; and

WHEREAS, the attorney for the petitioners claim that the petitioners consider the Borough of Lavallette as their home, but cannot vote there; and

WHEREAS, the attorney for the petitioners claimed that the annexation to the Borough of Lavallette could make a difference in their elections as the population is smaller; and

WHEREAS, the attorney for the petitioners claimed that in 2003 a blizzard occurred where the Township of Dover did not plow the roads in Bay Beach Way for three days compared with the Borough of Lavallette; and

WHEREAS, the attorney for the petitioners claimed that the Borough of Lavallette garbage trucks and snowplows are "right down the street" from Bay Beach Way"; and

WHEREAS, the attorney for the petitioners claim that the garbage trucks and snowplows of Toms River Township are located across the bay on the mainland; and

WHEREAS, the attorney for the petitioners claimed there is the same number of police officers in the two sections compared with the Borough of Lavallette; and

WHEREAS, the attorney for the petitioners claim that the citizens of Bay Beach Way have a post office address of Lavallette; and

WHEREAS, the attorney for the petitioners claimed that the Planning Board used an incorrect legal concept by requiring the petitioners to prove that the affected area was different than the remainder of the north barrier island: and

WHEREAS, the attorney for the petitioners claimed that on the Planning Board record, there was discussion of the "domino effect" which is an incorrect factor to consider; and

WHEREAS, after the Planning Board hearing was conducted, the attorney for the petitioners claimed he discovered that if the de-annexation were to occur, none of the lots would be nonconforming in the Borough of Lavallette and

WHEREAS, the attorney for the petitioners did not have documentation proving conformity in Lavallette; and

WHEREAS, the attorney for the petitioners claims that the economic impact to the petitioners is substantially detrimental to petitioners if de-annexation is not to occur; and

WHEREAS, the attorney for the petitioners claimed that the de-annexation does not cause a significant injury to the well being of Toms River; and

WHEREAS, the attorney for the petitioners claimed that the term, "significant" should not be couched in terms of actual numbers, but in proportion to the effect it has on the township; and

WHEREAS, the attorney for the petitioners claimed that the ratables for the affected area is 12 million dollars, and

WHEREAS, the attorney for the petitioners claimed that the ratable base for Toms River is 8.3 billion dollars; and

WHEREAS, the attorney for the petitioners that the Township of Toms River had new ratables in the amount of 164 million dollars; and

WHEREAS, the attorney for the petitioners that there are forty thousand homes compared with small number of homes owned by the petitioners; and

WHEREAS, the attorney for the petitioners claimed that the revenues lost through taxation would be three hundred thousand dollars; and

WHEREAS, the attorney for the petitioners that the loss to the school budget is two hundred thousand dollars over a total revenue of two hundred and twenty eight million dollars; and

WHEREAS, the attorney for the petitioners that the Township loss of revenue would be \$87,000.00 from a total budget of eight million dollars; and

WHEREAS, the attorney for the petitioners that the last tax increase to the average homeowner is \$38.23; and

WHEREAS, the attorney for the petitioners that the distance to the Toms River recycling center is 14 miles while the Lavallette recycling center is one mile; and

WHEREAS, the Township of Toms River Council having considered said petition, testimony, exhibits and reports submitted hereby makes the following findings of fact:

1. The February 7, 2007 Planning Board report provides reliable and accurate information determined by members of the board who have particular knowledge of the township and barrier island; assisted by the professional board staff in the review of the

petition and preparation of the report and by conducting public hearings affording the petitioners and the public to address their concerns before the board.

2. The February 7, 2007 report is hereby incorporated in this finding of facts in its entirety, including but not limited to all recommendations and conclusions beginning on page 16 of that report.
3. The sixty tax lots located along Bay Beach Way currently are assessed at \$12,657,200. A \$12,000,000 plus ratable cannot be considered de minimus nor irrelevant to the Township of Toms River.
4. Toms River Township School taxpayers currently realize \$200,868.47 in tax revenues. A loss of that tax revenue cannot be considered de minimus in any manner. In addition, since the area currently has no school-aged children attending Toms River Schools, there would be no corresponding decrease in expenses associated with the de-annexation.
5. Toms River Township school, municipal, fire district and open space taxpayers currently realize \$302,885.00 in revenue from the Bay Beach Way properties. Such an infusion of revenue cannot be considered de minimus regardless of the small percentage it makes up of the total amount raised through taxation.
6. There would be almost no savings to Toms River Township by the loss of Bay Beach Way in terms of any municipal services, except perhaps tipping fees associated with garbage collection and disposal. The Petitioners submitted no evidence in support of what that fee saving would be.
7. The Petitioner submitted no expert testimony with regard to any elements of the de-annexation petition, in particular, any tax savings to Toms River Township and how the loss in revenue would be made up other than to suggest a tax increase to be distributed amongst remaining taxable properties in Toms River Township.
8. There is a reasonable likelihood that Toms River Township would realize significant additional tax revenues and increased tax rates along Bay Beach Way based upon (1) the likelihood of continued renovation and reconstruction of existing dwellings along Bay Beach Way, consistent with the testimony of the Petitioners and the physical examination of the area by the Board during a site inspection and (2) the revaluation of the area as part of the Township's anticipated Township-wide revaluation because the equalization rate in Toms River Township has dropped to 38%.
9. The Petitioners would realize significant tax savings by becoming taxpayers of the Borough of Lavallette, a factor which raises the spectre of tax shopping and tax avoidance. Petitioners' testimony that they are pursuing this petition for their social well being is belied by the fact that the Petitioners already participate in almost all of the social activities they testified to. It is unlikely that the Petitioners would be filing this petition if they would pay significantly increased taxes by becoming taxpayers in the Borough of Lavallette.
10. The Township of Toms River has historically provided adequate public services including emergency public services to Bay Beach Way. There can be no claim by the Petitioners that their public health, safety and welfare has been jeopardized by Toms River Township. The Petitioners' anecdotal references to the February 2003 blizzard are not dispositive of this petition. The

Board so finds that the February 2003 blizzard had a crippling effect on all of Ocean County and that the testimony of the Petitioners was, in fact, typical of residents on almost all side streets in Ocean County municipalities, including mainland Toms River Township.

11. The Council finds that Toms River Township maintains a large professional police force, that the barrier island sections of Toms River Township are adequately and appropriately staffed, 365 days a year, 24 hours a day, by at least two police officers with additional police support during busier times. The Council also finds that the fire and first aid protection provided throughout the Ocean Beach section of Toms River is sufficient to protect the public health, safety and welfare along Bay Beach Way and in fact provides a faster response time than emergency services responding from the Borough of Lavallette.
12. The community surveys utilized by the Petitioners are suggestive in nature by calling for the respondents to indicate establishments in the Borough of Lavallette. Notwithstanding the suggestive nature of those surveys, all the surveys show is that residents of the barrier island frequent establishments without regard to the jurisdictional lines of the municipalities along the barrier island. In other words, it is just as likely that a person in Ocean Beach travels into Lavallette for shopping and personal conveniences as a resident of Lavallette travels into Ocean Beach or Ortley Beach.
13. Despite the initial confusion when one of the Petitioners attended Bey Lea Golf Course in mainland Toms River Township, residents of Bay Beach Way are permitted to enjoy all of the Toms River Township facilities simply by presentation of a tax bill or other proof of residency in Toms River Township. Likewise, the library facilities along the barrier island is designated as the Upper Shores Branch of the Ocean County Library. It is clear that most residents of the Upper Shores section of the barrier island would attend that library whether it was located within the geographical confines of the Borough of Lavallette or within the Ortley Beach or Ocean Beach section of Toms River Township.
14. The civic and social activities engaged in by Petitioners are closely tied with the community nature of the barrier island taken as a whole, not necessarily solely within the Borough of Lavallette. Notwithstanding that testimony, the Petitioners candidly admitted that their social interaction would not change based upon the grant of the de-annexation petition.
15. There was no testimony as to racial integration or diversity with respect to Bay Beach Way and therefore the same does not appear to be a consideration with respect to the de-annexation petition.
16. Religious participation along the barrier island is dictated by a limited number of churches associated with each type of religion and the location of those churches. The Council finds that Petitioners have not been deprived of participation in any religious activities by virtue of their residency on Bay Beach Way in Toms River Township.
17. The Board finds that Petitioners have not been deprived of participation in civic, cultural, charitable or intellectual activities along the barrier island by virtue of their physical location on Bay Beach Way in Toms River Township.
18. The inclusion of Bay Beach Way in Toms River Township plays an important part in the Township's prestige and character as a

“shore community” having both a land area on the mainland and having the barrier island section with public beaches and recreational activities.

19. The Council finds that there is no measurable difference between Bay Beach Way and any of the other properties or areas to the north of Bay Beach Way in the Ocean Beach section of Toms River Township. There is nothing to distinguish Bay Beach Way from the other streets in Ocean Beach.
20. The Council finds there is no compelling reason, nor have the Petitioners sustained their burden, of demonstrating that moving the municipal boundary line from the lagoon to the south of Bay Beach Way to the north of Bay Beach Way should be granted.
21. The Petitioners have demonstrated that they would realize tax savings by becoming taxpayers of the Borough of Lavallette and, to that limited extent, have demonstrated economic well being. However, that type of economic well being is in the nature of tax shopping. There is nothing to suggest that the other aspects of the Petitioners' economic well being, such as their ability to enjoy the property rights associated with their home, the ability to convey their home for fair market value is somehow destroyed or limited by remaining in Toms River Township.
22. The Council finds that Petitioners have failed to demonstrate that their social well being has been or will be harmed in the future by remaining in Toms River Township.
23. The inquiry with regard to whether or not the annexation will cause “significant injury” to the well being of the remainder of Toms River Township depends upon the construction of the term “significant injury” in the statute. The Council finds that the loss of \$300,000.00 in taxes, with little or no reduction in the cost of services, the loss of over \$12,000,000.00 in ratables, the likelihood of losing increased ratables and increased tax revenues, even when taken in consideration as a small percentage of the total tax revenues generated in Toms River Township, is in fact a significant injury.
24. The Council is well aware of the budget considerations facing Toms River Township in particular, and all New Jersey municipalities in general. The Council is well aware of the fact that increasing the amount of revenue raised through taxation by tax increases is always unpleasant and that it has become harder and harder for municipalities to avoid tax increases.
25. The Petitioners simple reliance upon the need for a blanket tax increase through the rest of Toms River Township, even if it appears insignificant to the Petitioners, is not an acceptable nor appropriate way of municipal financing.
26. This Council also provides the following supplemental facts which are in accord with the facts and findings:
27. Due to the large geographic size of this municipality traveling several miles to Township facilities is a common feature for many residents and is not unique for those residing on Bay Beach Way.
28. The Township of Toms River is unique due to its size, core downtown area, farmlands, commercial corridors, large residential subdivisions, beach areas and bay areas.
29. The barrier island area of Toms River is an essential cultural component of the Township and de-annexation of any section constitutes an injury to the Township.
30. De-annexation would result in a greater loss of municipal services to the petitioners including a high school, a golf course, two ice

hockey facilities, football, la cross and other recreational facilities.

31. The overriding purpose for the filing of this petition in this instance was for tax shopping which is improper as a basis for de-annexation
32. The seventy five dollar reduction in homeowner's insurance rates if de-annexation were permitted is not significant and there was no evidence as to why such rates would not be afforded to Toms River residents if such a matter were pursued.
33. The economic loss as required by statute is to be considered to the Township in its entirety, and not to individual taxpayers.
34. The loss of approximately \$300,000.00 to the school board, municipality and fire districts on an annual basis must be considered in light of what services may be cut as opposed to only the tax increase of each remaining taxpayer; and

WHEREAS, the Council further finds that based on the above factors, the petitioners have failed to carry their burden of establishing that the refusal to consent to the annexation is detrimental to their economic health and social well being; and

WHEREAS, the Council further finds that based on the above factors that the de-annexation will cause significant injury to the well being of the Township:

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, that consent shall not be provided for the de-annexation of Bay Beach Way from the Township of Toms River.

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

- a) Mayor Brush
- b) Twp Bus. Administrator
- c) Township Attorney
- d) Chief Financial Officer
- e) Planning Board
- f) Board of Adjustment
- g) Tax Assessor
- h) Tax Collector
- i) Building Dept.
- j) Police Chief Mastronardy

Council Member Sevastakis motioned to adopt the aforementioned resolution, seconded by Council Member Kubiel and carried with the following roll call vote:

Council Member Fiure	Yes
Council Member Maruca	Absent
Council Member Inteso	Absent
Council Member Sevastakis	Yes
Council Member Kubiel	Yes
Council Member Hill	Yes
Council Member McGuckin	Yes

J. Mark Mutter, Township Clerk read the following Ordinance of which the title only was read in full:

On motion by Council Member Kubiel, seconded by Council Member Fiure, and carried with Council Members Kubiel, Hill, Fiure, Sevastakis, and McGuckin voting yes, and Council Members Maruca and Inteso absent, that an ordinance entitled:

**ORDINANCE CREATING SALARIES SEASONAL YOUTH AIDE
COUNSELORS, RANGING FROM \$7.50 TO \$9.00 PER HOUR. FINAL**

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President McGuckin announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

On motion by Council Member Kubiel, seconded by Council Member Fiure, and carried with Council Members Kubiel, Hill, Fiure, Sevastakis, and McGuckin voting yes, and Council Members Maruca and Inteso absent, the Public Hearing on this ordinance was closed.

Council Member **Sevastakis** offered the aforementioned ordinance and moved for its adoption, Council Member **Kubiel** seconded the motion:

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF DOVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.
2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof be published in the Ocean County Observer.

The aforementioned ordinance was **adopted** by the following roll call vote:

Council Member Fiure	Yes
Council Member Maruca	Absent
Council Member Sevastakis	Yes
Council Member Kubiel	Yes
Council Member Hill	Yes
Council Member Inteso	Absent
Council Member McGuckin	Yes

J. Mark Mutter, Township Clerk read the following Ordinance of which the title only was read in full:

On motion by Council Member Kubiel, seconded by Council Member Fiure, and carried with Council Members Kubiel, Hill, Fiure, Sevastakis, and McGuckin voting yes, and Council Members Maruca and Inteso absent, that an ordinance entitled:

**ORDINANCE TO INCREASE ANIMAL ADOPTION FEE TO \$40.00 AND TO PROVIDE FOR WAIVER OF FEE FOR NON-PROFIT ORGANIZATION.
FINAL**

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President McGuckin announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

On motion by Council Member Kubiel, seconded by Council Member Fiure, and carried with Council Members Kubiel, Hill, Fiure, Sevastakis, and McGuckin voting yes, and Council Members Maruca and Inteso absent, the Public Hearing on this ordinance was closed.

Council Member **Fiure** offered the aforementioned ordinance and moved for its adoption, Council Member **Kubiel** seconded the motion:

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF DOVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

3. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.
4. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof be published in the Ocean County Observer.

The aforementioned ordinance was **adopted** by the following roll call vote:

Council Member Fiure	Yes
Council Member Maruca	Absent
Council Member Sevastakis	Yes
Council Member Kubiel	Yes
Council Member Hill	Yes
Council Member Inteso	Absent
Council Member McGuckin	Yes

J. Mark Mutter, Township Clerk read the following Ordinance of which the title only was read in full:

On motion by Council Member Fiure, seconded by Council Member Kubiel, and carried with Council Members Kubiel, Hill, Fiure, Sevastakis, and McGuckin voting yes, and Council Members Maruca and Inteso absent, that an ordinance entitled:

ORDINANCE AMENDING IMPOUND FEE CHARGED BY THE ANIMAL SHELTER TO INCREASE FEE FROM \$4.00 TO \$16.00. FINAL

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said

law, whereupon Council President McGuckin announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith.

