

March 11, 2008

A 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: 01 PM.

The meeting was called to order by Council President McGuckin and opened with the 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 Asbury Park Press on Friday, January 10, 2008 and the Ocean County Gazette on Friday, January 11, 2008, and thereafter posting same on the Town Hall Bulletin Board for such notices and filing same with the Township Clerk, pursuant to a Resolution adopted by the Township Council on January 1, 2008. The Notice was also posted on the Township Web Page.

Roll Call:

- Council Member Cassano - Present
- Council Member Donohue - Present
- Council Member Hill - Present
- Council Member Kubiell - Present
- Council Member Maruca - Present
- Council Member Sevastakis - Present
- Council President McGuckin - Present

Presentation

A motion was made by Council Member Maruca, seconded by Council Member Kubiell, and carried with Council Members Cassano, Donohue, Hill, Kubiell, Maruca, Sevastakis and Council President McGuckin, voting yes, to approve the following honoring Resolution.

**Township of Toms River
Resolution**

March 11, 2008

WHEREAS, the Ocean County Health Department's WIC Program-a program that promotes good health through counseling and group education classes to all eligible women, infants and children in the County of Ocean I promoting the month of March a "National Nutrition Month;" and

WHEREAS, this campaign, sponsored by the American Dietetic Association, provides important for Ocean County residents to

determine the type, quality and quantity of foods needed to sustain life in the most nutritious manner; and

WHEREAS, The Ocean County WIC Program will provide an in-service on "Healthy Eating and Exercise Habits" on March 26, 2008 at the Tom's River Library; and

WHEREAS, on both March 26th and 27th program nutritionists, registered dieticians and support staff will be available to the general public at the Ocean County Mall to answer questions and provide information on sound eating and healthy physical activity habits.

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 thank, honor and salute the Ocean County Women, Infants and Children Program for providing quality nutrition education to the residents of Ocean County.

Gregory P. McGuckin
Council President

Peter V. Cassano
Brian S. Kubiel

Melanie S.. Donohue
Maria L. Maruca

Maurice B. Hill Jr.
John C. Sevastakis

A motion was made by Council Member Kubiel, seconded by Council Member Hill, and carried, that an Ordinance entitled:

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 76
(ADVISORY COMMITTEES)
OF THE "CODE OF THE TOWNSHIP OF TOMS RIVER, NEW JERSEY"**

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 Hill, and carried with Council Members Cassano, Hill, Donohue, Kubiel, Maruca, Sevastakis, and Council President McGuckin voting yes, the public hearing was closed.

Council Member Kubiel offered the following resolution and moved its adoption, Council Member Hill seconded the motion:

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 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 Asbury Park Press on Friday, March 14, 2008.

The foregoing Resolution was adopted on roll call by the following vote:

Council Member Cassano	Yes
Council Member Maruca	Yes
Council Member Sevastakis	Yes
Council Member Kubiell	Yes
Council Member Hill	Yes
Council Member Donohue	Yes
Council President McGuckin	Yes

A motion was made by Council Member Kubiell, seconded by Council Member Hill, and carried, that an Ordinance entitled:

ORDINANCE OF THE TOWNSHIP OF TOMS RIVER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 23 OF THE TOWNSHIP CODE SO AS TO CREATE A NEW SECTION 23-13 ENTITLED "EMPLOYMENT OF RELATIVES OF ELECTED OFFICIALS"

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.

Carol Benson questioned this Ordinance.

Kathleen Keller supported this Ordinance.

On motion by Council Member Kubiell, seconded by Council Member Hill, and carried with Council Members Cassano, Hill, Donohue, Kubiell, Maruca, Sevastakis, and Council President McGuckin voting yes, the public hearing was closed.

Council Member Donohue offered the following resolution and moved its adoption, Council Member Kubiell seconded the motion:

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 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 Asbury Park Press on Friday, March 14, 2008.

The foregoing Resolution was adopted on roll call by the following vote:

Council Member Cassano	Yes
Council Member Maruca	Yes
Council Member Sevastakis	Yes
Council Member Kubiell	Yes
Council Member Hill	Yes
Council Member Donohue	Yes
Council President McGuckin	Yes

CONSENT AGENDA

Council President McGuckin announced the consideration of the Consent Agenda and noted if anyone had a desire to discuss an individual item it would be removed from the Consent Agenda.

A motion was made by Council Member Hill, seconded by Council Member Kubiell, and carried with Council Members Kubiell, Hill, Cassano, Donohue, Maruca, Sevastakis, and Council President McGuckin voting yes, to approve all the following items listed on the Consent Agenda, except items **A, C, D, F, M, N**, which were done separately.

R E S O L U T I O N

MARCH 11, 2008

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
LAND AMERICA/CENTRAL	364.05	11		2007/3	1049.75
REFUNDS				2007/4	1049.75
SHUBSDA, ADAM & ABBY	572	6.14	-	2007/3	699.14

Total Change Orders to Date	\$3,124.90	X
Total Change in Contract	\$3,124.90	X
ORIGINAL CONTRACT BID PRICE		\$102,600.00
NET CHANGE IN CONTRACT		\$105,724.90

be and the same is hereby ratified and confirmed. Funds for this change order in the amount of \$3,124.90 are available in Account No. X-99- -907-368. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

3. 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) Engineering
- c) Attorney
- d) Purchasing
- e) RJR Engineering Co., Inc.
105 Guinea Hollow Road
Califon, N.J. 07830

CERTIFICATION

THIS IS TO CERTIFY that the funds for Change Order No. 1 with RJR Engineering Co., Inc., in the amount of \$3,124.90, are available in Account No. X-99- -907-368.

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: March 11, 2008

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

MARCH 11, 2008

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 agreements between the Township of Toms River and the following:

- a) Silver Beach Association
- b) Normandy Shores Beach Club
- c) Ocean Beach & Yacht Club
- d) Rustic Dunes
- e) Vision Beach Assn. & Surf Cottages Homeowners Assn.
- f) Ocean Beach Surf Club
- g) Seacrest Beach Club
- h) Normandy Beach Improvement Association
- i) Ocean Beach Shores Club

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 programs, provided that the Silver Beach Association, Normandy Shores Beach Club, Ocean Beach & Yacht Club, Rustic Dunes, Vision Beach Assn. & Surf Cottages Homeowners Assn, Ocean Beach Surf Club, Seacrest Beach Club, Normandy Beach Improvement Association, and Ocean Beach Shores Club bear the cost of the salaries of the Township personnel associated with such beach cleanings.

2. A copy of each of the aforementioned agreements shall be kept on file in the Office of the Township Clerk upon execution.

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) Public Works
- d) Recreation
- e) **Ocean Beach & Yacht Club**
Attn: Pat Daley
P.O. Box 92
Lavallette, N.J. 08735
- f) **Rustic Dunes**
Attn: Donna Iorio
4 Hamilton Avenue
Cranford, N.J. 07016
- g) **Normandy Shores Beach Club, Inc.**
Attn: Gary Webb
P.O. Box 844
Normandy Beach, N.J. 08739
- h) **Vision Beach Assn. & Surf Cottages Homeowners Assn.**
Attn: Richard Bishop
616 Bernita Dr.
River Vale, N.J. 07675
- i) **Ocean Beach Surf Club**
Ocean Beach Unit #1
Attn: James Pendergast
P.O. Box 213
Lavallette, N.J. 08735
- J) **Seacrest Beach Club**
Attn: Patricia Thomas
37 Murray Lane
Lavallette, N.J. 08735
- k) **Silver Beach Association**
Attn: Richard Milligan
P.O. Box 3
Normandy Beach, N.J. 08739
- l) **Normandy Beach Improvement Association**
Attn: Gabrielle Parseghian
P.O. Box 698
Normandy Beach, N.J. 08739

m) **Ocean Beach Shores Club**
Attn: Ben Mitchell
P.O. Box 292
Lavallette, N.J. 08735

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

March 11, 2008

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 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, March 26, 2008 at 9:00 a.m. at Accurate Automotive, 1210 Lakewood Road, Toms River, NJ 08753, and Wednesday, March 26, 2008 at 9:30 a.m. at Grone's Wrecker Service, 2337 Rt. 9, Toms River, NJ 08755 and Wednesday, March 26, 2008 at 10:00 a.m. at Priced Rite Towing, 1251 Rt. 37 W, Toms River, NJ 08755.

ACCURATE AUTOMOTIVE
1210 Lakewood Road
Toms River, NJ 08753
March 26, 2008 at 9:00 a.m.

Vehicles For Auction:

1.1998 FORD 1FBSS31S8WHB70285

GRONES WRECKER SERVICE
2337 Rt. 9
Toms River, NJ 08755
March 26, 2008 at 9:30 a.m.

Vehicles For Auction:

1.1999 FORD 1FTNS2424XHBO1965
2.1991 ACURA JH4KA7650MC053608

Priced Rite Towing
1251 Rt. 37W
Toms River, NJ 08755
March 26, 2008 at 10:00 a.m.

Vehicles For Auction:

1.1999 FORD 1FAFP13PXXW116002
2.1999 CADILLAC W06VR52R1XR072272
3.1989 CADILLAC 1G6CD1152K4232244
4.1990 GMC 1GKEV18C3LF524597
5.1991 NISSAN JN1HJ01P3MT508580
6.1996 CAD 1G6KD52Y8TU234223
7.2003 FORD 1FAFP34P73W147051

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) Priced Rite Towing
1251 Rt. 37w
Toms River, NJ 08755
- e) Accurate Automotive
1210 Lakewood Road
Toms River, NJ 08753
- f) Grones Wrecker Service
2337 Rt. 9
Toms River, NJ 08755
- g) Law Enforcement

RESOLUTION

March 11, 2008

WHEREAS, the following applications masseuse/masseur and massage business licenses has been made under the provisions of Ordinance Nos. 1606 and 1682:

(MASSAGE) BUSINESS #03-08	SUNNY DAYS MASSAGE 1594 ROUTE 9 UNIT 8 TOMS RIVER, NJ 08755
(MASSEUSE) LICENSE #04-08	MEI LAN ALLEN 275 CORBIN COURT LAKEWOOD, NJ 08701
(MASSAGE) BUSINESS #05-08	SHINING BODY WORKS 2205 HIGHWAY 37 EAST TOMS RIVER, NJ 08753
(MASSEUSE) LICENSE #06-08	LI CHUN WANG 845 WINCHESTER COURT MANCHESTER, NJ 08759
(MASSAGE) BUSINESS #07-08	MIND AND BODY ALLIANCE 448 LAKEHURST RD. SUITE 1A TOMS RIVER, NJ 08753
(MASSEUSE) LICENSE #08-08	LORI KEITH 969 STAFFORD DRIVE TOMS RIVER, NJ 08753
(MASSEUSE) LICENSE #09-08	LI YAN WANG 845 A. WINCHESTER COURT MANCHESTER, NJ 08759
(MASSAGE) BUSINESS #10-08	ORIENTAL THERAPY OCEAN COUNTY MALL HOOPER AVENUE TOMS RIVER, NJ 08753
(MASSEUSE) LICENSE #11-08	HELEN H. ZHAO 17 WOODBURY COURT WEST WINDSOR, NJ 08550
(MASSEUSE) LICENSE #12-08	WEN CUI YANG 26 JAMES STREET APT. A-6 TOMS RIVER, NJ 08753