Mayor Brush extended his thanks to the Council for the above mentioned Ordinance.

On motion by Council Member Fiure, seconded by Council Member Kubiel, and carried with Council Members Kubiel, Hill, Fiure, Sevastakis, and McGuckin voting yes, and Council Members Maruca and Inteso absent, the Public Hearing on this ordinance was closed.

Council Member **Fiure** offered the aforementioned ordinance and moved for its adoption, Council Member **Hill** seconded the motion:

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF DOVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.
2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof be published in the Ocean County Observer.

The aforementioned ordinance was **adopted** by the following roll call vote:

Council Member Fiure	Yes
Council Member Maruca	Absent
Council Member Sevastakis	Yes
Council Member Kubiel	Yes
Council Member Hill	Yes
Council Member Inteso	Absent
Council Member McGuckin	Yes

J. Mark Mutter, Township Clerk read the following Ordinance of which the title only was read in full:

On motion by Council Member Fiure, seconded by Council Member Kubiel, and carried with Council Members Kubiel, Hill, Fiure, Sevastakis, and McGuckin voting yes, and Council Members Maruca and Inteso absent, that an ordinance entitled:

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 589 (WATER SUPPLIES, SECTION 42 (WELL RESTRICTION AREAS) OF THE "CODE OF THE TOWNSHIP OF TOMS RIVER, NEW JERSEY FINAL

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President McGuckin announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

On motion by Council Member Fiure, seconded by Council Member Kubiel, and carried with Council Members Kubiel, Hill, Fiure, Sevastakis, and McGuckin voting yes, and Council Members Maruca and Inteso absent, the Public Hearing on this ordinance was closed.

Council Member **Fiure** offered the aforementioned ordinance and moved for its adoption, Council Member **Hill** seconded the motion:

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF DOVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.
2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof be published in the Ocean County Observer.

The aforementioned ordinance was **adopted** by the following roll call vote:

Council Member Fiure	Yes
Council Member Maruca	Absent
Council Member Sevastakis	Yes
Council Member Kubiel	Yes
Council Member Hill	Yes
Council Member Inteso	Absent
Council Member McGuckin	Yes

ORDINANCE APPROVING AN APPLICATION FOR A LONG-TERM TAX EXEMPTION FILED BY, AND THE EXECUTION OF AN AMENDED AND RESTATED TAX ABATEMENT AGREEMENT WITH, THE PRESBYTERIAN HOME AT DOVER, INC.

WHEREAS, The Presbyterian Home at Dover, Inc. (the "Corporation") has the option to purchase property known as Block 414, Lot 9.01, in the Township of Toms River, formerly the Township of Dover, County of Ocean, New Jersey for the purpose of constructing thereon a low and moderate income senior citizen housing complex that will meet in part the Township's obligation to provide low and moderate income housing in the Township; and

WHEREAS, the Corporation has received a federal grant through the Office of the United States Department of Housing and Urban Development for the purpose of funding the real property acquisition and construction of the low and moderate income senior citizen housing development thereon; and

WHEREAS, the proposed development will be subject to the rules and regulations of the United States Department of Housing and Urban Development; and

WHEREAS, the Long Term Exemption Law of New Jersey, N.J.S.A. 40A:20-1, et seq. permits a municipality to enter into a tax abatement agreement exempting real property from tax assessment and accepting payments in lieu of taxes where the property is a qualified subsidized housing project for low and moderate income rental housing for senior citizens under the aforesaid statute; and

WHEREAS, it is necessary for the Corporation to file with the United States Department of Housing and Urban Development in support and as part of its obligations to obtain the aforementioned funding for the acquisition and construction of the senior citizen development a copy of the tax abatement agreement ("Tax Abatement Agreement") between the aforementioned non-profit corporation and the municipality providing for payment in lieu of real property taxes;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Toms River, as follows:

1. The Township Council of the Township of Toms River finds that the proposed development will meet an existing housing need pursuant to the provisions of Section 202 of the Federal Housing Act of 1959 and that the development will be an improvement made for the purpose of providing low and moderate income rental housing to the senior citizens of the Township.
2. The Township Council makes such determination and findings by virtue of and pursuant to and in conformity with the Long Term Exemption Law of the State of New Jersey, N.J.S.A. 40A:20-1, et seq.
3. That the proposed development and improvements, after acquisition by The Presbyterian Home at Dover, Inc. and construction of the low and moderate income housing project thereon shall be exempt from real property taxation as provided in N.J.S.A. 40A:20-1, et seq.
4. That in lieu of property taxes, the Corporation shall make payment to the Township of Toms River of an annual service charge for municipal services supplied to the housing development in an amount equal to fifteen (15) percent of the annual gross rents derived from such housing development, provided that gross rents shall be defined to mean that portion of the rent payable by the tenants, exclusive of any government subsidies to the Corporation, said payments to commence upon the initial occupancy of the development.
5. That the tax exemption from real property taxation hereby granted shall continue for the passage of forty (40) years from the Completion of the Project (as defined in the Agreement).
6. The Township of Toms River shall require of the Corporation the following:
 - (a) That a copy of its Certificate of Incorporation be filed with the Township Clerk.
 - (b) The Corporation shall submit annually, within ninety (90) days after the close of its fiscal year, its auditor's reports to the Mayor and the Township Council of the Township and the Director of the Division of Local Government Services in Department of Community Affairs.

(c) The Corporation shall, upon request of the Township, permit inspection of the property, equipment, buildings and other facilities of the entity, and also permit examination and audit of its books, contracts, records, documents and papers by authorized representatives of the Township or the State.

(d) That proof is provided to the Township of adherence to the provision of any federal regulatory agreement or other federal regulations serving to regulate the operation of the development.

7. The appropriate Township official be and are hereby authorized and directed to execute the Amended and Restated Tax Abatement Agreement reflecting the aforesaid annual service charge in lieu of taxes.

8. All ordinances or parts thereof to the extent inconsistent herewith are hereby repealed or rescinded.

9. This ordinance shall take effect at the earliest date permitted by law after publication after adoption hereof.

NOTICE

ORDINANCE APPROVING AN APPLICATION FOR A LONG-TERM TAX EXEMPTION FILED BY, AND THE EXECUTION OF AN AMENDED AND RESTATED TAX ABATEMENT AGREEMENT WITH THE PRESBYTERIAN HOME AT DOVER, INC.

PURPOSE: TO PROVIDE FOR A PAYMENT IN LIEU OF TAXES FOR AFFORDABLE HOUSING FOR SENIOR CITIZENS AT BLOCK 414, LOT 9.01 ON INDIAN HILL ROAD IN THE TOWNSHIP OF TOMS RIVER

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on May 8, 2007 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on May 22, 2007 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be made available at the Township Clerk's Office in said Municipal Building to members of the general public who shall request such copies.

J. MARK MUTTER
TOWNSHIP CLERK

APPROVED AS TO FORM:
MARK A. TRONCONE
TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, N.J. 08753

A motion was made by Council Member Fiure to **adopt** the aforementioned ordinance on first reading, seconded by Council Member Hill and carried with the following roll call vote:

Council Member Fiure	Yes
Council Member Maruca	Absent
Council Member Sevastakis	Yes
Council Member Kubiell	Yes
Council Member Hill	Yes
Council Member Inteso	Absent
Council Member McGuckin	Yes

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 516
(ANIMALS)
OF THE “CODE OF THE TOWNSHIP OF TOMS RIVER, NEW JERSEY”**

BE IT ORDAINED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. Section 516-33. Licensing requirements, Subsection G. License fee schedule of Chapter 516 (Animals) of the “Code of the Township of Toms River, New Jersey”, is hereby amended and supplemented, to read as follows:

G. License fee schedule. A license shall be issued after payment of a fee of \$12.00 for each unneutered cat and \$9.00 for each neutered cat. Persons who fail to obtain a license as required within the time period specified in this section will be subject to a delinquent fee of \$5.00 for the first thirty (30) days after payment was due and \$10.00 for more than thirty (30) days after payment was due.

2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed, including Editor’s Note contained within.

3. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.

4. This ordinance shall take effect upon final passage and publication pursuant to law.

A motion was made by Council Member Fiure to **adopt** the aforementioned ordinance on first reading, seconded by Council Member Hill and carried with the following roll call vote:

Council Member Fiure	Yes
Council Member Maruca	Absent

Council Member Sevastakis	Yes
Council Member Kubiell	Yes
Council Member Hill	Yes
Council Member Inteso	Absent
Council Member McGuckin	Yes

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 165
(ANIMALS AND ANIMAL ESTABLISHMENTS)
OF THE "CODE OF THE TOWNSHIP OF TOMS RIVER, NEW JERSEY"**

BE IT ORDAINED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. Section 165-12 (Licensing requirements; dog license fees), Subsection G. License fee schedule of Chapter 165 (Animals and Animal Establishments) of the "Code of the Township of Toms River, New Jersey" is amended and supplemented to read, as follows:

G. License fee schedule.

A license shall be issued after payment of a fee of \$15.00 for each unneutered dog, and \$10.00 for each neutered dog. Persons who fail to obtain a license as required within the time period specified in this section will be subject to an additional delinquent fee of \$5.00 for the first thirty (30) days after payment was due and \$10.00 for more than thirty (30) days after payment was due.

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed, including Editor's Note contained within.

3. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.

4. This ordinance shall take effect upon final passage and publication pursuant to law.

A motion was made by Council Member Fiure to **adopt** the aforementioned ordinance on first reading, seconded by Council Member Hill and carried with the following roll call vote:

Council Member Fiure	Yes
Council Member Maruca	Absent
Council Member Sevastakis	Yes
Council Member Kubiell	Yes
Council Member Hill	Yes
Council Member Inteso	Yes

RESOLUTION AUTHORIZING INTERLOCAL SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE TOMS RIVER BUSINESS IMPROVEMENT DISTRICT FOR CUSTODIAL AND STREET CLEANING SERVICES

MAY 8, 2007

BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to an Interlocal Services Agreement between the Township of Toms River and the Toms River Business Improvement District (TRBID), whereby the Township will provide for custodial and street cleaning services in the downtown Toms River area for a one year period commencing on June 1, 2007 through May 31, 2008. A copy of this Agreement will be kept on file in the Office of the Township Clerk upon execution.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Attorney
 - b) Public Works
 - c) Chief Financial Officer
 - d) Mayor
 - e) Township Council
 - f) Administrator
 - g) Toms River Business Improvement District
218 Main Street
Toms River, N.J. 08753
Attn: Michael Redpath

Council Member Kubiell motioned to adopt the aforementioned resolution, seconded by Council Member Fiore and carried with the following roll call vote:

Council Member Fiore	Yes
Council Member Maruca	Absent
Council Member Inteso	Yes
Council Member Sevastakis	Yes
Council Member Kubiell	Yes
Council Member Hill	Yes
Council Member McGuckin	Yes

**RESOLUTION AUTHORIZING THE TOWNSHIP OF TOMS RIVER TO ADVERTISE FOR AND RECEIVE BIDS
MAY 8, 2007**

WHEREAS, the Township of Toms River is desirous of receiving bid(s) for the following project:

2007 ROAD OVERLAY PROGRAM

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. The appropriate Township Official(s) of the Township of Toms River is hereby authorized to advertise for the receipt of bids for the above-mentioned project.
2. The appropriate Township Official(s) is hereby authorized to prepare bid specifications for the above-mentioned project.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing
 - b) Chief Financial Officer
 - c) Attorney
 - d) Public Works
 - e) Engineering

Discussion was held regarding road opening permits.

Council Member Hill motioned to adopt the aforementioned resolution, seconded by Council Member Fiure and carried with the following roll call vote:

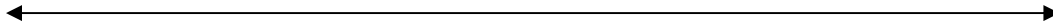
Council Member Fiure	Yes
Council Member Maruca	Absent
Council Member Inteso	Yes
Council Member Sevastakis	Yes
Council Member Kubiel	Yes
Council Member Hill	Yes
Council Member McGuckin	Yes

CONSENT AGENDA

Council President McGuckin indicated that all matters listed under item "Consent Agenda" will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired on any item, that item will be considered separately.

A motion was made by Council Member Hill, seconded by Council Member Kubieli and carried with Hill, Sevastakis, Inteso, Fiore, Kubieli and McGuckin voting yes, and Council Member Maruca absent, to approve all the following items listed on the Consent Agenda except items **A,I,VV,TT** which were considered separately.

ITEMS TO BE CONSIDERED SEPARATELY



R E S O L U T I O N

May 8, 2007

WHEREAS, the following organizations have made application to conduct RAFFLES and they have paid the required fee:

<u>ORGANIZATION</u>	<u>TYPE OF RAFFLE</u>	<u>DATE</u>
PLEASANT PLAINS VOL. FIRE DEPT. RL5370	ON PREMISE	07-21-07
COMMUNITY MEDICAL CENTER FOUNDATION RL5371	ON PREMISE 50/50	06-21-07
OUR SPECIAL KIDS OF TOMS RIVER, INC. RL5372	ON PREMISE	06-16-07
OUR SPECIAL KIDS OF TOMS RIVER INC. RL5373	ON PREMISE	06-16-07
FAMILY PLANNING CENTER OF OCEAN COUNTY INC. RL5374	ON PREMISE 50/50	06-08-07
BRICK CHILDRENS COMMUNITY OFF THEATRE RL5375	OFF PREMISE	11-08-07
ANGELS ATHLETIC ASSOC. RL5376	OFF PREMISE	11-15-07
COURT APPOINTED SPECIAL ADVOCATES INC. RL5377	ON PREMISE	06-02-07
TOMS RIVER INDEPENDENT CLUB RL5378	OFF PREMISE	11-13-07

VFW POST #9503 BERKELEY TWP LADIES AUXILIARY RL5379	ON PREMISE	05-26-07
OCEAN COUNTY 4h ASSOCIATION 07 RL5380		OFF PREMISE 10-15-
TOMS RIVER NORTH DIAMOND CLUB RL5381	OFF PREMISE 50/50	06-09-07
TOMS RIVER NORTH MARCHING 07 MARINERS BOOSTERS RL5382		OFF PREMISE 12-11-
ST. JUSTINS HNS RL5383	OFF PREMISE 50/50	09-03-07
Pleasant Plains Vol. Fire Dept. RL5884	On premise Casino Nite	06-02-07

WHEREAS, the Township Clerk has reported to this Council that said applications are in order;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the Clerk of this Township is hereby authorized and directed to issue the RAFFLE LICENSES to the applicants listed above, in accordance with the rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.
2. The Township Clerk shall send a certified copy of this resolution to the Police Department, for their information and records.

RESOLUTION

May 8, 2007

Amendment #1
RL No. 5361
I.D. #054-05-35466

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That RAFFLE LICENSE NO. RL5361 issued to BRICK CHILDRENS COMMUNITY THEATRE is hereby amended as follows:
2. OFF PREMISE RAFFLE CHANGING DATE TO NOVEMBER 8, 2007
3. All other provisions of RAFFLE LICENSE NO. RL5361 shall remain in full force and effect.

4. The Township Clerk shall send a certified copy of this resolution to the Chief of Police for his information and records.

Council Member Fiure motioned to adopt the aforementioned resolution, seconded by Council Member McGuckin and carried with the following roll call vote:

Council Member Fiure	Yes
Council Member Maruca	Absent
Council Member Inteso	Yes
Council Member Sevastakis	Yes
Council Member Kubiel	Abstained
Council Member Hill	Abstained
Council Member McGuckin	Yes

RESOLUTION May 8, 2007

WHEREAS, a Major Site Plan entitled The Goddard School, Block 120, Lot 7 (St. Hwy 70), had posted performance guarantees with the Township of Dover;

1. Cash Performance Bond dated May 12, 2005. in the amount of \$12,100.00.
2. Surety Bond #S20072, dated April 13, 2005 in the amount of \$108,900.00.