WHEREAS, said individuals have 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 fees have 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 he is hereby authorized to issue the licenses 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 AUTHORIZING PROFESSIONAL SERVICE CONTRACT FOR
VETERINARY SERVICES FOR THE TOMS RIVER POLICE
DEPARTMENT CANINES TO PET SERVICES OF NEW JERSEY, P.C.
D/B/A TOMS RIVER ANIMAL HOSPITAL**

MARCH 11, 2008

WHEREAS, there exists a need for the retention of professional service contract for veterinarian medical care services for the Toms River Police Department canines in the Township of Toms River; and

WHEREAS, in order to fulfill the health requirements of the public and animals of the Township of Toms River, there exists a need for veterinary hospital services contract for the Toms River Police Department canines; and

WHEREAS, Pet Services of New Jersey, P.C. d/b/a Toms River Animal Hospital has consistently serviced the Township of Toms River with its veterinary concerns, and as the 2008 rate schedule submitted by the Pet Services of New Jersey, P.C. d/b/a Toms River Animal Hospital is acceptable to the Township, it is the recommendation of Police Chief Michael G. Mastronardy that a professional service contract be awarded to Pet Services of New Jersey, P.C. d/b/a Toms River Animal Hospital for calendar year 2008; and

WHEREAS, the maximum amount of the contract to be awarded under this resolution shall not exceed \$6,000.00; 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 Pet Services of New Jersey, P.C. d/b/a Toms River Animal Hospital, for the aforesaid purpose as outlined hereinabove, in the total maximum amount not to exceed \$6,000.00, and funds are available in Account No. 8-01- -P45-534 - \$3,000.00 and Account No. 9-01- -P45-534 - \$3,000.00 contingent upon adoption of the FY09 municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The Business Entity Disclosure certifications shall be placed on filed in the Office of the Township Clerk with this resolution. The contract term shall be from January 1, 2008 through December 31, 2008.

2. The award of this contract is being made in conformance with N.J.S.A. 19:44A-20.4 et seq. and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 et seq.

3. Since the total amount of this contract shall not exceed \$21,000.00, fully executed purchase orders shall serve as contract documentation between the parties hereto.

4. A notice of this action shall be published in the Asbury Park Press.

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) Purchasing
- c) Chief Financial Officer
- d) Police Department
- e) Health & Human Services
- f) Pet Services of New Jersey, P.C.
d/b/a Toms River Animal Hospital
769 Route 37 West
Toms River, N.J. 08755
- g) C. Asay, Clerk's Office

CERTIFICATION

THIS IS TO CERTIFY that the funds for the professional services contract with Pet Services of New Jersey, P.C. d/b/a Toms River Animal Hospital, for the Police Canines, in the total maximum amount not to exceed \$6,000.00, are available in Account No. 8-01- -P45-534 - \$3,000.00 and Account No. 9-01- -P45-534 - \$3,000.00 contingent upon adoption of the FY09 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 accounts at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: March 11, 2008

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO VENDOR WITH STATE CONTRACT

MARCH 11, 2008

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 Four (4) New 2008 Ford Crown Victoria Police Interceptors, as follows:

DESCRIPTION OF VEHICLES TO BE PURCHASED:

(Option Pricing includes the 16% State Contract Discount)

2008 Ford Crown Victoria Police Interceptors Marked Canine Units
720A Base Package Vibrant white Clear Coat, as per N.J.

State Contract #A70462. \$19,570.00 ea. x 2 = \$39,140.00

Additional Options:

- 1. Option #478 Courtesy Lamps Disabled: \$16.80 x 2 = \$ 33.60
- 2. Option #51A Drivers Side Spot Light: \$159.60 x 2 = \$ 319.20
- 3. Option #67A Rear Door Handles
Inoperable: \$ 21.00 x 2 = \$ 42.00
- 4. Option #948 Rear window Switch
Deleted: \$ 21.00 x 2 = \$ 42.00
- 5. Option #96B Front Door Moldings
Uninstalled: \$ 25.20 x 2 = \$ 50.40
- 6. Option #61K Heated Mirrors: \$ 29.40 x 2 = \$ 58.80
- 7. Option #14T Trunk Pack: \$159.60 x 2 = 319.20
- 8. Option #61H Decklid Release on Door: \$ 50.40 x 2 = \$ 100.80

Both vehicles shall have an interior of Charcoal Black (N)
Both vehicles shall have an exterior of Vibrant white (WT)

TOTAL COST PER VEHICLE: \$20,053.00

GRAND TOTAL FOR CROWN VICTORIA POLICE INTERCEPTORS
MARKED CANINE UNITS 720A: \$40,106.00

DESCRIPTION OF VEHICLES TO BE PURCHASED:

(Option Pricing includes the 16% State Contract Discount)

2008 Ford Crown Victoria Unmarked Police Interceptors 750A
as per State Contract A70462 . . \$19,700.20 ea. x 2 = \$39,400.40

Additional Options:

- 1. Option #478 Courtesy Lamps Disabled \$16.80 x 2 = \$ 33.60
- 2. Option #41A Comfort Group \$638.40 x 2 = \$1,276.80
- 3. Option #61H Decklid Release on Door \$ 50.40 x 2 = \$ 100.80
- 4. Option #128 Carpet Floor \$105.00 x 2 \$ 210.00
- 5. Option #59C Adjustable Pedals \$100.80 x 2 = \$ 201.60
- 6. Option #61K Heated Mirrors \$ 29.40 x 2 = \$ 58.80
- 7. Option #14T Trunk Pack \$158.60 x 2 = \$ 319.20
- 8. Option #14R Remote Keyless Entry Key \$189.00 x 2 = \$ 378.00

Both vehicles shall have an interior color of Charcoal Black (N)
Both vehicles shall have an exterior color of Black (UA)

Total Cost Per Vehicle: \$20,989.60

Grand Total for Crown Victoria Unmarked Police

Interceptors 750A: \$41,979.20

Grand Total for Four (4) 2008 Ford Crown

Victoria Police Interceptors: \$82,085.20

Contract Awarded to: Chas. S. Winner, Inc.
d/b/a Winner Ford
250 Haddonfield Berlin Road
Cherry Hill, N.J. 08034-3409

State Contract No.: A70462

Maximum Amount: \$82,085.20

Account No.: 8-01- - S75-242

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) Chas. S. Winner, Inc.
d/b/a Winner Ford
250 Haddonfield Berlin Road
Cherry Hill, N.J. 08034-3409

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract for vendor with State contract with Chas. S. Winner, Inc. d/b/a Winner Ford, in the total maximum amount of \$82,085.20, are available in Account No. 8-01- -s75-242.

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: March 11, 2008

**RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR
THE PROCUREMENT OF EIGHT (8) NEW AND UNUSED APPLIED CONCEPTS,
INC. S. DUAL SL KS-BAND MOVING RADAR UNITS FOR THE DEPARTMENT OF
POLICE**

MARCH 11, 2008

WHEREAS, bids were received on February 20, 2008 for the Procurement of up to Eight (8) New and Unused Applied Concepts, Inc. S. Dual SL KS-Band Moving Radar Units for the Department of Police; and

WHEREAS, only one (1) bid was received, as follows:

Applied Concepts, Inc.
2609 Technology Drive
Plano, TX. 75074-7546 \$17,560.00

Unit Price \$2,195.00 each
Delivery - 30 Days ARO

WHEREAS, said bid has been reviewed by Deputy Chief Vincent J. Pedalino, Department of Police, and he has recommended that the award of contract be made to Applied Concepts, Inc., for a total maximum amount of \$17,560.00;

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. It hereby awards the contract for the Procurement of Eight (8) New and Unused Applied Concepts, Inc. S. Dual SL KS-Band Moving Radar Units for the Department of Police to Applied Concepts, Inc., for a total maximum amount of \$17,560.00, and funds are available in Account No. X-04- -181-009. 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.

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 Department
- e) Aforementioned bidder

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Applied Concepts, Inc., in the total maximum amount of \$17,560.00, are available in Account No. X-04- -181-009.

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: March 11, 2008

**RESOLUTION AUTHORIZING REBID FOR EMERGENCY GENERATOR
MAINTENANCE AND TAX MAP REPRODUCTIONS**

MARCH 11, 1008

WHEREAS, bids were received on February 20, 2008 for
Emergency Generator Maintenance and Tax Map Reproductions; and

WHEREAS, no bids were received; and

WHEREAS, it is in the best interest of the Township of Toms
River to award a contract for Emergency Generator Maintenance and
Tax Map Reproductions;

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 Purchasing Division to advertise
for rebid of these projects.

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) Engineering
- e) Police Dept.
- f) Public Works
- g) Parks, Buildings & Grounds

**RESOLUTION AUTHORIZING THE RETENTION OF THE
PROFESSIONAL TESTING SERVICES OF J.R. HENDERSON LABS, INC.**

MARCH 11, 2008

WHEREAS, the Township of Toms River is required to do a
laboratory groundwater analysis of the water in the vicinity of
the Toms River Township Landfill for the year 2008

WHEREAS, the maximum amount of the contract to be awarded
under this resolution is \$6,960.00; and

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

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 J.R. Henderson Labs, Inc. for the
aforesaid purpose as outlined hereinabove, in the total maximum
amount of \$6,960.00, and funds are available in Account No.
8-01- -w65-534 - \$4,560.00 and Account No. 9-01- -w65-534 -
\$2,400.00 contingent upon funds being available in the FY09
budget. Term of Contract: January 1, 2008 through December 31,
2008. 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, fully executed purchase orders shall serve as the
necessary contract documentation between the parties hereto.

3. The award of this professional services contract is being made in conformance with N.J.S.A. 19:44A-20.4 et seq. and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 et. seq.

4. The Business Entity Disclosure Certification is to be placed on file in the Office of the Township Clerk with this resolution.