WHEREAS, the developer has now posted a Maintenance Guarantee; Maintenance Surety Bond #S20072M, dated March 2, 2007, in the amount of \$18,150.00.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. Cash Performance Bond dated May 12, 2005. in the amount of \$12,100.00., currently on deposit in account #7-14- -902-101, is hereby released.
2. Surety Bond #S20072, dated April 13, 2005 in the amount of \$108,900.00, is hereby released.
3. Maintenance Surety Bond #S20072M, dated March 2, 2007, in the amount of \$18,150.00., is hereby accepted.
4. Township Clerk shall send a certified copy hereof to each of the following:
 - a. Engineer
 - b. Comptroller
 - c. Attorney
 - d. Building Department
 - e. DMUA
 - f. Cher Deb Associates, LLC
9 Robins Street
Toms River, NJ 08753
Attn: Stephan R. Leone, Esquire

Mr. Donald Lombardi, questioned the area of the Goddard School.

RESOLUTION
May 8, 2007

WHEREAS, the Township Council adopted a resolution on April 10, 2007 regarding the following applications for renewal of (masseuse/masseur) licenses; and

WHEREAS, said resolution contained an error and is corrected as follows:

WHEREAS, the following applications for renewal of (masseuse/masseur) licenses have been made under the provisions of Ordinance Nos. 1606 and 1682:

(MASSEUSE) LICENSE #07-01	Qin Huang
(MASSEUSE) LICENSE #07-02	Yuling Wu
(MASSAGE BUSINESS) #07-03	Welcome Health Center 931 Fischer Blvd Toms River, NJ 08753
(MASSEUSE) LICENSE #07-04	Li Chun Wang
(MASSUESE) LICENSE #07-05	Jill Fischbach
(MASSAGE BUSINESS) #07-06	Ocean County Massage & Wellness 202 Route 37 West Suite 6,7 Toms River, NJ 08753
(MASSUESE) LICENSE #07-07	Joeng Suk Nash
(MASSAGE BUSINESS) #07-08	Toms River Acupressure Therapy 1545 Route 9 Toms River, NJ 08753
(MASSUESE) LICENSE #07-09	Keri Leigh Higdon
(MASSUESE) LICENSE #07-10	Xing Quan Gu
(MASSAGE BUSINESS) #07-11	New Star 884-A Fischer Blvd Toms River, NJ 08753
(MASSUESE) LICENSE #07-13	Dina Coster

WHEREAS, said individual has complied with all the requirements of Ordinance Nos. 1606 and 1682, Chapter 357, of the "Code of the Township of Toms River, New Jersey," with respect to licensing; and

WHEREAS, the appropriate licensing fee has been paid to the Township of Toms River;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. The Township Clerk be and she is hereby authorized to issue a renewal of the license listed in the preamble hereof.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a. Attorney
 - b. Chief of Police
 - c. Code Enforcement Officer
 - d. Applicants listed above

Water Seymour, Holiday City, questioned the resolution.

J. Mark Mutter, Township Clerk indicated the April 10, 2007 resolution for the massage parlor had a misspelling of one of the licenses and this resolution corrects it.

**RESOLUTION
May 8, 2007**

WHEREAS, the following application has been filed for **TAXI DRIVER / TAXI CAB / TAXI CAB COMPANY** in accordance with Chapter 457 Section 457-6.

<u>Name</u>	<u>Type of License</u>	<u>Taxi Company</u>
393-07 Tom Clerico 1998 Ford D89179	Taxi Transfer	AA-1 Taxi Inc.
445-07 Walter Powell 1995Ford 92944	Taxi Transfer	Walter's Taxi
423-07 Lisa Cichocki 1997 Mercury 632822	Taxi Transfer	A&L Taxi

WHEREAS, the Township Clerk has reported to this Council that said applications and requirements are in order;

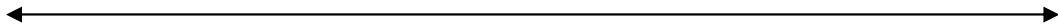
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF DOVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the Clerk of this Township is hereby authorized and directed to issue the TAXI LICENSE to the applicants listed above, in accordance with Chapter 457 (Taxicab and Taxicab Drivers) the "Code of the Township of Dover".
2. The Township Clerk shall send a certified copy of this resolution to the:
 - a. Police Department
 - b. Licensee (s)
 - c. Clerk's File

Lisa Suchocki, of A&L Taxi was presented a discussion regarding taxi transfers.

Council Member Fiure motioned to adopt resolutions I,TT and VV from the Agenda dated May 8, 2007, seconded by Council Member Kubiak and carried with all present council in favor.

CONSENTED ITEMS



**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND
THE TOWNSHIP CLERK TO ATTEST TO AN AGREEMENT AUTHORIZING
THE EXCHANGE OF TOWNSHIP BEACH CLEANING SERVICES
FOR USE OF THE BEACHES**

MAY 8, 2007

WHEREAS, Ordinance No. 3108-95, authorized the Township to enter into agreements with various beach associations providing for the use of Township beach cleaning equipment and personnel in exchange for the Township being given the right to utilize those beaches for environmental and other educational programs; and

WHEREAS, the Township Council has determined that such an exchange, coupled with an obligation by the owners of such private beaches to pay for the salaries of the Township employees while providing these services, constitutes an exchange of equivalent value and that the exchange will benefit the Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to an agreement between the Township of Toms River and the following:
 - a. Ocean Beach Shores Club
2. which provide for the utilization of Township personnel and beach cleaning equipment to clean their beaches in exchange for a grant of the right of the Township to utilize those beaches for environmental or other educational
3. programs, provided that the Ocean Beach Shores Club bears the cost of the salaries of the Township personnel associated with such beach cleanings.
4. A copy of the aforementioned agreement shall be kept on file in the Office of the Township Clerk upon execution.

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

- a) Attorney
- b) Chief Financial Officer
- c) Public Works
- d) Recreation
- e) Ocean Beach Shores Club
Attn: Ben Mitchell
P.O. Box 292
Lavallette, N.J. 08735

**RESOLUTION AUTHORIZING THE TOWNSHIP OF TOMS RIVER TO ACCEPT
A GRANT FROM THE COUNTY OF OCEAN IN CONNECTION WITH THE OCEAN
COUNTY MUNICIPAL RECYCLING MINI-GRANT ASSISTANCE PROGRAM - 2007 AND
AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO
AN AGREEMENT WITH THE OCEAN COUNTY BOARD OF
FREEHOLDERS IN CONNECTION WITH THIS GRANT
MAY 8, 2007**

BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to an agreement between the Township of Toms River and the Ocean County Board of Freeholders, in connection with the Township of Toms River's acceptance of the Ocean County Municipal Recycling Mini-Grant Assistance Program – 2007, administered by the Ocean County Department of Solid Waste Management in the amount of \$29,375.50.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Attorney
- b) Chief Financial Officer
- c) Public Works
- d) Ocean County Board of Freeholders
Administration Building
101 Hooper Avenue
Toms River, N.J. 08754
Attn: Betty Vasil, Clerk of the Board

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PERMISSION FORM WITH THE
OCEAN COUNTY MOSQUITO EXTERMINATION COMMISSION AND THE STATE
MOSQUITO COMMISSION TO APPLY PESTICIDES TO CONTROL MOSQUITOES
May 8, 2007**

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. It hereby authorizes the Mayor to execute on behalf of Toms River Township a permission form with the Ocean County Mosquito Extermination Commission and the State Mosquito Commission to apply pesticides from aircraft to control mosquitoes over portions of Toms River Township.
2. Township Clerk shall send a certified copy of this resolution to each of the following:
 - a. Comptroller
 - b. Attorney
 - c. Administrator
 - d. Engineer
 - e. Public Works
 - f. T.R. Schools
1144 Hooper Avenue
Toms River, NJ 08753
Attn: Michael Citta
 - g. Thomas Candeletti, Superintendent
Ocean County Mosquito Extermination
Comm.
784 West Bay Avenue, PO Box 327
Barnegat, NJ 08005

RESOLUTION
May 8, 2007

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision entitled Block 694.16, Lot 13 (Princess Court) hereinafter set forth as follows:

- A) That a Minor Subdivision entitled Block 694.16, Lot 13 (Princess Court), has been granted final approval by the Dover Township Planning Board on June 3, 2002.
- B) That a resolution of the corporation is on file, authorizing officers to execute bonds.
- C) That Surety Performance Bond #19360, in the amount of \$13,500.00 dated March 30, 2007, with Cleaver Construction as Principal and Donald Cleaver and Barbara Cleaver as Co-Principals and The Service Insurance Company, Inc. as Surety, for the term of 24 months from date, covering improvements set forth in bond estimate attached to said bond, has been posted with the Township of Dover. Said Surety Bond represents the ninety percent (90%) portion of the performance guarantee.
- D) That a Cash Performance Bond dated April 11, 2007, in the amount of \$1500.00, has been deposited with the Township Comptroller to guarantee performance improvements required by the Township in accordance with the estimate of the Township Engineer. Said Cash Bond has been submitted in the

form of a check and represents the ten percent (10%) cash portion of the performance guarantee.

- E) Check in the amount of \$750.00 which represents the required escrow amount. This check will be transmitted to the Comptrollers office upon issuance of an account number by this office.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. The bonds and guarantees set forth in the preamble hereto be and the same are hereby approved.
2. Said bond approval is conditioned upon compliance by Cleaver Construction, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.
3. Township Clerk shall send a certified copy hereof to each of the following:
 - a. Engineer
 - b. Construction and Inspection Services
 - c. Dover MUA
 - d. Comptroller
 - e. Planning Board
 - f. Attorney
 - g. Donald & Barbara Cleaver
537 Princess Court
Toms River, NJ 08753

RESOLUTION
May 8, 2007

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan entitled Brookside Development (Nasso) Block 1080.15, Lots 5-9 & 14-18, hereinafter set forth as follows:

- a. That a Major Site Plan entitled Brookside Development (Nasso) Block 1080.15, Lots 5-9 & 14-18, has been granted final approval by the Dover Township Planning Board on June 2, 2004.
- b. That a resolution of the corporation is on file, authorizing officers to execute bonds.
- c. That Surety Performance Bond #5008744, in the amount of \$237,870.00, dated March 5, 2007, with Brookside Development, LLC as Principal and Bond Safeguard Insurance Company as Surety, for the term of 24 months from date, covering improvements set forth in bond estimate attached to said bond, has been posted with the Township of Dover. Said Surety Bond represents the ninety percent (90%) portion of the performance guarantee.
- d. That a Cash Performance Bond dated March 21, 2007, in the amount of \$26,430.00, has been deposited with the Township

Comptroller to guarantee performance improvements required by the Township in accordance with the estimate of the Township Engineer. Said Cash Bond has been submitted in the form of a check and represents the ten percent (10%) cash portion of the performance guarantee.

- e. That a check in the amount of \$5506.00 which represents the initial escrow amount. This check will be transmitted to the Comptrollers office upon issuance of an account number by this office.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. The bonds and guarantees set forth in the preamble hereto be and the same are hereby approved.
2. Said bond approval is conditioned upon compliance by Brookside Development, LLC, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.
3. Township Clerk shall send a certified copy hereof to each of the following:
 - a. Engineer
 - b. Construction and Inspection Services
 - c. Dover MUA
 - d. Comptroller
 - e. Planning Board
 - f. Attorney
 - g. Brookside Development LLC
6 Upper Lake Road
Oak Ridge, NJ 07438

RESOLUTION
May 8, 2007

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan-Le-Ed Construction Inc. Phase II-Block 472, Lot 15 (Corporate Circle) hereinafter set forth as follows:

- a. That a Major Site Plan entitled Brookside Development (Nasso) Block 1080.15, Lots 5-9 & 14-18, has been granted final approval by the Dover Township Planning Board on February 8, 2007.
- b. That a resolution of the corporation is on file, authorizing officers to execute bonds.
- c. That Surety Performance Bond #41068283, in the amount of \$13,770.00 dated March 23, 2007, with Le-Ed Construction as Principal and Platte River Insurance Company as Surety, for the term of 24 months from date, covering improvements set forth in bond estimate attached to said bond, has been posted with the Township of Dover. Said Surety Bond represents the ninety percent (90%) portion of the performance guarantee.
- d. That a Cash Performance Bond dated March 28, 2007, in the amount of \$1530.00, has been deposited with the Township Comptroller to guarantee performance improvements required by the Township in accordance with the estimate of the Township

Engineer. Said Cash Bond has been submitted in the form of a check and represents the ten percent (10%) cash portion of the performance guarantee.

- e. That a check in the amount of \$319.00 which represents the initial escrow amount. This check will be transmitted to the comptrollers office upon issuance of an account number by this office.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. The bonds and guarantees set forth in the preamble hereto be and the same are hereby approved.
2. Said bond approval is conditioned upon compliance by Le-Ed Construction, Inc., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.
3. Township Clerk shall send a certified copy hereof to each of the following:
 - a. Engineer
 - b. Construction and Inspection Services
 - c. Dover MUA
 - d. Comptroller
 - e. Planning Board
 - f. Attorney
 - g. Le-Ed Construction Co., Inc.
1609 Lakewood Road
Toms River, NJ 08755

RESOLUTION
May 8, 2007

WHEREAS, a Major Site Plan entitled The Goddard School, Block 120, Lot 7 (St. Hwy 70), had posted performance guarantees with the Township of Dover;

- A) Cash Performance Bond dated May 12, 2005. in the amount of \$12,100.00.
- B) Surety Bond #S20072, dated April 13, 2005 in the amount of \$108,900.00.

WHEREAS, the developer has now posted a Maintenance Guarantee;

- A) Maintenance Surety Bond #S20072M, dated March 2, 2007, in the amount of \$18,150.00.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. Cash Performance Bond dated May 12, 2005. in the amount of \$12,100.00., currently on deposit in account #7-14- -902-101, is hereby released.
2. Surety Bond #S20072, dated April 13, 2005 in the amount of \$108,900.00, is hereby released.

3. Maintenance Surety Bond #S20072M, dated March 2, 2007, in the amount of \$18,150.00., is hereby accepted.
4. Township Clerk shall send a certified copy hereof to each of the following:
 - a. Engineer
 - b. Comptroller
 - c. Attorney
 - d. Building Department
 - e. DMUA
 - f. Cher Deb Associates, LLC
9 Robins Street
Toms River, NJ 08753
Attn: Stephan R. Leone, Esquire

RESOLUTION
May 8, 2007

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan entitled Community Surgical Supply, Block 536.01, Lots 3, 7, 8, 10 (Rt. 37 West) hereinafter set forth as follows:

- A) That a Major Site Plan entitled Community Surgical Supply, Block 536.01, Lots 3, 7, 8, 10 (Rt. 37 West), has been granted final approval by the Dover Township Planning Board on June 1, 2005.
- B) That a resolution of the corporation is on file, authorizing officers to execute bonds.
- C) That Surety Performance Bond #19209, in the amount of \$173,070.00, dated February 20th, 2007, with The Fried Group as Principal and The Service Insurance Company, Inc. as Surety, for the term of 24 months from date, covering improvements set forth in bond estimate attached to said bond, has been posted with the Township of Toms River. Said Surety Bond represents the ninety percent (90%) portion of the performance guarantee.
- D) That a Cash Performance Bond dated March 19, 2007, in the amount of \$19,230.00, has been deposited with the Township Comptroller to guarantee performance improvements required by the Township in accordance with the estimate of the Township Engineer. Said Cash Bond has been submitted in the form of a check and represents the ten percent (10%) cash portion of the performance guarantee.
- E) Check in the amount of \$8,010.76 which represents the required escrow amount. This check will be transmitted to the Comptrollers office upon issuance of an account number by this office.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. The bonds and guarantees set forth in the preamble hereto be and the same are hereby approved.