5. A notice of this action shall be published in the Asbury Park Press.

6. 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) Engineering
- e) Public Works
- f) J.R. Henderson Labs., Inc.
123 Seaman Avenue
Beachwood, N.J. 08722

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract for professional services with J.R. Henderson Labs., Inc., in the total maximum amount of \$6,960.00, are available in Account No. 8-01- -w65-534 - \$4,560.00 and 9-01- -w65-534 - \$2,400.00, contingent upon adoption of the FY09 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 accounts at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: March 11, 2008

RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES

MARCH 11, 2008

WHEREAS, on January 1, 2008 the Township of Toms River Council by way of resolution extended the term of certain Toms River Township professional contracts awarded in 2007 to February 1, 2008 to ensure the continuation of these professional services; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of these professional service contract awards to February 12, 2008: and

WHEREAS, this Council finds that there is a need for certain professional services for a 90 day period as of February 12, 2008, while other professional services are required from February 12, 2008 to the remainder of the 2008 calendar year; and

PART I

WHEREAS, the Township of Toms River has a need to retain certain professional services with regard to Ciba-Geigy and environmental issues and litigation from February 12, 2008 to December 31, 2008; and

WHEREAS, this award is subject to campaign contribution reform laws as set forth in N.J.S.A. 19:44A-20.4 *et seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*; and

WHEREAS, the Township of Toms River solicited proposals for these services in accordance with the Fair and Open Process, pursuant to the provisions of N.J.S.A. 19:44A-20 *et. seq.*; and

WHEREAS, the following firm submitted a conforming proposal which was publicly opened and read on December 19, 2007:

1. Wolff & Samson, PC, 1 Boland Drive, West Orange, New Jersey 07052
 2. Montenegro, Thompson, Montenegro & Genz, PC; P.O. Box 1049, Brick, NJ;
- and

WHEREAS, a review of the submitted proposal by the Council reveals the firm of Wolff & Samson, PC has represented the municipalities of Sayreville, East Brunswick and Verona in environmental legal issues; and

WHEREAS, members of the firm include a former New Jersey Attorney General, and a member of the New Jersey Brownfields and Contaminated Site Remediation Task Force; and

WHEREAS, the firm of Wolff & Samson, PC have represented clients in connection with waste site cleanups and the reallocation of clean up costs at sites in New Jersey, New York, Pennsylvania, Ohio, Michigan, and other states; and

WHEREAS, the firm contains over 100 attorneys and staff providing a full range of legal services in connection with environmental law; and

WHEREAS, the hourly rate of \$220.00/hour is reasonable given the expertise of the firm and the complicated nature of environmental services required by the Township; and

WHEREAS, the firm of Wolff & Samson, PC has represented the Township of Toms River with regard to the Ciba-Geigy and other environmental issues and litigation and are familiar with the facts and legal issues necessary to represent the interests of the Township in a competent and efficient manner; and

WHEREAS, by Resolution of the Township Council dated January 9, 2007, authorization was given award of professional services contract to the law firm of Wolff & Samson, PC, with respect to Ciba Geigy/Environmental related matters including litigation for the period commencing January 1, 2007 and terminating on December 31, 2007; and

WHEREAS, by resolution of the Township Council dated January 1, 2008 the Township of Toms River extended the term of certain Toms River Township professional contracts awarded in 2007, including that between the Township of Toms River and Wolff Samson, to February 1, 2008 to ensure the continuation of these professional services; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of these professional service contracts, including that

between the Township of Toms River and Wolff Samson, to February 12, 2008 to ensure the continuation of these professional services: and

WHEREAS, this proposed firm has completed and submitted a Business Entity Disclosure Certification which certifies that this firm has not made any reportable contributions to a political or candidate committee of the Township of Toms River or County of Ocean in contravention of New Jersey's "Pay-to-Play Law" N.J.S.A. 19:44A-20.4, et seq., and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Toms River approves the proposed contract award and authorizes the Mayor to enter into a new professional services contract with the Firm of Wolff & Samson, PC, at the rate of \$220 per hour, from February 12, 2008 up to and including December 31, 2008, subject to the execution of contracts, the availability of funds in the FY08 budget and subject to availability of funds and the adoption of the FY09 budget.

BE IT FURTHER RESOLVED that the award of this professional service contracts is being made in conformance with N.J.S.A. 19:44A-20.4 *et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.* and is prohibited from making such contributions during the term of the award.

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification and the Determination of Value be placed on file in the Office of the Township Clerk with this Resolution.

PART II

WHEREAS, the Township of Toms River has a need to acquire certain legal professional services with regard to COAH compliance from February 12, 2008 to December 31, 2008; and

WHEREAS, this award is subject to campaign contribution reform laws as set forth in N.J.S.A. 19:44A-20.4 et seq. and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*; and

WHEREAS, the Township of Toms River solicited proposals for these services in accordance with the Fair and Open Process, pursuant to the provisions of N.J.S.A. 19:44A-20 *et. seq.*; and

WHEREAS, the following firms submitted proposals which were publicly opened and read on December 19, 2007:

1. Parker McCay, Esq.
Three Greentree Center
7001 Lincoln Drive West
P.O.Box 974
Marlton New Jersey 08053-0974
2. Russo & Cassidy, Esqs.
16 Madison Avenue
Toms River, New Jersey; and

WHEREAS the firm of Russo & Cassidy has qualified experience in representing Ocean County municipalities before the Superior Court on COAH matters; and

WHEREAS, the Township of Toms River has submitted its COAH plan to the Superior Court as an alternative to seeking endorsement and/or approval from COAH; and

WHEREAS, the firm of Russo & Cassidy has represented the municipalities of Jackson and Lakewood on COAH matters before the Superior Court; and

WHEREAS, the firm of Russo & Cassidy has been legal counsel for the Toms River Township Board of Adjustment and is familiar with the growth and needs of the Township; and

WHEREAS, the firm of Russo & Cassidy, Esqs. has represented the Township of Toms River with regard to COAH compliance and certification litigation issues and are familiar with the facts and legal issues necessary to represent the interests of the Township in a competent and efficient manner; and

WHEREAS, by Amended Resolution of the Township Council dated August 14, 2007, authorization was given to award a professional services contract to the law firm of Russo & Cassidy, with respect to affordable housing/fair share housing matters for the period commencing August 1, 2007 and terminating on December 31, 2007; and

WHEREAS, by resolution of the Township Council dated January 1, 2008 the Township of Toms River extended the term of certain Toms River Township professional contracts awarded in 2007, including that between the Township of Toms River and Russo & Cassidy, to February 1, 2008 to ensure the continuation of these professional services; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of these professional service contracts, including that between the Township of Toms River and Russo & Cassidy, to February 12, 2008 to ensure the continuation of these professional services: and

WHEREAS, due to ongoing fair share housing/COAH work, the Township Council believes it is in the best interest of the Township to extend the contract date with the law firm of Russo & Cassidy, through December 31, 2008; and

WHEREAS, this proposed firm has completed and submitted a Business Entity Disclosure Certification which certifies that this firm has not made any reportable contributions to a political or candidate committee of the Township of Toms River or County of Ocean in contravention of New Jersey's "Pay-to-Play Law", N.J.S.A. 19:44A-20.4, *et. seq.*, and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*:

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Toms River approves the proposed contract award and authorizes the Mayor to enter into a new contract with the Firm of Russo & Cassidy, PC, from February 12, 2008 up to and including December 31, 2008 at the rate of \$135.00 per hour, for services described herein, subject to funds availability from Account No. X-19- -600-027, the Affordable Housing Trust Fund.

PART III

WHEREAS, the Township of Toms River has a need to acquire general legal services from February 12, 2008 to December 31, 2008; and

WHEREAS, this award is subject to campaign contribution reform laws as set forth in N.J.S.A. 19:44A-20.4 *et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*; and

WHEREAS, the Township of Toms River solicited proposals for these services in accordance with the Fair and Open Process pursuant to the provisions of *N.J.S.A. 19:44A-20.4 et. seq.*; and

WHEREAS, the following firm submitted a conforming proposal which was publicly opened and read on December 19, 2007:

1. Secare, Delanoy, Martino & Ryan, Esqs., 616 Washington Street, Toms River, New Jersey 08753
2. Starkey, Kelly, Bauer, Kenneally, & Cunningham, Esqs., 1593 Route 88 West, Brick, New Jersey 08724

3. Montenegro, Thompson, Montenegro & Genz, PC, P.O. Box 1049, Brick, New Jersey
4. Brian E. Rumpf, P.C., 96 Radio Road, Little Egg Harbor, New Jersey 08087
5. Citta, Holzapfel, & Zabarsky, Esqs., 248 Washington Street, P.O. Box 4 ,Toms River, New Jersey 08754
6. Hiering, Gannon & McKenna, Esqs., 29 Hadley Avenue, Toms River New Jersey 08754
7. King, Kitrick & Jackson, LLC., 635 Duquesne Blvd., Brick, New Jersey 087234; and

WHEREAS, a review of the submitted proposals to the Council reveal that the firm of Starkey, Kelly, Bauer, Kenneally & Cunningham, Esqs. represented the Township of Toms River last year and up to February 12, 2008 in tax appeals, and represents the municipalities of Jackson, Lakewood and Spring Lake Heights for these services; and

WHEREAS, Starkey, Kelly, Bauer, Kenneally & Cunningham, Esqs. has extensive experience in municipal law, including tax foreclosure and condemnation matters, as evidenced by over 25 published court decisions in the state of New Jersey; and

WHEREAS, Starkey, Kelly, Bauer, Kenneally & Cunningham, Esqs. has been responsive and professional as tax appeal counsel for Toms River Township and is experienced in general municipal law matters; and

WHEREAS, by Resolution of the Township Council dated January 9, 2007, authorization was given to award a professional services contract to the law firm of Starkey, Kelly, Bauer, Kenneally & Cunningham, Esqs., with respect to general legal services for the period commencing January 1 , 2007 and terminating on December 31, 2007; and

WHEREAS, by resolution of the Township Council dated January 1, 2008 the Township of Toms River extended the term of certain Toms River Township professional contracts awarded in 2007, including that between the Township of Toms River and Starkey, Kelly, Bauer, Kenneally & Cunningham, Esqs., to February 1, 2008 to ensure the continuation of these professional services; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of these professional service contracts, including that between the Township of Toms River and Starkey, Kelly, Bauer, Kenneally & Cunningham, to February 12, 2008 to ensure the continuation of these professional services: and

WHEREAS, due to ongoing general legal work the Township Council believes it is in the best interest of the Township to extend the contract date with the law firm of Starkey, Kelly, Bauer, Kenneally & Cunningham for an additional 90 days, from February 12, 2008 through May 13, 2008; and

WHEREAS, the Firm of Secare, Delanoy, Martino & Ryan, Esqs., specialize in the field of municipal law; and

WHEREAS, by Resolution of the Township Council dated January 9, 2007, authorization was given to award a professional services contract to the law firm of Secare, Delanoy, Martino & Ryan, Esqs., with respect to general legal matters, for a period of time from FY07 to FY08; and

WHEREAS, by resolution of the Township Council dated January 1, 2008 the Township of Toms River extended the term of certain Toms River Township professional contracts awarded in 2007, including that between the Township of Toms River and Secare, Delanoy, Martino & Ryan, Esq., to February 1, 2008 to ensure the continuation of these professional services; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of these professional service contracts, including that

between the Township of Toms River and Secare, Delanoy, Martino & Ryan, to February 12, 2008 to ensure the continuation of these professional services: and