2. Said bond approval is conditioned upon compliance by The Fried Group, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.
3. Township Clerk shall send a certified copy hereof to each of the following:
 - a. Engineer
 - b. Construction and Inspection Services
 - c. Dover MUA
 - d. Comptroller
 - e. Planning Board
 - f. Attorney
 - g. Ernst, Ernst & Lissenden
Attn: John N. Ernst
The Fried Group
P.O. Box 4686
Toms River, NJ 08754

RESOLUTION
May 8, 2007

WHEREAS, a Major Site Plan entitled First United Methodist Church, Block 591, Lots 1 & 34 (Chestnut Street), had posted performance guarantees with the Township of Toms River;

- A) Previously posted Cash Performance Bond dated February 6, 2003, in the amount of \$9100.00, currently on deposit in account #7-14- -902-101.
- B) Surety Company Bond #B21859637, dated November 12, 2002 in the amount of \$81,900.00.

WHEREAS, the developer has now posted a Maintenance Guarantee;

- A) Maintenance Cash Bond #B21859637M, dated November 28, 2006, in the amount of \$13,650.00.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. Previously posted Cash Performance Bond dated February 6, 2003, in the amount of \$9100.00, currently on deposit in account #7-14- -902-101, is hereby released.
2. Surety Company Bond #B21859637, dated November 12, 2002 in the amount of \$81,900.00, is hereby released.
3. Maintenance Cash Bond #B21859637M, dated November 28, 2006, in the amount of \$13,650.00., is hereby accepted.
4. Township Clerk shall send a certified copy hereof to each of the following:
 - a. Engineer
 - b. Comptroller
 - c. Attorney
 - d. Building Department
 - e. DMUA
 - f. First United Methodist Church
129 Chestnut Street
Toms River, NJ 08753
Attn: Douglas K. Leifert

RESOLUTION
May 8, 2007

WHEREAS, an overpayment of taxes has appeared on the following properties for the year indicated, and in the amount indicated,

WHEREAS, the party or parties have shown proof of payment and/or have executed an affidavit for same, and;

WHEREAS, the party or parties have delivered to the municipality and executed voucher for same.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, AS FOLLOWS:

1. A refund shall be processed to party or parties to wit as follows:

NAME	BLOCK	LOT	QUAL.	YEAR	AMOUNT
Riccardi, Anthony and Bernadette	533.03	7		2006/2	\$55.09
				2006/3	\$1070.83
				2006/4	\$1070.82
Wells Fargo Mortgage	794.41	14		2007/1	\$1082.73
				2007/2	\$55.47

2. Township Clerk shall send a copy of this resolution to Township Auditor, Township Comptroller and Tax Collector.

Approved as to content:

RESOLUTION
March 27, 2007

WHEREAS, the following property(ies) in the township of Toms River have an outstanding amount against their taxes for the year(s) indicated and;

WHEREAS, the property became the ownership of Township of Toms River on November, 2006, and the said property became tax exempt.

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, AS FOLLOWS:

1. The outstanding balance for the tax year indicated on property(ies) listed as follows are hereby cancelled:

NAME	BLOCK	LOT	YEAR	AMOUNT
Toms River Twsp.	394	76	Feb. 2007	\$5601.71
May 2007				\$5601.71

2. Township Clerk shall send a copy of this resolution to Township Auditor, Township Comptroller and Tax Collector.

Approved as to content:

**RESOLUTION AUTHORIZING THE RETIREMENT OF TOWNSHIP OF TOMS RIVER POLICE K-9 ATOM, BADGE #9007, EFFECTIVE UPON THE RETIREMENT DATE OF HIS HANDLER, CORPORAL DANIEL TEYMANT, AND TO TRANSFER OWNERSHIP OF ATOM TO CORPORAL TEYMANT FOR THE SUM OF \$1.00
MAY 8, 2007**

BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby authorizes the retirement of Police K-9 Atom, Badge #9007, effective upon the retirement date of his handler, Corporal Daniel Teymant, on July 1 2007, and to transfer ownership of Atom to Corporal Teymant for the sum of \$1.00.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Attorney
 - b) Chief Financial Officer
 - c) Police Department
 - d) Purchasing
 - e) Corporal Daniel Teymant, Police Dept.

**RESOLUTION AUTHORIZING THE SALE OF ABANDONED AND/OR UNCLAIMED MOTOR VEHICLES PURSUANT TO N.J.S.A. 39:10A-1 ET SEQ.
August 8, 2006**

BE IT RESOLVED by the Township Council of the Township of Dover, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby authorizes the sale at public auction of the following abandoned and/or unclaimed motor vehicles pursuant to the provisions of N.J.S.A. 39:10A-1 et seq., on Wednesday September 6, 2006 at 9:00 am at Grones Wrecker Service Inc., 2337 Route 9, Toms River, 08755.

Vehicles For Auction with Junk Titles:

YEAR	MAKE	VIN#
------	------	------

2002	DODGE	1B3EL36X02N110458
1971	AUTO CAR TRACTOR TRAILER	AE003HB067554

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

- a) Attorney
- b) Chief Michael G. Mastronardy
- c) Comptroller
- d) Grones Wrecker Service
2337 Route 9
Toms River 08755
- e) Law Enforcement
- f) Mayor
- g) Council

**LEGAL NOTICE
DOVER TOWNSHIP
PUBLIC SALE**

TAKE NOTICE that the undersigned shall expose for sale in accordance with R.S. 39:10A-1, at public auction on Wednesday, May 23, 2007 at 10:30 am at Grones Wrecker Service Inc., 2337 Route 9, Toms River, NJ 08755, and Wednesday, May 23, 2007 at 11:30 am at Courys Towing, 11 James Street, Toms River, NJ 08753, the below described motor vehicle(s) which came into the possession of the Toms River Township Police Department through abandonment or failure to claim same within 30 days. The public auction will take place at the above indicated date, times and location(s). The motor vehicle(s) may be examined at the indicated location(s) Monday through Friday, 9:00 a.m. to 5:00 p.m.

All vehicle(s) listed have clear title. Failure to inspect said vehicle(s) will not be considered as cause for any claim for adjustment whatsoever. **ALL SALES WILL BE FINAL. Opening bid will be equal to towing fees.** Cash or check will be required at the time of the sale when the sale is completed. Vehicle(s) must be removed from the premises at the purchaser's expense within 48 hours of sale date.

Vehicles For Auction with Junk Titles:

Wednesday, May 23, 2007 at 10:30 am at Grones Wrecker Service Inc., 2337 Route 9, Toms River, NJ 08755

YEAR	MAKE	VIN#
1995	BMW	WBAGJ6324SDH32462

Vehicles For Auction with Junk Titles:

Wednesday, May 23, 2007 at 11:30 am at Courys Towing, 11 James Street, Toms River, NJ 08753.

YEAR	MAKE	VIN#
1994	Buick	1G4CW52L9R1630246
2001	Ford	1FAFP55U11A138095
1993	Ford	1FMDU32X9PUD84490
1996	Pontiac	1G2NE12TOTM553642

1978
1980

Toyota
Chevrolet

RT105073741
1X687AT262071

**RESOLUTION AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS
TO EXECUTE THE NECESSARY DOCUMENTATION
WITH RESPECT TO THE ACCEPTANCE OF THE CONTINUATION OF
FUNDING OF THE SAFE AND SECURE COMMUNITIES GRANT AWARD
MAY 8, 2007**

BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. The appropriate Township officials are hereby authorized to execute the necessary documentation with respect to the application of the Township for acceptance of the Safe and Secure Communities Grant Continuation Funding, Grant No. P-3931 in the amount of \$60,000.00.
2. The appropriate Township Officials are hereby authorized to execute any future documentation relating to this grant.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Attorney
 - b) Chief Financial Officer
 - c) Police Department, Captain Kettig
 - d) Department of Law and Public Safety
Division of Criminal Justice
Program Development Section – 6th Floor
P.O. Box 085
25 Market Street
Trenton, N.J. 08625-0085
Attn: Heddy Levine-Sabol

**RESOLUTION AUTHORIZING THE DONATION/TRANSFER OF ONE (1)
4A2404 MIG WELDER BY THE TOWNSHIP OF TOMS RIVER**

**TO THE TOMS RIVER TOWNSHIP FIRE ACADEMY
MAY 8, 2007**

BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby authorizes the donation/transfer of One (1) 4A2404 Mig Welder, Tag #2226, Serial Number C230780/C830980, by the Township of Toms River to the Toms River Township Fire Academy, which is no longer needed for public use.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Attorney

- b) Chief Financial Officer
- c) Purchasing
- d) Clerk's Office
- e) Parks, Buildings & Grounds, attn: Neil Floor
- f) D. Parisi, Shade Tree
- g) Toms River Township Fire Academy

**RESOLUTION AUTHORIZING THE USE OF THE REGISTRY OF FREE-LANCE
INTERPRETERS AND INTERPRETATION/TRANSLATION AGENCIES
MAY 8, 2007**

BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby authorizes the use of the Registry of Free-Lance Interpreters and Interpretation/Translation Agencies as promulgated by the Administrative Office of the Courts, by Municipal Court as necessary when said services are required. This authorization shall become effective from date of resolution of the Township Council through twelve (12) consecutive months.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Chief Financial Officer
- b) Purchasing
- c) Attorney
- d) Municipal Court
- e) Registry of Free-Lance Interpreters & Interpretation/
Translation Agencies
Court Interpreting, Legal Translating & Bilingual Services
Section
Special Programs, Office of Trial Court Services
Administrative Office of the Courts
P.O. Box 988
Trenton, N.J. 08625-0988

**RESOLUTION AUTHORIZING PROPERTY MAINTENANCE TO BE PERFORMED ON
BLOCK 820, LOT 8 (514 BUERMANN AVENUE) AND
AUTHORIZING THE TAX COLLECTOR TO PLACE A MUNICIPAL LIEN THEREON
MAY 8, 2007**

WHEREAS, as a result of lack of maintenance in violation of Chapter 399 (Section 399-1 (A) and (B)) of the "Code of the Township of Toms River, New Jersey" of property located on Block 820 Lot 8 (514 Buermann Avenue), in the Township of Toms River, the Township is required to have the entire property cleaned up of trash, and debris, including cleaning up and securing the above-ground pool, by the Public Works Department, since the conditions posed potential hazards to public health, safety or welfare; and

WHEREAS, the cost to the Township to have property maintenance performed on the property located at Block 820, Lot 8 is \$1,500.00; and

WHEREAS, Section 399-8 of the Code of the Township of Toms River authorizes the placing of a municipal lien on properties requiring such action to recoup the funds expended by the Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. The property maintenance work performed by the Public Works Department on Block 820, Lot 8 (514 Buermann Avenue) is hereby determined to be necessary, proper and is hereby authorized.
2. The Tax Collector is hereby authorized and directed to take the necessary steps to place a municipal lien on Block 820, Lot 8 (514 Buermann Avenue), in the amount of \$1,500.00, and enforce the same as it would taxes.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Attorney
 - b) Chief Financial Officer
 - c) John Winton, Housing & Property Maintenance
 - d) Tax Assessor
 - e) Tax Collector
 - f) Construction & Inspection Services
 - g) Michael Roshop
514 Buermann Avenue
Toms River, N.J. 08753
 - h) Public Works

**RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR
MAINTENANCE, REPAIRS AND PARTS FOR EMERGENCY
MEDICAL VEHICLES FOR FIRST AID SQUADS
MAY 8, 2007**

WHEREAS, bids were received on March 28, 2007 for Maintenance, Repairs and Parts for Emergency Medical Vehicles for First Aid Squads; and

WHEREAS, only one bid was received, as follows:

PL Custom Body & Equipment, Inc.
2201 Atlantic Avenue
Manasquan, N.J. 08736

1. Shop Rate: \$85.00 per hour
2. Road Service Rate: \$85.00 per hour
3. Flatbed Rate: \$175.00 per flat rate
4. Parts Discount: 10%

WHEREAS, said bid has been reviewed by Deputy Chief Vincent J. Pedalino, Jr., Department of Police, and it is his recommendation that the contract be awarded to PL Custom Body & Equipment, Inc., for a total maximum amount of \$40,000.00 over two (2) years;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby awards the contract for Maintenance, Repairs and Parts for Emergency Medical Vehicles for First Aid Squads to PL Custom Body & Equipment, Inc., for a total maximum amount of \$40,000.00 over two (2) years. Contract Term: Two (2) years from date of award through twenty-four (24) consecutive months. All terms and conditions of the bid specifications are applicable on this contract. This will be an open-ended contract with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Purchasing
- b) Chief Financial Officer
- c) Attorney
- d) Police Dept.
- e) Public Works
- f) Silverton First Aid Squad
- g) East Dover First Aid Squad
- h) Pleasant Plains First Aid Squad
- i) Toms River First Aid Squad
- j) Ortleigh Beach First Aid Squad
- k) Dover-Brick Beach First Aid Squad
- l) Aforementioned Bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to PL Custom Body & Equipment, Inc., in the maximum amount of \$40,000.00 over two (2) years, are contingent upon the availability of funds in the appropriate municipal budget.

More specifically, the actual encumbrance of the funds will be based upon the approval of a fully executed purchase order by the Chief Financial Officer. Said purchase order will encumber the funds for the affected account at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: May 8, 2007

**RESOLUTION AUTHORIZING THE RETENTION OF THE LABOR
ARBITRATOR/MEDIATOR SERVICES OF THOMAS D. HARTIGAN
MAY 8, 2007**

WHEREAS, there exists a need for the retention of labor arbitrator/mediator services in connection with an arbitration between the Township of Toms River and the Unified Professional Association, PERC Docket No. AR-2007-105 (out of title pay – booking officer); and

WHEREAS, the maximum amount of the contract to be awarded under this resolution is \$743.24, which represents Toms River Township's share for arbitrator services; and

WHEREAS, the Local Public Contracts Law of New Jersey, N.J.S.A. 40A:11-1, et seq., requires that the award of contracts for extraordinary unspecifiable services without competitive bids be available for public inspection; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby retains the extraordinary unspecifiable services of Thomas D. Hartigan, Arbitrator/Mediator, for the aforesaid purpose as outlined hereinabove, in the total maximum amount of \$743.24 and funds are available in Account No. 7-01- -H03-534. The certification of funds availability statement with respect to this resolution is on file in the Office of the Township Clerk.
2. Since the total amount of this contract shall not exceed \$21,000.00, a fully executed purchase order shall serve as contract documentation between the parties hereto.
3. A notice of this action shall be published in the Ocean County Observer.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Attorney
 - b) Chief Financial Officer
 - c) Purchasing
 - d) Thomas D. Hartigan, Arbitrator/Mediator
15 Tekening Way
Hamilton, N.J. 08690
 - e) Assist. Business Administrator
 - f) Personnel

CERTIFICATION

THIS IS TO CERTIFY that the funds for the extraordinary unspecifiable services contract with Thomas D. Hartigan, Labor Arbitrator/Mediator, in the total maximum amount of \$743.24, are available in Account No. 7-01- -H03-534.

More specifically, the actual encumbrance of the funds will be based upon the approval of a fully executed purchase order by the Chief Financial Officer. Said purchase order will encumber the funds for the affected account at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: May 8, 2007

**RESOLUTION AWARDING A CONTRACT FOR THE EXTRAORDINARY
UNSPECIFIABLE SERVICES OF SOUTHERN REGIONAL
HIGH SCHOOL DISTRICT OF OCEAN COUNTY TO ATTEND
THE SOUTHERN EXPOSURE CHALLENGE COURSE
MAY 8, 2007**

WHEREAS, the Township of Toms River has been requested by the Toms River Township Municipal Alliance to retain the extraordinary unspecifiable services of the Southern Regional High School District of Ocean County for 10 sessions of approximately 20 students per session (200 students) within the Toms River School System and related groups and organizations to attend the Southern Exposure Challenge Course at the Southern Regional High School District Facility; and

WHEREAS, the total amount of the contract awarded under this resolution is \$3,980.00 and funds are available in Account No. 7-01- -H46-301; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the awarding of contracts for extraordinary unspecifiable services without public bids;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby retains the Extraordinary Unspecifiable Services of the Southern Regional High School District of Ocean County for 10 sessions of approximately 20 students and children per session (200 students) within the Toms River School System and related groups and organizations to attend the Southern Exposure Challenge Course at the Southern Regional High School District Facility, at a total maximum amount of \$3,980.00, and funds are available in Account No. 7-01- -H46-301. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.
2. Since the total amount of this contract shall not exceed \$21,000.00, a fully executed purchase order shall serve as the necessary contract documentation between the parties hereto.
3. This contract is awarded without competitive bidding as an extraordinary unspecifiable service in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law of New Jersey.
4. A notice of this action shall be published in the Ocean County Observer.
5. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Attorney
 - b) Chief Financial Officer
 - c) Purchasing
 - d) Police Dept.
 - e) C. Bodo, Dover Municipal Alliance
 - f) Human Services
 - g) Robert Petruski

T.E.A.M. Coordinator
Toms River High School North
1245 Old Freehold Road
Toms River, N.J. 08753

- h) Southern Regional High School District
of Ocean County
600 North Main Street
Manahawkin, N.J. 08050-3093

CERTIFICATION

THIS IS TO CERTIFY that the funds for the extraordinary unspecifiable services contract with the Southern Regional High School District of Ocean County, in the total maximum amount of \$3,980.00, are available in Account No. 7-01- -H46-301.

More specifically, the actual encumbrance of the funds will be based upon the approval of a fully executed purchase order by the Chief Financial Officer. Said purchase order will encumber the funds for the affected account at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: May 8, 2007

**RESOLUTION AWARDING A CONTRACT FOR THE EXTRAORDINARY
UNSPECIFIABLE SERVICES OF ROBERT PETRUSKI
AS CONSULTANT, COORDINATOR AND FACILITATOR FOR
STUDENTS AND CHILDREN TO ATTEND THE SOUTHERN EXPOSURE
CHALLENGE COURSE AT SOUTHERN REGIONAL HIGH SCHOOL
MAY 8, 2007**

WHEREAS, the Township of Toms River has been requested by the Toms River Township Municipal Alliance to retain the extraordinary unspecifiable services of Robert Petruski (Peer Education Coordinator/Facilitator for Toms River Schools) as supervisor, organizer and coordinator/facilitator for 10 sessions of approximately 20 students and children per session within the Toms River Schools and related groups and organizations to attend the Southern Exposure Challenge Course at the Southern Regional High School; and

WHEREAS, the total amount of the contract awarded under this resolution is \$1,000.00 and funds are available in Account No. 7-01- -H46-301 and have been certified by the Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the awarding of contracts for extraordinary unspecifiable services without public bids;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby retains the Extraordinary Unspecifiable Services of Robert Petruski (Peer Education Coordinator/Facilitator for Toms River Schools) as supervisor, organizer and coordinator/facilitator for 10 sessions of approximately 20 students and children per session within the Toms River Schools and related groups and organizations to attend the Southern Exposure Challenge Course at the Southern Regional High School, at a maximum cost of \$1,000.00, and funds are available in Account No. 7-01- -H46-301. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.
2. Since the total amount of this contract shall not exceed \$21,000.00, a fully executed purchase order shall serve as the necessary contract documentation between the parties hereto.
3. This contract is awarded without competitive bidding as an extraordinary unspecifiable service in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law of New Jersey.
4. A notice of this action shall be published in the Ocean County Observer.
5. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Attorney
- b) Chief Financial Officer
- c) Purchasing
- d) Human Services
- e) C. Bodo, Dover Municipal Alliance
- f) Robert Petruski
1188 Windham Court
Toms River, N.J. 08755

CERTIFICATION

THIS IS TO CERTIFY that the funds for the extraordinary unspecifiable services contract with Robert Petruski, for a total maximum amount of \$1,000.00, are available in Account No. 7-01- -H46-301.

More specifically, the actual encumbrance of the funds will be based upon the approval of a fully executed purchase order by the Chief Financial Officer. Said purchase order will encumber the funds for the affected account at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: May 8, 2007

**RESOLUTION AUTHORIZING THE EXTRAORDINARY
UNSPECIFIABLE SERVICES OF FRED GUARINO'S
"DIXIELAND EAST ALLSTAR" BAND
MAY 8, 2007**

WHEREAS, there exists a need for the retention of the extraordinary unspecifiable services of an entertainer at the 12th Annual Older Adult Health Fair & Picnic at the Toms River Township Senior Center to be held on May 16, 2007; and

WHEREAS, the maximum amount of the contract awarded under this resolution is \$600.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) permits the awarding of contracts for extraordinary unspecifiable services without competitive bids;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby retains the Extraordinary Unspecifiable Services of Fred Guarino's "Dixieland East Allstar" Band, for the aforementioned purpose, in the total maximum amount of \$600.00, and funds for this purpose are available in Account No. 7-01- -H46-301. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.
2. Since the total amount of this contract shall not exceed \$21,000.00, a fully executed purchase order shall serve as contract documentation between the parties hereto.
3. A notice of this action shall be published in the Ocean County Observer.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Attorney
 - b) Chief Financial Officer
 - c) Purchasing
 - d) Senior Center
 - e) Human Services
 - f) Municipal Alliance, Attn: C. Bodo
 - g) Fred Guarino
3 St. Lucia Ct.
Toms River, N.J. 08757

CERTIFICATION

THIS IS TO CERTIFY that the funds for the extraordinary unspecifiable services contract with Fred Guarino, (Dixieland East Allstar Band), in the total maximum amount of \$600.00, are available in Account No. 7-01- -H46-301.

More specifically, the actual encumbrance of the funds will be based upon the approval of a fully executed purchase order by the Chief Financial Officer. Said purchase order will encumber the funds for the affected account at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: May 8, 2007

**RESOLUTION AUTHORIZING THE RETENTION OF CONSULTANTS FOR THE LEADERS CLUB (FORMERLY KNOWN AS P.P.O.G.S.) PROGRAM SPONSORED BY THE TOMS RIVER TOWNSHIP MUNICIPAL ALLIANCE
MAY 8, 2007**

WHEREAS, the Township of Toms River Municipal Alliance has received funding from the Ocean County Office of Alcohol & Drug Abuse and the Governor's Council of the State of New Jersey for the Prevention Programs Organized for Group Support program (The Leaders Club formerly known as P.P.O.G.S.); and

WHEREAS, the Prevention Programs Organized for Group Support program (The Leaders Club formerly known as P.P.O.G.S.) was developed in an effort to reach additional elementary school students and to address the issues of parental, caregiver and sibling substance abuse, and to enhance school performance; and

WHEREAS, in order to sponsor the aforesaid program, it is necessary to retain the extraordinary unspecifiable services of eight (8) consultants who are facilitators/consultants for The Leaders Club (formerly known as P.P.O.G.S.) program, during the time period January 2007 through May 2007, the second half of the 2006/2007 school year; and

WHEREAS, the total amount of the contracts awarded under the resolution is \$4,200.00 (\$4,000.00 for consultants and \$200.00 for supplies), and funds are available in Account No. 7-01- -H46-301; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the awarding of contracts for extraordinary unspecifiable services without competitive bids;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby retains the Extraordinary Unspecifiable Services of the following consultants at the following amounts who were facilitators for The Leaders Club (formerly known as P.P.O.G.S.) program for the second half of the school year, January 2007 through May 2007:

<u>NAME</u>	<u>SCHOOL</u>	<u>AMOUNT</u>
Carla Ellis	Cedar Grove Elem.	\$ 500.00
	Supplies	<u>\$ 25.00</u>
	TOTAL	\$ 525.00
Erin Mozal	Silver Bay Rd. Elem.	\$ 500.00
	Supplies	<u>\$ 25.00</u>
	TOTAL	\$ 525.00
Beverly Figlioli	East Dover Elem.	\$ 500.00
	Supplies	<u>\$ 25.00</u>
	TOTAL	\$ 525.00
Candice Jones	West Dover Elem.	\$ 500.00
	Supplies	<u>\$ 25.00</u>
	TOTAL	\$ 525.00

Wendy Rozwadowski	Citta School Supplies TOTAL	\$ 500.00 <u>\$ 25.00</u> \$ 525.00
Sara Walsh	Hooper Ave. Supplies TOTAL	\$ 500.00 <u>25.00</u> \$ 525.00
Wendy Yorke	Washington Street Supplies TOTAL	\$ 500.00 <u>\$ 25.00</u> \$ 525.00
Ann Nelson	Walnut Street Supplies TOTAL	\$ 500.00 <u>\$ 25.00</u> \$ 525.00

2. Since the total amount of the individual contracts awarded under this resolution shall not exceed \$21,000.00, fully executed purchase orders shall serve as the necessary contract documentation between the parties hereto. The aforesaid payments are authorized pursuant to Sec. 6A-8 of the "Code of the Township of Toms River, New Jersey." The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.
3. These contracts are awarded without competitive bidding as "extraordinary unspecifiable services" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law of New Jersey.
4. A notice of these actions shall be published in the Ocean County Observer.
5. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Chief Financial Officer
 - b) Attorney
 - c) Purchasing
 - d) Municipal Alliance
 - e) Police Department
 - f) Human Services
 - g) Beverly Figlioli
2 Pine Drive
Spring Lake Hgts., N.J.
 - h) Erin M. Mozal
2241 Llewellyn Parkway
Forked River, N.J. 08731
 - i) Carla Ellis
977 Yellowbank Road
Toms River, NJ. 08753
 - j) Candice Jones
508 Spray Avenue
Beachwood, N.J. 08722
 - k) Wendy Rozwadowski
2711 Longwood Drive
Toms River, N.J. 08753
 - l) Sara Walsh
2212 Longwood Drive
Forked River, N.J. 08731
 - m) Wendy Yorke
3144 Peddie Street
Toms River, N.J. 08753

n) Ann Nelson
 1023 Lakewood Road
 Toms River, N.J. 08753

CERTIFICATION

THIS IS TO CERTIFY that the funds for the extraordinary unspecifiable services contracts with:

<u>NAME</u>	<u>SCHOOL</u>	<u>AMOUNT</u>
Carla Ellis	Cedar Grove Elem.	\$ 500.00
	Supplies	<u>\$ 25.00</u>
	TOTAL	\$ 525.00
Erin Mozal	Silver Bay Rd. Elem.	\$ 500.00
	Supplies	<u>\$ 25.00</u>
	TOTAL	\$ 525.00
Beverly Figlioli	East Dover Elem.	\$ 500.00
	Supplies	<u>\$ 25.00</u>
	TOTAL	\$ 525.00
Candice Jones	West Dover Elem.	\$ 500.00
	Supplies	<u>\$ 25.00</u>
	TOTAL	\$ 525.00
Wendy Rozwadowski	Citta School	\$ 500.00
	Supplies	<u>\$ 25.00</u>
	TOTAL	\$ 525.00
Sara Walsh	Hooper Ave.	\$ 500.00
	Supplies	<u>25.00</u>
	TOTAL	\$ 525.00
Wendy Yorke	Washington Street	\$ 500.00
	Supplies	<u>\$ 25.00</u>
	TOTAL	\$ 525.00
Ann Nelson	Walnut Street	\$ 500.00
	Supplies	<u>\$ 25.00</u>
	TOTAL	\$ 525.00

for a total maximum amount of \$4,200.00 (\$4,000.00 for consultants and \$200.00 for supplies), are available in Account No. 7-01- -H46-301.

More specifically, the actual encumbrance of the funds will be based upon the approval of fully executed purchase orders by the Chief Financial Officer. Said purchase orders will encumber the funds for the affected account at that time.

CHRISTINE J. MANOLIO
 CHIEF FINANCIAL OFFICER

Dated: May 8, 2007

**RESOLUTION AUTHORIZING HIRING OF NINE (8) ICE SKATING
INSTRUCTORS FOR WINDING RIVER SKATING CENTER
FOR SPRING 2007
MAY 8, 2008**

WHEREAS, the Township of Dover sponsors ice skating instruction at the Winding River Skating Center; and

WHEREAS, in order to sponsor the aforesaid, it is necessary to retain the extraordinary unspecifiable services of eight (8) ice skating instructors for Spring 2007; and

WHEREAS, the total amount of the contracts awarded under this resolution is \$4,000.00, and funds are available in Account No. 7-31- -147-534. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the awarding of contracts for extraordinary unspecifiable services without competitive bids;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby retains the Extraordinary Unspecifiable Services of the following at a rate of \$10.00 per student per week, per semester, for Spring 2007:

- a) Lara Walsh
25 Wayside Drive
Brick, N.J. 08724

- b) Jackie Rios
20 Ravenwood Drive
Bayville, N.J. 08721

2. It hereby retains the Extraordinary Unspecifiable Services of the following at a rate of \$10.50 per student per week, per semester, for Spring 2007:

- a) Nicole DePasquale
396 Killarney Drive
Toms River, N.J. 08753

3. It hereby retains the Extraordinary Unspecifiable Services of the following at a rate of \$11.50 per student per week, per semester, for Spring 2007:

- a) Marissa Meyer
13 Chestnut Hill Drive
Toms River, N.J. 08753

4. It hereby retains the Extraordinary Unspecifiable Services of the following at a rate of \$13.00 per student per week, per semester, for Spring 2007:

- a) Adriana Ryan
342 Herbertsville Road
Howell, N.J. 07731
- b) Gina Jackamets
290 Route 9
Apt. 5B
Barnegat, N.J. 08005

5. It hereby retains the Extraordinary Unspecifiable Services of the following at a rate of \$13.50 per student per week, per semester, for Spring 2007:

- a) Danielle Fillimon
108 Brinley Avenue, Apt. 10C
Bradley Beach, N.J. 07720

6. It hereby retains the Extraordinary Unspecifiable Services of the following at a rate of \$14.00 per student per week, per semester, for Spring 2007:

- a) Debbie Blair
396 Suburban Drive
Toms River, N.J. 08753

7. Since the total amount of the individual contracts awarded under this resolution shall not exceed \$21,000.00, fully executed purchase orders shall serve as the necessary contract documentation between the parties hereto. The aforesaid payments are authorized pursuant to Sec. 6A-8 of the "Code of the Township of Dover, New Jersey".

8. These contracts are awarded without competitive bidding as "extraordinary unspecifiable services" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law of New Jersey.

9. A notice of these actions shall be published in the Ocean County Observer.

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

- a) Chief Financial Officer
- b) Attorney
- c) Purchasing
- d) Recreation
- e) Ice Rink Manager
- f) All Aforementioned Instructors

CERTIFICATION

THIS IS TO CERTIFY that the funds for the extraordinary unspecifiable services contracts for ice skating instructors for Spring 2007 with Adriana Ryan, Lara Walsh, Jackie Rios, Debbie Blair, Marissa Meyer, Danielle Fillimon, Nicole

DePasquale, and Gina Jackamets, in the total maximum amount of \$4,000.00, are available in Account No. 7-31- -147-534.