WHEREAS, due to ongoing general legal work the Township Council believes it is in the best interest of the Township to extend the contract date with the law firm of Secare, Delanoy, Martino & Ryan for an additional 90 days, from February 12, 2008 through May 13, 2008; and

WHEREAS, the Firm of Brian E. Rumpf, P.C. has provided professional and responsive services to the Township of Toms River; and

WHEREAS, the Firm of Brian E. Rumpf, P.C. has extensive experience in municipal law, and represents several municipalities in a variety of functions; and

WHEREAS, due to ongoing general legal work, the Township Council believes it is in the best interest of the Township to extend the contract date with the law firm of Brian E. Rumpf, P.C. through the calendar year 2008; and

WHEREAS, the Firm of Brian E. Rumpf, P.C. is currently in the process of revising the Township Code and it would be appropriate and fiscally responsible to continue with this project and further said firm has experience in general municipal law matters; and

WHEREAS, on January 9, 2007, by Resolution of the Township Council dated January 9, 2007, authorization was given to award a professional services contract to the law firm of Brian E. Rumpf, P.C., with respect to general legal services for the period commencing January 1, 2007 and terminating on December 31, 2007; and

WHEREAS, by resolution of the Township Council dated January 1, 2008 the Township of Toms River extended the term of certain Toms River Township professional contracts awarded in 2007, including that between the Township of Toms River and Brian E. Rumpf, P.C., to February 1, 2008 to ensure the continuation of these professional services; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of these professional service contracts, including that between the Township of Toms River and Brian E. Rumpf, P.C., to February 12, 2008 to ensure the continuation of these professional services: and

WHEREAS, the firm of Brian E. Rumpf, P.C. has provided professional and responsive services to the Township of Toms River; and

WHEREAS, due to ongoing general legal work, the Township Council believes it is in the best interest of the Township to extend the contract date with the law firm of Brian Rumpf, P.C. through the calendar year 2008;

WHEREAS, the firm of Citta, Holzapfel, & Zabarsky, Esqs. has provided legal services to Toms River Township for many years in a variety of endeavors and represents many municipalities; and

WHEREAS, the firm of Citta, Holzapfel, & Zabarsky, Esqs. has provided professional and responsive services to the Township of Toms River; and

WHEREAS, by Resolution of the Township Council dated January 9, 2007, authorization was given to award a professional services contract to the law firm of Citta, Holzapfel, & Zabarsky, Esqs., with respect to general legal matters, for a period of time from FY07 to FY08; and

WHEREAS, by resolution of the Township Council dated January 1, 2008 the Township of Toms River extended the term of certain Toms River Township professional contracts awarded in 2007, including that between the Township of Toms River and Citta, Holzapfel, & Zabarsky, Esqs. to February 1, 2008 to ensure the continuation of these professional services; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of these professional service contracts, including that between the Township of Toms River and Citta, Holzapfel & Zabarsky, Esqs. through December 31, 2008 ensure the continuation of these professional services: and

WHEREAS, due to ongoing general legal work, the Township Council believes it is in the best interest of the Township to extend the contract date with the law firm of Citta, Holzapfel & Zabarsky, Esqs. through the calendar year 2008;

WHEREAS the firm of Hierung, Gannon & McKenna, Esqs. has represented sixteen municipalities as legal counsel and have many years experience in the field of municipal law; and

WHEREAS, due to ongoing general legal work, the Township Council believes it is in the best interest of the Township to enter a contract with the law firm of Hierung, Gannon & McKenna, Esqs., from November 1, 2007 through the calendar year 2008; and

WHEREAS, these firms have completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee of the Township of Toms River or County of Ocean in contravention of New Jersey's "Pay-to-Play Law", N.J.S.A. 19:44A-20.4, *et. seq.*, and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Toms River approves the proposed contract award and authorizes the Mayor to enter into an amended contract with Starkey, Kelly, Bauer, Kenneally & Cunningham, Esqs. and Secare, Delanoy, Martino & Ryan, Esqs. for a period of 90 days commencing on February 12, 2008 up to and including May 13, 2008 to complete certain legal services commenced prior to February 12, 2008 at the rate of \$135.00 per hour, subject to the execution of contracts, the availability of funds in the FY08 budget.

BE IT FURTHER RESOLVED, that the Council of the Township of Toms River approves the proposed contract award and authorizes the Mayor to enter into a contract with the firms of Citta, Holzapfel & Zabarsky, Esqs., and of Brian E. Rumpf, P.C. for general legal services from February 12, 2008 up to and including December 31, 2008 at the rate of \$135.00 per hour, subject to the execution of contracts, the availability of funds of the FY08 budget, and the availability of funds and the adoption of the FY09 budget.

BE IT FURTHER RESOLVED, that the Council of the Township of Toms River approves the proposed contract award and authorizes the Mayor to enter into a contract with the firms of Hierung, Gannon & McKenna for general legal services from November 1, 2007 up to and including December 31, 2008 at the rate of \$135.00 per hour, subject to the execution of contracts, the availability of funds in the FY08 budget, and the availability of funds and the adoption of the FY09 budget.