More specifically, the actual encumbrance of the funds will be based upon the approval of fully executed purchase orders by the Township Chief Financial Officer. Said purchase orders will encumber the funds for the affected account at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: May 8, 2007

**RESOLUTION AUTHORIZING THE TOWNSHIP OF TOMS RIVER TO APPLY
FOR AND ACCEPT NEIGHBORHOOD PRESERVATION BALANCED
HOUSING PROGRAM FUNDS
MAY 8, 2007**

WHEREAS, the PHS Senior Living, Inc., (Sponsor/Developer) desires to apply for and obtain funds from the New Jersey Department of Community Affairs, Neighborhood Preservation Balanced Housing Program for an amount not to exceed the maximum amount allowed in accordance with N.J.A.C. 5:43-1 and FF for the purpose of developing Senior Affordable Housing in the Township of Toms River for the Presbyterian Home at Dover, Inc;

BE IT THEREFORE RESOLVED, that the Township of Toms River does hereby support this application for such funds to the New Jersey Department of Community Affairs, Neighborhood Preservation Balanced Housing Program and acknowledge that they are an eligible municipality in accordance with N.J.A.C. 5:43-1.3(b)(c)(d). The municipality also asks that a waiver of N.J.A.C. 5:43-1.3(a), as permitted under N.J.A.C. 5:43-1.6, be granted to allow PHS Senior Living, Inc. (Sponsor/Developer), as permitted under N.J.A.C. 5:43-3.1(a)(1), to contract only for this project, directly with the Department of Community Affairs.

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

- a) Attorney
- b) Chief Financial Officer
- c) Jay Lynch, Township Planner
- d) Engineering
- e) New Jersey Department of Community Affairs
Neighborhood Preservation Balanced Housing
Program Division of Housing
Attn: Rick Montemore
101 South Broad Street – 5th Floor
P.O. Box 806
Trenton, N.J. 08625-0806
- f) The Presbyterian Home at Dover, Inc.
13 Roszel Road, Suite C-120
Princeton, N.J. 08540
Attn: Heather Hill Falkoff
- g) U.S. Department of Housing & Urban
Development
Newark Multi-family Program Center
Attn: Maryann Diak-Stern

One Newark Center, 13th Floor
Newark, N.J. 07102-5260

I, J. MARK MUTTER, MUNICIPAL CLERK TO THE GOVERNING BODY OF THE TOWNSHIP OF TOMS RIVER HEREBY CERTIFY THAT AT A MEETING OF THE TOWNSHIP COUNCIL HELD ON MAY 8, 2007 THE ABOVE RESOLUTION WAS DULY ADOPTED.

DATE

SEAL OF NOTARY

RESOLUTION
May 8, 2007

WHEREAS, Michael G. Mastronardy, Chief of Police of the Toms River Township Police Department, under date of April 19, 2007, has certified to this Township Council that the following have served their probationary period of one year and that they be granted permanent appointment effective May 10, 2007:

Ptl. William Hutton #342
122 Deauville Drive
Mantoloking NJ 08738
Employee #34365

Ptl. Mark DeGrandis #345
141 Stillhouse Road
Millstone Twp. NJ 08510
Employee #17373

Ptl. Richard Karkovice #344
83 Blossom Drive
Toms River, NJ 08753
Employee #35580

Ptl. Joseph Mastronardy #346
365 Western Boulevard
Bayville, NJ 08721
Employee #41996

WHEREAS, this Township Council has considered said recommendation of said Chief of Police and has determined that said recommendations be followed:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the appointees listed above, having served their one year probationary period, be and they are hereby granted permanent appointment effective May 10, 2007.
2. Township Clerk shall send a certified copy of this resolution to each of the following:
 - a. Comptroller
 - b. Chief of Police
 - c. Personnel
 - d. Attorney
 - e. Each appointee listed above

**RESOLUTION AUTHORIZING THE EXTENSION OF THE
CONTRACT FOR COMPUTER PRINTER REPAIRS AND SERVICES WITH
CENTRAL JERSEY OFFICE EQUIPMENT, INC.
MAY 8, 2007**

WHEREAS, pursuant to a resolution of the Township Council dated December 13, 2005, the Township awarded a contract to Central Jersey Office Equipment, Inc., for computer printer repairs and services, for a maximum amount of \$21,000.00 over one (1) year, effective December 13, 2005 through December 12, 2006; and

WHEREAS, the terms of this contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15(42), which allows for the contract to be extended for up to two (2) additional one (1) year terms upon expiration of the original contract; and

WHEREAS, the original contract has reached its expiration, and it is in the best interest of the Township of Toms River to continue this contract for Computer Printer Repairs and Service with Central Jersey Office Equipment, Inc., for an additional \$21,000.00 up to a new maximum amount of \$42,000.00 over the next twelve (12) consecutive months; and

WHEREAS, the Township wishes to extend the contract with Central Jersey Office Equipment, Inc., for Computer Printer Repairs and Services for an additional one (1) year period, commencing retroactive from December 13, 2006 through December 12, 2007 for an additional \$21,000.00 up to a new maximum amount of \$42,000.00 over the next twelve (12) consecutive months;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby extends the contract with Central Jersey Office Equipment, Inc., for Computer Printer Repairs and Service, for an additional one (1) year period, retroactive from December 13, 2006 through December 12, 2007, for an additional \$21,000.00, up to a new maximum amount of \$42,000.00 over the next twelve (12) consecutive months;
2. The extended contract will be an open-ended contract with funds being encumbered each time a request for service is placed, contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract extension is subject to all the terms and conditions of the original contract award.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing
 - b) Chief Financial Officer
 - c) Attorney
 - d) Josie Motyka
 - e) Central Jersey Office Equipment, Inc.
222 Park Avenue
Manalapan, N.J. 07726

CERTIFICATION

THIS IS TO CERTIFY that the funds for the one year extension of the contract with Central Jersey Office Equipment, Inc., in the amount of \$21,000.00, up to a new maximum amount of \$42,000.00, are available contingent upon the availability of funds in the appropriate municipal budget.

More specifically, the actual encumbrance of the funds will be based upon the approval of a fully executed purchase order by the Chief Financial Officer. Said purchase order will encumber the funds for the affected account at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: May 8, 2007

**RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR CASTLE PARK MOBILE VENDING CONCESSION
MAY 8, 2007**

WHEREAS, bids were invited on April 18, 2007 for a Mobile Vending Concession at Castle Park; and

WHEREAS, only one bid was received as follows:

Pied Piper Ice Cream South, Inc.
1100 5th Avenue
Neptune, N.J. 07753 \$2,500.00 Per Annum

WHEREAS, said bid has been reviewed by Linda Karch, Director, Department of Recreation, and she has recommended that the contract be awarded to Pied Piper Ice Cream South, Inc. at a flat fee per annum of \$2,500.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

It hereby awards the contract for a Vending Concession at Castle Park to Pied Piper Ice Cream South, Inc., for a flat fee per annum of \$2,500.00. Contract Term: Date of Award through Thirty-Six (36) Consecutive Months. The award of this contract is subject to all the terms and conditions of the bid specifications. The bid deposit of \$500.00 submitted by Pied Piper Ice Cream South, Inc. (Treasurer's check #024923) shall be retained by the Township and applied as part of the bid fee due the Township, on the first annual installment.

The balance of the contract's first annual fee of \$2,500.00 shall be due and payable as follows:

July 15, 2007-	\$ 750.00
August 15, 2007-	\$1,250.00

The balance of payments shall be due and payable as follows:

- May 15, 2008 - \$1,250.00
- June 15, 2008 - \$1,250.00
- May 15, 2009 - \$1,250.00
- June 15, 2009 - \$1,250.00

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

- a) Purchasing
- b) Chief Financial Officer
- c) Attorney
- d) Recreation
- e) Aforementioned bidder

**RESOLUTION
MAY 8, 2007**

WHEREAS, N.J.S. 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 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 has received a grant from the State of New Jersey, Division of Youth and Family Services, and wishes to amend its FY07 Budget to include a portion of this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, County of Ocean, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the FY07 Budget the sum of\$526.00 which is now available as revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations:

A. State of New Jersey, Division of Youth and Family Services Grant – C.O.L.A Modification.....\$526.00

pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$526.00 be and the same is hereby appropriated under the caption of:

General Appropriations
(a) "Operations - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

State of New Jersey, Division of Youth and Family
Services Grant – C.O.L.A. Modification.....\$526.00

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

- A) JoAnn Benson, Director of Health & Human Services
- B) Susan Gray, Youth Services
- C) Director of Finance/Chief Financial Officer
- D) Auditor

Approved as to Content

**RESOLUTION
May 8, 2007**

WHEREAS, N.J.S. 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 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 has received a grant from the U.S. Department of Justice, Bulletproof Vest Partnership/Body Armor Safety Initiative and wishes to amend its FY07 Budget to include a portion of this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, County of Ocean, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the FY07 Budget in the sum of \$2,182.95 which is now available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with Prior Written
Consent of the Director of Local Government Services:

State and Federal Revenues Off-Set with Appropriations:

- A. U.S. Department of Justice,
**Bulletproof Vest Partnership/
Body Armor Safety Initiative Grant\$2,182.95**

1. It hereby awards the contract for the Lease of the Toms River Township Pool Concession at Snug Harbor to My Restaurant Group, Inc., for a flat lease fee of \$2,006.00 per season.
2. Term of Contract: June 15, 2007 through September 15, 2009.
3. The "good faith" deposit of \$500.00 submitted by My Restaurant Group, Inc. (#336936109) shall be retained by the Township and applied as part of the initial lease fee due the Township on the first installment.
4. The balance of the contract's first lease payment of \$2,006.00 shall be due and payable as follows:

June 15, 2007 \$ 503.00
 July 15, 2007 \$1,003.00

The balance of lease payments shall be due and payable as follows:

May 15, 2008 \$1,003.00
 August 15, 2008 \$1,003.00
 May 15, 2009 \$1,003.00
 August 15, 2009 \$1,003.00

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

6.
 - a) Purchasing
 - b) Chief Financial Officer
 - c) Attorney
 - d) Recreation
 - e) Charles Mule'
865 Chivas Drive
Toms River, N.J. 08753
 - f) My Restaurant Group, Inc.
38 Kim Lane
Toms River, N.J. 08755

**RESOLUTION AUTHORIZING THE DIVISION OF PURCHASING
 TO SOLICIT FOR AND RECEIVE FAIR AND OPEN PROFESSIONAL
 SERVICES SOLICITATIONS
 MAY 8, 2007**

WHEREAS, it has been brought to the attention of the Township Council of the Township of Toms River that the Division of Purchasing is desirous of soliciting for and receiving fair and open professional services solicitations for the following item(s):

MUNICIPAL AUDITOR SERVICES

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. The Division of Purchasing is hereby authorized to solicit for and receive fair and open professional services solicitations for the above-mentioned project.

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

- a) Purchasing
- b) Chief Financial Officer
- c) Attorney

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 –
WINDING RIVER ICE RINK BOILER REPLACEMENT PROJECT
MAY 8, 2007**

BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

- 1. Resolution of the Township Council dated January 23, 2007 awarded a contract for Boiler Replacement Project at the Winding River Ice Rink to Estock Piping Company, LLC, in the amount of \$68,300.00; and
- 2. Change Order No. 1 – to the contract with Estock Piping Company, LLC, to wit:

DESCRIPTION OF WORK/CHANGES:

Supplemental:

Upon starting the work on this project, asbestos was found at the location where the work is to be performed. This asbestos must be removed prior to completion of this project. The cost of this work is \$5,544.00.

Removal of asbestos in boiler including boiler rope insulation and assoc. insulation, all labor, material and disposal OSHA required air monitoring, environmental air monitoring (asbestos) federal, state and local notifications, insurance.

TOTAL SUPPLEMENTAL: \$5,544.00

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	X
Total Extras This C.O.	X	X
Total Supplementary This C.O.	\$5,544.00	X
Total This C.O.	\$5,544.00	X
Previous Change Orders	X	X
Total Change Orders to Date	\$5,544.00	X
Total Change in Contract	\$5,544.00	X
ORIGINAL CONTRACT BID PRICE	\$68,300.00	

be and the same is hereby ratified and confirmed. Funds for this change order in the amount of \$5,544.00 are available in Account No.

X-04- -178-037. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

3. The completion time of this contract is increased by ten (10) days. The substantial completion date is amended to May 18, 2007. All other terms and conditions of this contract remain unchanged.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Chief Financial Officer
 - b) Winding River Ice Rink
 - c) Recreation
 - d) Attorney
 - e) Purchasing
 - f) Winding River Ice Skating rink
 - g) Parks, Buildings & Grounds
 - h) Ronald A. Sebring Associates, LLC
405 Richmond Avenue
Point Pleasant, N.J. 08742
 - i) Eastern Consultants, Mechanical & Electrical Engineering
2211 Lehigh Street
P.O. Box 4539
Easton, PA. 18043-4539

CERTIFICATION

THIS IS TO CERTIFY that the funds for Change Order No. 1 with Estock Piping Company, LLC in the amount of \$5,544.00, are available in Account No. X-04- -178-037.

More specifically, the actual encumbrance of the funds will be based upon the approval of fully executed purchase orders by the Chief Financial Officer. Said purchase orders will encumber the funds for the affected account at the time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: May 8, 2007

RESOLUTION May 8, 2007

WHEREAS, the following application has been submitted under the provisions of Ordinance No. 1778:

AUCTIONEER LICENSE
#01-07

Stephan P. Regan
24 Oakleaf Lane
Toms River, NJ 08755

Dates of Auction:
May 24, 2007

Auction #02-07
Toms River Elks Club
600 Washington Street

June 21, 2007
July 19, 2007
August 16, 2007
September 20, 2007
October 25, 2007
November 15, 2007
December 21, 2007

Toms River, NJ 08753

WHEREAS, the appropriate licensing fee has been paid to the Township of Toms River; and

WHEREAS, the Clerk of this Township has reported to this Council that said application is in order; and

WHEREAS, Mr. Stephan P. Regan, current Auctioneer License #01-07, is in effect until May 9, 2008; and

WHEREAS, Mr. Stephan P. Regan, has submitted a \$5,000.00 Bond which will expire March 6, 2008;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. Township Clerk is hereby authorized to issue the license listed in the preamble hereof. The applicant shall provide a certificate for the required \$5,000.00 bond to continue coverage through May 9, 2008, duration of auctioneer license.
2. Township Clerk shall send a certified copy of this resolution to each of the following:
 - a. Attorney
 - b. Chief of Police
 - c. Code Enforcement Officer
 - d. Applicant listed above

**RESOLUTION AUTHORIZING THE RETENTION OF THE LABOR
ARBITRATOR SERVICES OF ROBERT M. GLASSON
MAY 8, 2007**

WHEREAS, there exists a need for the retention of labor arbitrator services in connection with an arbitration between the Township and the Teamsters Local 97, Docket No. AR-2007-284 (Discipline); and

WHEREAS, the maximum amount of the contract to be awarded under this resolution is \$734.00, which represents Township's share for arbitrator services; and

WHEREAS, the Local Public Contracts Law of New Jersey, N.J.S.A. 40A:11-1, et seq., requires that the award of contracts for extraordinary unspecifiable services without competitive bids be available for public inspection; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby retains the extraordinary unspecifiable services of

2. Robert M. Glasson, Arbitrator, for the aforesaid purpose as outlined hereinabove, in the total maximum amount of \$734.00 and funds are available in Account No. 7-01- -H03-534.
3. Since the total amount of this contract shall not exceed \$21,000.00, a fully executed purchase order shall serve as contract documentation between the parties hereto.
4. A notice of this action shall be published in the Ocean County Observer.
5. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Attorney
- b) Chief Financial Officer
- c) Purchasing
- d) Robert M. Glasson, Arbitrator
130 King George Road
Pennington, N.J. 08534
- e) Steven Secare, Esq.
Secare, Delanoy, Martino & Ryan
616 Washington Street
Toms River, N.J. 08753
- f) Leonard Schiro, Esq.
Mets, Schiro & McGovern, LLP
P.O. Box 668
Woodbridge, N.J. 07095

CERTIFICATION

THIS IS TO CERTIFY that the funds for the extraordinary unspecifiable services contract with Robert M. Glasson, Arbitrator, in the total maximum amount of \$734.00, are available in Account No. 7-01- -H03-534.

More specifically, the actual encumbrance of the funds will be based upon the approval of a fully executed purchase order by the Chief Financial Officer. Said purchase order will encumber the funds for the affected account at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: May 8, 2007

RESOLUTION AUTHORIZING THE TOWNSHIP OF TOMS RIVER TO ADVERTISE FOR AND RECEIVE BIDS MAY 8, 2007

WHEREAS, the Township of Toms River is desirous of receiving bid(s) for the following project:

BOILER REPLACEMENT AND HOT WATER SYSTEM REPLACEMENT
AT POLICE HEADQUARTERS

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. The appropriate Township Official(s) of the Township of Toms River is hereby authorized to advertise for the receipt of bids for the above-mentioned project.
2. The appropriate Township Official(s) is hereby authorized to prepare bid specifications for the above-mentioned project.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing
 - b) Chief Financial Officer
 - c) Attorney
 - d) Police Dept.

**RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO VENDOR WITH STATE CONTRACT
MAY 8, 2007**

BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. In accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State contract are hereby approved.
2. Contract for the Purchase of Playground Equipment for the Youth Center, as follows:

DESCRIPTION OF ITEMS TO BE PURCHASED:

EXTENDED ITEM NO.	DESCRIPTION	QUANTITY	UNIT PRICE PER PRICE
150977A	Cascade Climber, 4 Panel	1	\$ 1,905.60 ea. \$ 1,905.60
15665-3-1	Evos Custom Playstructure Designed for Youth Services w/ Wobble Pods	1	\$31,603.20 ea. \$31,603.20
119214A	Tuff Timber Edging, 12" High, Black	141	\$ 28.80 ea. \$ 4,060.80
119214A	Tuff Timber Stakes	144	\$ 7.20 ea. \$ 1,036.80
130799A	Tuff Timber Access Wedge, Black	1	\$ 475.20 ea. \$ 475.20

100104A	Custom Sign – 2 Color Perm, Powdercoated Posts	1	\$ 850.00	ea.	\$ 850.00
122837A	Single Post Swing-2 Place, Uncoated Chain	2	\$ 902.40	ea.	\$ 1,804.80
122838A	Add'l. 2-Place Bay for Single Post Swing	2	\$ 710.40	ea.	\$ 1,420.80
141684C	92" Picnic Table, TenderTuff, Movable	23	\$ 739.20	ea.	\$17,001.60
141684E	92" Picnic Table, TenderTuff, 72" Seat, Movable	2	\$ 715.20	ea.	\$ 1,430.40
KenCoat	Custom Series 43 Tree Bench Without Back, octagonal for 96" diameter tree, Inground, Perforated steel, vinyl- Coated with painted frame	1	\$ 1,561.00	ea.	\$ 1,561.00

Grand Total (including applicable N.J. State Contract Discount): \$63,150.20

Contract Awarded to: General Recreation, Inc.
P.O. Box 440
Newtown Square, PA. 19073

State Contract No.: 59057

Maximum Amount: \$63,150.20
Account No.: 7-01- -H68-301

3. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing
 - b) Chief Financial Officer
 - c) Attorney
 - d) Youth Center
 - e) Dept. of Health & Human Services
 - f) General Recreation, Inc.
P.O. Box 440
Newtown Square, PA. 19073

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract for vendor with State contract with General Recreation, Inc., in the total maximum amount of \$63,150.20, are available in Account No. 7-01- -H68-301.

More specifically, the actual encumbrance of the funds will be based upon the approval of a fully executed purchase order by the Chief Financial Officer. Said purchase order will encumber the funds for the affected account at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: May 8, 2007

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR
ATS FORMS PURSUANT TO BIDS RECEIVED
BY THE OCEAN COUNTY COOPERATIVE PRICING SYSTEM**

MAY 8, 2007

WHEREAS, the Township of Toms River is a member of the Ocean County Cooperative Pricing System; and

WHEREAS, pursuant to bids received, a contract was awarded by Stafford Township as the lead agency of the Ocean County Cooperative Pricing System, (#33-OCCP), of which Toms River Township is an active participant, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, the aforementioned contract I.D. #33-OCCP-1/07, was awarded to Miami Systems Corporation for ATS Forms;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It does hereby award a contract for ATS Forms for the Township of Toms River as a participating contracting unit of the Ocean County Cooperative Pricing System to Miami Systems Corporation, for a maximum amount of \$17,500.00. Term of Contract: Date of Award through March 5, 2009. The contract awarded hereby shall be open-ended with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. This contract is subject to all terms and conditions of the bid specifications. Delivery to be made within ten (10) working days after receipt of order. Delivery to be inside delivery. All deliveries FOB destination.

2. Awarded Items:

- #1) Traffic Receipts: \$59.20/carton (5,000/carton)
- #2) Traffic/Criminal Warrants: . . . \$64.60/carton (2,500/carton)
- #3) Legal Notice Mailers: \$66.82/carton (Packed 1400
mailers/carton)
- #4) Traffic Summons:
UNIFORM TRAFFIC SUMMONS PRICE TIERS
Quantity Price Per Thousand

1000-4999	\$204.00
5000-9999	\$112.00
10000-24999	\$106.00
25000-49999	\$ 96.00
50,000 and up	\$ 62.00

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

- a) Purchasing
- b) Chief Financial Officer
- c) Attorney
- d) Municipal Court
- e) Miami Systems Corporation
1135 Clifton Avenue
Clifton, N.J. 07013
- f) Township of Stafford
260 East Bay Avenue
Manahawkin, N.J. 08058

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Miami Systems Corporation, in the amount of \$17,500.00 over two years, is an open-ended contract with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget year.

More specifically, the actual encumbrance of the funds will be based upon the approval of a fully executed purchase order by the Chief Financial Officer. Said purchase order will encumber the funds for the affected account at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: May 8, 2007

**RESOLUTION AUTHORIZING THE TOWNSHIP OF TOMS RIVER
TO ADVERTISE FOR AND RECEIVE BIDS
MAY 8, 2007**

WHEREAS, the Township of Toms River is desirous of receiving bid(s) for the following project:

SUPPLY OF WORK SHOES AND WORK BOOTS

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. The appropriate Township Official(s) of the Township of Toms River is hereby authorized to advertise for the receipt of bids for the above-mentioned project.
2. The appropriate Township Official(s) is hereby authorized to prepare bid specifications for the above-mentioned project.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing
 - b) Chief Financial Officer
 - c) Attorney
 - d) Public Works
 - e) Golf Course Maintenance Shop
 - f) Dept. of Parks, Buildings & Grounds
 - g) Winding River Ice Skating Rink

**RESOLUTION AUTHORIZING THE DIVISION OF PURCHASING
TO SOLICIT FOR AND RECEIVE WRITTEN QUOTATIONS
MAY 8, 2007**

WHEREAS, it has been brought to the attention of the Township Council of the Township of Toms River that the Division of Purchasing is desirous of soliciting for and receiving written quotations for the following item(s):

PURCHASE OF TWO (2) WIRELESS MESH ROUTERS FOR THE
DEPARTMENT OF POLICE

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. The Division of Purchasing is hereby authorized to solicit for and receive written quotations for the above-mentioned project.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing
 - b) Chief Financial Officer
 - c) Attorney
 - d) Police Dept.

**RESOLUTION CANCELING A PREVIOUSLY AWARDED CONTRACT BETWEEN
IRON AGE CORPORATION AND THE
TOWNSHIP OF TOMS RIVER WITH RESPECT TO THE
SUPPLY OF WORK SHOES AND WORK BOOTS**

MAY 8, 2007

WHEREAS, by resolution dated April 25, 2006, the Township Council awarded a contract for the Supply of Work Shoes and Work Boots to Iron Age Corporation, in the amount of \$32,281.00 over two (2) years through April 24, 2008; and

WHEREAS, the Township has received correspondence stating that Iron Age Corporation is going out of business and is in the process of liquidating their entire inventory, and as the Township requires delivery of these items in a timely manner, and as the company is no longer able to deliver the items the Township requires, pursuant to the terms and conditions of the contract, it has become necessary to cancel this contract; and

WHEREAS, it is in the best interests of the Township of Toms River to cancel the contract with Iron Age Corporation;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby cancels the contract between the Township of Toms River and Iron Age Corporation which was awarded on April 25, 2006.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Attorney
 - b) Chief Financial Officer
 - c) Purchasing
 - d) Public Works
 - e) Golf Course Maintenance
 - f) Dept. of Parks, Buildings & Grounds
 - g) Winding River Ice Skating Rink
 - h) Iron Age Corporation
Robinson Plaza Three
Suite 330
Pittsburgh, PA. 15205

**RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO VENDOR WITH STATE CONTRACT
MAY 8, 2007**

BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. In accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State contract are hereby approved.
2. Contract for the Purchase of an Automated Filing System for Municipal Court, as follows:

DESCRIPTION OF ITEMS TO BE PURCHASED:

EXTENDED ITEM NO.	DESCRIPTION	QUANTITY	UNIT PRICE	PER PRICE
PB-FSTD-130	Fixed Posting Board/ Mailroom Sorting	2	\$2,046.00	ea. \$ 4,092.00
CR-LGFP-130	Forms & Publications Legal Carriers with 143 Violation Mail Modules	30	\$1,724.00	ea. \$51,720.00
DR-MVSTD-130	Mail Standing Door	2	\$ 583.00	ea. \$ 1,166.00
LK-13011-1	Lektriever 130: 130"W x 107-1/2"H x 59-3/4"D1		\$16,445.00	ea. \$16,445.00
LK-13011.1	Lektriever 130:130"W x 96-1/2"H x 59-3/4"D	1	\$16,084.00	ea. \$16,084.00
FTR-LG	Extra form trays for legal folded violations, 213 tray divisions	71	\$ 114.73	ea. \$ 8,145.83
TOTAL LIST COST:			\$97,652.83	
LESS 42.3% N.J. STATE CONTRACT DISCOUNT:			(-) \$41,307.15	
GRAND (NET) TOTAL:			\$56,345.68	

Contract Awarded to: Garden State Office Systems & Equipment, Inc.
560 Stelton Road
Piscataway, N.J. 08854-3890

State Contract No.: A63767

Maximum Amount: \$56,345.68
Account No.: X-04- -185-005, contingent
Upon funding of this account

3. This purchase includes all items listed, delivery and installation.
4. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.
5. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing
 - b) Chief Financial Officer
 - c) Attorney
 - d) Municipal Court
 - e) Garden State Office Systems & Equipment, Inc.
560 Stelton Road
Piscataway, N.J. 08854-3890

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract for vendor with State contract with Garden State Office Systems & Equipment, Inc., in the total maximum amount of \$56,345.68, are available in Account No. X-04- -185-005, contingent upon funding of this account.

More specifically, the actual encumbrance of the funds will be based upon the approval of a fully executed purchase order by the Chief Financial Officer. Said purchase order will encumber the funds for the affected account at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: May 8, 2007

**RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO VENDOR WITH STATE CONTRACT
MAY 8, 2007**

BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. In accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State contract are hereby approved.
2. Contract for the Purchase of Radio Equipment for the Township-wide radio system as administered by the Department of Police.

A list of the items to be purchased is attached herewith, and made a part of this resolution.

The items requested by this purchase are for the Township-wide radio system including portables and mobiles for various departments, radio receivers and voters for the OEM channel, Township/schools inter-operational channel and Township channels. The "consolettes" being purchased are for the Department of Police to link to the Police Departments in the Township of Jackson, Township of Manchester, County of Ocean, Township of Berkeley and the New Jersey State Police Emergency Network.

Contract Awarded to: Motorola, Inc.
P.O. Box 6810
Freehold, N.J. 07728-6810

State Contract No.: 53804

Grand Total (including applicable N.J. State Contract Discount): \$206,891.84

Account Nos.: X-04- -178-076 - 189,580.70

X-04- -181-006 - \$17,311.14

3. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing
 - b) Chief Financial Officer
 - c) Attorney
 - d) Police Department
 - e) Motorola, Inc.
P.O. Box 6810
Freehold, N.J. 07728-6810

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract for vendor with State contract with Motorola, Inc., in the total maximum amount of \$206,891.84, are available in Account No. X-04- -181-006 - \$17,311.14 and Account No. X-04- -178-076 - \$189,580.70.

More specifically, the actual encumbrance of the funds will be based upon the approval of a fully executed purchase order by the Chief Financial Officer. Said purchase order will encumber the funds for the affected account at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: May 8, 2007

RESOLUTION May 8, 2007

WHEREAS, the Township Council adopted a resolution on April 10, 2007 regarding the following applications for renewal of (masseuse/masseur) licenses; and

WHEREAS, said resolution contained an error and is corrected as follows:

WHEREAS, the following applications for renewal of (masseuse/masseur) licenses have been made under the provisions of Ordinance Nos. 1606 and 1682:

(MASSEUSE) LICENSE

#07-01

Qin Huang

(MASSEUSE) LICENSE

#07-02

Yuling Wu

(MASSAGE BUSINESS) #07-03	Welcome Health Center 931 Fischer Blvd Toms River, NJ 08753
(MASSEUSE) LICENSE #07-04	Li Chun Wang
(MASSUESE) LICENSE #07-05	Jill Fischbach
(MASSAGE BUSINESS) #07-06	Ocean County Massage & Wellness 202 Route 37 West Suite 6,7 Toms River, NJ 08753
(MASSUESE) LICENSE #07-07	Joeng Suk Nash
(MASSAGE BUSINESS) #07-08	Toms River Acupressure Therapy 1545 Route 9 Toms River, NJ 08753
(MASSUESE) LICENSE #07-09	Keri Leigh Higdon
(MASSUESE) LICENSE #07-10	Xing Quan Gu
(MASSAGE BUSINESS) #07-11	New Star 884-A Fischer Blvd Toms River, NJ 08753
(MASSUESE) LICENSE #07-13	Dina Coster

WHEREAS, said individual has complied with all the requirements of Ordinance Nos. 1606 and 1682, Chapter 357, of the "Code of the Township of Toms River, New Jersey," with respect to licensing; and

WHEREAS, the appropriate licensing fee has been paid to the Township of Toms River;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. The Township Clerk be and she is hereby authorized to issue a renewal of the license listed in the preamble hereof.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a. Attorney
 - b. Chief of Police
 - c. Code Enforcement Officer
 - d. Applicants listed above

**RESOLUTION
May 8, 2007**

WHEREAS, the following application has been filed for **TAXI DRIVER / TAXI CAB / TAXI CAB COMPANY** in accordance with Chapter 457 Section 457-6.

<u>Name</u>	<u>Type of License</u>	<u>Taxi Company</u>
600-07 Chris Feistel 1995 Lincoln 616375	New Taxi Co.	A.B.C. Cab Co.

WHEREAS, the Township Clerk has reported to this Council that said applications and requirements are in order;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF DOVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the Clerk of this Township is hereby authorized and directed to issue the TAXI LICENSE to the applicants listed above, in accordance with Chapter 457 (Taxicab and Taxicab Drivers) the "Code of the Township of Dover".
2. The Township Clerk shall send a certified copy of this resolution to the:
 - a. Police Department
 - b. Licensee (s)
 - c. Clerk's File

**RESOLUTION
May 8, 2007**

WHEREAS, the following application has been filed for **TAXI DRIVER / TAXI CAB / TAXI CAB COMPANY** in accordance with Chapter 457 Section 457-6.

<u>Name</u>	<u>Type of License</u>	<u>Taxi Company</u>
07-46 Tracy DeVine	Taxi Driver	AA 1 Taxi
07-47 Seth Perkins	Taxi Driver	Walter's Taxi

WHEREAS, the Township Clerk has reported to this Council that said applications and requirements are in order;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF DOVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the Clerk of this Township is hereby authorized and directed to issue the TAXI LICENSE to the applicants listed above, in accordance with Chapter 457 (Taxicab and Taxicab Drivers) the "Code of the Township of Dover".

2. The Township Clerk shall send a certified copy of this resolution to the:

- a. Police Department
- b. Licensee (s)
- c. Clerk's File

**RESOLUTION AUTHORIZING A PERSON-TO-PERSON TRANSFER
DUE TO CORPORATE CHANGE OF STRUCTURE, OF PLENARY
RETAIL CONSUMPTION LICENSE #1507-33-026-007
(T/A JACK BAKER'S LOBSTER SHANTY)**

MAY 8, 2007

WHEREAS, an application has been filed for a person-to-person transfer for the purpose of addressing a Corporate Structure Merger and Corporate Name Change, of a Plenary Retail Consumption License #1507-33-026-007 heretofore issued to Highstown REB, Inc. trading as Jack Baker's Lobster Shanty, 4 Robbins Street, Toms River, NJ 08753; 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 ordinance and conditions consistent with Title 33; and

WHEREAS, the applicant has completed a Corporate Structure Change due to merger, and has changed the Corporate Name from **HIGHTSTOWN REB, INC.** to **CHEFS INTERNATIONAL, INC.**;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby does approve, effective this date, the Person-to Person Transfer of the aforementioned Plenary Retail Consumption License to **CHEFS INTERNATIONAL, INC.**, trading as Jack Baker's Lobster Shanty, 4 Robbins Parkway, Toms River, NJ, and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to **CHEFS INTERNATIONAL, INC.**"
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Police Department
 - b) Comptroller
 - c) Attorney
 - d) State of New Jersey
Division of Alcoholic Beverage Control
140 E. Front Street
P.O. Box 087

5th Floor
Trenton, N.J. 08625-0087
e) Chefs International, Inc.
T/A Jack Baker's Lobster Shanty
4 Robbins Parkway
Toms River, NJ 08753

RESOLUTION AUTHORIZING THE RETURN OF BALANCE OF FUNDS TO DAKOTA LAND DEVELOPERS AND R.S. GASIOROWSKI REGARDING SETTLEMENT OF THE MATTER OF TOWNSHIP OF DOVER V. PENNSYLVANIA GENERAL INS. CO., ET AL., DOCKET NO. OCN-L-1502-05, ON BEHALF OF THE TOWNSHIP OF TOMS RIVER (FORMERLY TOWNSHIP OF DOVER)

MAY 8, 2007

WHEREAS, resolution of the Township Council dated December 27, 2006 authorized the law firm of Starkey, Kelly, Bauer, Kenneally & Cunningham, on behalf of the Township of Toms River (formerly Township of Dover) to settle the matter known as Township of Dover v. Pennsylvania General Ins. Co., et al., Docket No. OCN-L-1502-05, which was filed in the Ocean County Superior Court of New Jersey, in connection with Performance Bond No. SB 0012 628 issued on or about November 8, 1995 by Defendant Pennsylvania General, for the development known as Three Gees/Theodore Giles, also known as Tax Block 585, various lots, in Toms River Township (formerly Dover Township); and

WHEREAS, Defendant, Pennsylvania General, issued the above-referenced Performance Bond to the Township on behalf of Dakota Land Developers, Inc., for the above development; and

WHEREAS, Defendants Dakota Land Developers, Inc. and R.S. Gasiorowski had breached the contract by failing to complete the bonded improvements on the development known as Three Gees/Theodore Giles; and

WHEREAS, resolution of the Township Council dated December 27, 2006 also authorized an agreement between the parties to the effect that the Township or a contractor(s) acting on its behalf, would complete the bonded improvements remaining to be completed on the property which is the subject of the above-referenced litigation, and the Township would utilize the \$14,352.00 (the amount of the cost estimate of the monies currently being held by the Township in the form of a cash bond, for remaining deficiencies which was posted by Dakota Land Developers, Inc., on or about November 8, 1995, in the original amount of \$12,000.00, and it released the bonding company and the builder of any further obligations in connection with this matter and authorized the dismissal of the lawsuit.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby authorizes the return of the funds to Dakota Land Developers and R.S. Gasiorowski the amount between the balance in the cash bond in the approximate amount of \$15,600.00 less the amount of the existing cash bond to be transferred to the Township in the amount of \$14,352.00, which represents the original \$12,000.00 bond plus a portion of the accrued interest totaling approximately \$14,352.00.

2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Attorney
 - b) Chief Financial Officer
 - c) Engineering
 - d) Starkey, Kelly, Bauer, Kenneally & Cunningham
1593 Route 88 West
Brick, N.J. 08724
Attn: Dina R. Khajezadeh, Esq.
 - e) R.S. Gasiorowski, Esq.
Gasiorowski & Holobinko
54 Broad Street
Red Bank, N.J. 07701
 - f) Craig H. Parker, Esq.
McElroy, Deutsch, Mulvaney & Carpenter, LLP
83 Hanover Road
Florham Park, N.J. 07932

RESOLUTION

MAY 8, 2007

WHEREAS, Community Investment Strategies, Inc. (hereinafter referred to as the "Sponsor") proposes to construct a 120 unit family housing project (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq. and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") within the Township of Toms River (hereinafter referred to as the "Municipality"), on a site described as Lot 2, Block 120 as shown on the Official Assessment Map of the Township of Toms River, Ocean County and commonly known as Toms River Crescent located near the intersection of Route 70 and Whitesville Road in Toms River, New Jersey; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, the Project will be subject to requirements of the New Jersey Department of Community Affairs (hereinafter referred to as the "Department of Community Affairs") Neighborhood Preservation Balanced Housing Program in accordance with N.J.S.A. 52:27D-320 and applicable rules promulgated thereunder at N.J.A.C. 5:43-1.1 et seq., and the mortgage and other loan documents executed between the Sponsor and the Commissioner of the Department of Community Affairs; and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Toms River (the Council") that:

1. The Council finds and determines that the proposed Project known as Toms River Crescent, identified in the Township's Fair Share Housing Plan and included in the petition to COAH for Substantive Certification, proposed by the Sponsor meets or will meet an existing housing need;
2. The Council finds and determines that the project, known as Toms River Crescent, identified in the Township's Fair Share Housing Plan and included in the petition to COAH for Substantive Certification, proposed by the Sponsor meets or will meet all or part of the municipality's low and moderate income housing obligation;
3. The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor's application for Agency funding to finance the Project.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Attorney
 - b) Chief Financial Officer
 - c) Planning Board
 - d) Engineering
 - e) Jay Lynch, Planner
 - f) State of New Jersey
Council on Affordable Housing
101 South Broad Street
P.O. Box 813
Trenton, N.J. 08625-0813
 - g) State of New Jersey
Department of Community Affairs
Division of Housing & Community Resources – AHMS
P.O. Box 806 – 6th Floor
Trenton, N.J. 08625-0806
 - h) Toms River Crescent
c/o Community Investment Strategies, Inc.
201 Crosswicks Street
Attn : Barbara K. Schoor, Vice President
Bordentown, N.J. 08505
 - i) Stephen Leone, Esq.
Carluccio, Leone, Dimon, Doyle & Sacks, LLC
9 Robbins Street
Toms River, N.J. 08753

REPORTS

A motion was made by Council Member Kubieli seconded by Council Member Hill, and carried with McGuckin, Inteso, Hill, Fiure, Sevastakis, and Kubieli voting yes, and Council Member Maruca absent, to approve the following reports:

1. Recreation-Beach Badge Report-Week #2-\$5,790.00
2. Construction and Inspection Services-March 2007-\$134,226.75
3. Clerks Office-March 2007-\$11,006.50
4. Clerks Office-February 2007-\$3,327.75
5. Recreation-Beach Badge Report-Week #3-\$7,380.00
6. Bey Lea Golf Course-April 2007-\$83,120.36
7. Recreation-Beach Badge Report-Week #4-\$10,380.00
8. Youth Center-April 2007-\$3699.00

APPROVAL OF BILLS

Council President McGuckin asked for a report on the bills. The Clerk indicated the Comptroller reviewed the bills and recommended they be approved as submitted.

On motion by Council Member Fiure, seconded by Council Member Inteso, and carried with Council Members Kubiel, McGuckin, Inteso, and Fiure voting yes, Council Members Hill and Sevastakis abstaining, and Council Member Maruca absent the following purchase orders were approved:

Purchase Order 07-005048 payable to St. Barbara's Church, in the amount of \$280.00

Purchase Order 07-05051 payable to St. Barbara's Church, in the amount of \$40.00

On motion by Council Member Fiure, seconded by Council Member Inteso, and carried with Council Members McGuckin, Sevastakis, Inteso, and Fiure voting yes, Council Members Hill and Kubiel abstaining, and Council Member Maruca absent the following purchase orders were approved:

Purchase Order 07-04475 payable to Community Medical Center, in the amount of \$66.00

Purchase Order 06-04428 payable to Community Medical Center, in the amount of \$574.00

Purchase Order 07-04695 payable to Community Medical Center, in the amount of \$283.50

Purchase Order 07-04810 payable to Township of Dover(CMC), in the amount of \$21.63

Purchase Order 07-04247 payable to Toms River Board of Education, in the amount of \$1532.16

Purchase Order 07-04500 payable to Toms River Board of Education, in the amount of \$407.42

Purchase Order 07-04679 payable to Toms River Board of Education, in the amount of \$11,291.95

Purchase Order 07-04722 payable to St. Luke's Church, in the amount of \$450.00

Purchase Order 07-05048 payable to St. Luke's Church, in the amount of \$270.00

Purchase Order 07-04778 payable to St. Luke's Church, in the amount of \$50.00

On motion by Council Member Fiure, seconded by Council Member Hill, and carried with Council Members Hill, Sevastakis McGuckin, Inteso, and Fiure voting yes, Council Member Kubiell abstaining, and Council Member Maruca absent the following purchase order was approved:

Purchase Order 07-04420 payable to Dr. Cimer, in the amount of \$693.62

On motion by Council Member Fiure, seconded by Council Member Inteso, and carried with Council Members Hill, Sevastakis, Kubiell, Inteso, and Fiure voting yes, Council President McGuckin abstaining, and Council Member Maruca absent the following purchase orders were approved:

Purchase Order 07-00283 payable to Garden State Fire and Security, in the amount of \$204.00

Purchase Order 07-04006 payable to Little Egg Harbor Township, in the amount of \$100.00

On motion by Council Member Hill, seconded by Council Member Inteso, and carried with Council Members Hill, Sevastakis, Kubiell, McGuckin, Inteso, and voting yes, Council Member Fiure abstaining, and Council Member Maruca absent the following purchase orders were approved:

Purchase Order 07-04556 payable to Ocean County Board of Health, in the amount of \$630.00

On motion by Council Member Hill, seconded by Council Member Fiure, and carried with Council Members McGuckin, Inteso, Sevastakis, Kubiell, Hill and Fiure voting yes, and Council Member Maruca absent the remaining items of the bill list dated **May 8, 2007** were approved.

M AYOR AND COUNCIL COMMENT

Mayor Brush spoke regarding Huddy Park and indicated the work will be completed in approximately seven to ten days, in time for Founder's Day.

Council Member Fiure spoke regarding the netting at the golf course; outdoor water usage and potential restrictions.

Council Member Hill had no comment.

Council Member Inteso spoke regarding unsolicited newspaper deliveries.

Council Member Kubiell spoke regarding the CDBG in Holiday City. Administrator Chankalian gave an update with regard to the same.

Council Member Sevastakis spoke regarding the chili cook-off; upcoming Greek Festival and the Recreation Committee work.

Council President McGuckin spoke regarding Founder's Day and Memorial Day parade; public safety in the Township and noted the Virginia Tech. tragedy since last meeting and what precautions we can take to avoid such a tragedy.

PUBLIC COMMENTS

Carol Benson, Toms River, spoke regarding safety in the schools; school elections; Recreation Committee meeting minutes; fingerprinting of Recreation workers; Toms River Board of Education meetings; speed bumps; the Executive Session resolution; the Wellness Center; unsolicited newspapers and the Certificate of Occupancy for " the Bubble". Discussion ensued.

Kathy Lazarro, Toms River, spoke regarding the Fort Dix terrorist arrests; Memorial Day parade; Wellness Center; Virginia Tech; public safety; and questioned the Council regarding investments in the Wellness Center.

Adam Mateo, Beach Taxi, spoke regarding the status of the taxi ordinance. Discussion ensued.

Dennis Gallante, Toms River spoke regarding the Wellness Center being situated on Board of Education property; public safety; sign ordinance and an O.P.R.A request.

Angelo DiGiovanni, Silverton, spoke regarding Windsor Avenue land matter and the relationship between the Township and the Board of Education. Discussion ensued.

Walter Seymour, Holiday City, spoke regarding the Off Track Betting opening; televising meetings; the CDBG Grant and traffic safety on Hovson's Boulevard.

Alyssa Holingworth, Toms River, extended her thanks to J. Mark Mutter, Clerk for lending St. Joseph's Grade School the Clerk's Office Ocean County Flag for their Tribute to America Concert.

Council President McGuckin asked if there were any other speakers at this time.

There was no response.

On motion by Council Member Fiure, seconded by Council Member Kubiell, and carried with all present Council in favor, Council moved to enter into a private Executive Session at this time.

**May 8, 2007
RESOLUTION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 Public Law 1975 permits the exclusion of the public from a meeting in certain circumstances to discuss matters requiring confidentiality and/or of a privileged nature; and

WHEREAS, the Township Council is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF DOVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. The Township Council will now conduct a private Executive Session.
2. The general nature of the subject matter to be discussed and/or acted upon is as follows:
 - Litigation
 - Personnel
 - Attorney Client Privilege
 - Contract Negotiations
3. It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

The aforementioned resolution was approved on the following roll call vote:

Council Member Fiure	Present
Council Member Hill	Present
Council Member Inteso	Present
Council Member Kubiel	Present
Council Member Maruca	Absent
Council Member Sevastakis	Present
Council President McGuckin	Present

The Council entered into a private Executive Session at 8:58 p.m.

The Council reconvened in public session on motion by Council Member Kubiel, seconded by Council Member Fiure at 10:43 p.m., with the following roll call vote:

Council Member Fiure	Present
Council Member Hill	Present
Council Member Inteso	Absent
Council Member Kubiel	Present
Council Member Maruca	Absent
Council Member Sevastakis	Present
Council President McGuckin	Present

The following action was taken:

On motion by Council Member Kubiel, seconded by Council Member Sevastakis, and carried with Council Members Kubiel, Fiure, Hill, Sevastakis and McGuckin voting yes, and Council Members Maruca and Inteso absent the following Executive Session minutes were approved:

- September 12, 2006 Execute Session
- September 26, 2006 Execute Session
- October 26, 2006 Execute Session

With No other business appearing, the meeting was adjourned at 10:46 p.m. on motion by Council Member Fiure, seconded by Council Member Kubiell and carried with all present Council in favor.

GREGORY MCGUCKIN, COUNCIL PRESIDENT

J. MARK MUTTER, CLERK, RMC