BE IT FURTHER RESOLVED that the award of this professional service contracts is being made in conformance with N.J.S.A. 19:44A-20.4 *et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certifications and the Determination of Value be placed on file in the Office of the Township Clerk with this Resolution

PART IV

WHEREAS, the Township of Toms River has a need to acquire certain legal bonding services from February 12, 2008 up to and including December 31, 2008; and;

WHEREAS, this award is subject to campaign contribution reform laws as set forth in N.J.S.A. 19:44A-20.4 *et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*; and

WHEREAS, the Township of Toms River solicited qualifications for these services in accordance with the Fair and Open Process, pursuant to the provisions of N.J.S.A. 19:44A-20.4 *et. seq.*; and

WHEREAS, the following firms submitted a conforming proposal which was publicly opened and read on December 19, 2007:

1. Gluck, Walrath, LLP, 428 River View Plaza, Trenton, New Jersey 08611-3420
2. Parker McKay, 3 Greentree Centre, 70001 Lincoln Drive West, P.O. Box 974, Marlton, New Jersey 08053-3292
3. McManimon & Scotland, One Riverfront Plaza, 4th Floor, Newark, New Jersey 07102-5408
4. Hawkins, Delafield & Wood One Gateway Center 24th Floor Newark, New Jersey
5. John G. Hudak, Esq., Frohling & Hudak, Esqs., 17 Fulton Street, Newark, New Jersey 07102-4506; and

WHEREAS, a review of the submitted proposals to the Council reveal that the firm of Gluck, Walrath, LLP, has been providing the Township of Toms River with bond work for several years; and

WHEREAS, Gluck, Walrath, LLP is familiar with the current bonding needs of Toms River Township, saving the Township costs for other firms to become acquainted the facts and issues associated with the services to be provided to Toms River Township; and

WHEREAS; Gluck, Walrath, LLP has been responsive and professional as bonding counsel for Toms River Township; and

WHEREAS Gluck, Walrath, LLP has been appointed to 63 public entities in the State of New Jersey and have extensive experience in the field of municipal bonding law; and

WHEREAS, by resolution of the Township Council dated January 1, 2008 the Township of Toms River extended the term of certain Toms River Township professional contracts awarded in 2007, including that between the Township of Toms River and Gluck, Walrath, LLP to February 1, 2008 to ensure the continuation of these professional services; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of these professional service contracts, including that between the Township of Toms River and Gluck, Walrath, LLP to February 12, 2008 to ensure the continuation of these professional services: and

WHEREAS, due to ongoing bond work, the Township Council believes it is in the best interest of the Township to extend the contract date with the law firm of Gluck, Walrath, LLP through December 31, 2008; and

WHEREAS, this proposed firm has completed and submitted a Business Entity Disclosure Certification which certifies that this firm has not made any reportable contributions to a political or candidate committee of the Township of Toms River or County of Ocean in contravention of New Jersey's "Pay-to-Play Law", N.J.S.A. 19:44A-20.4, *et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*, and that this firm has acknowledged that the contract will prohibit it from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Toms River approves the proposed contract award and authorizes the Mayor to enter into a contract with the Firm of Gluck, Walrath, LLP, for a total maximum amount not to

exceed \$25,000.00, from February 12, 2008 up to and including December 31, 2008 for services as described herein, subject to the execution of a contract and/or contingent upon passage of the appropriate Capital Ordinances.

BE IT FURTHER RESOLVED that the award of this professional service contract is being made in conformance with *N.J.S.A. 19:44A-20.4 et seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et seq.*

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification be placed on file in the Office of the Township Clerk with this Resolution.

PART V

WHEREAS, the Township of Toms River has a need to acquire rent leveling board accounting services from February 12, 2008 up to and including December 31, 2008; and

WHEREAS, this award is subject to campaign contribution reform laws as set forth in *N.J.S.A. 19:44A-20.4 et seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et seq.*; and

WHEREAS, the Township of Toms River solicited proposals for these services in accordance with the Fair and Open Process, pursuant to the provisions of *N.J.S.A. 19:44A-20.4 et seq.*; and

WHEREAS, the following firm submitted a conforming proposal which was publicly opened and read on December 19, 2007:

1. Memoli & McDermott, LLP, 230 Main Street Toms River, New Jersey 08753 was the only firm to present a submission for this position; and

WHEREAS, a review of the submitted proposal to the Council reveals that the firm of Memoli & McDermott, LLP has represented Toms River Township for the services described herein and is familiar with the process required to serve the interests of Toms River Township; and

WHEREAS the firm of Memoli & McDermott, LLP has provided professional and responsive services to the Township for past special accounting services; and

WHEREAS, by resolution of the Township Council dated January 1, 2008 the Township of Toms River extended the term of certain Toms River Township professional contracts awarded in 2007, including that between the Township of Toms River and Memoli & McDermott, LLP to February 1, 2008 to ensure the continuation of these professional services; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of these professional service contracts, including that between the Township of Toms River and Memoli & McDermott, LLP, to February 12, 2008 ensure the continuation of these professional services: and

WHEREAS, due to ongoing rent leveling board accounting work, the Township Council believes it is in the best interest of the Township to extend the contract date with Memoli & McDermott, through December 31, 2008; and

WHEREAS, this proposed firm has completed and submitted a Business Entity Disclosure Certification which certifies that this firm has not made any reportable contributions to a political or candidate committee of the Township of Toms River or County of Ocean in contravention of New Jersey's "Pay-to-Play Law", *N.J.S.A. 19:44A-20.4, et seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et seq.*; and that this firm has acknowledged that the contract will prohibit it from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Toms River approves the proposed contract award and authorizes the Mayor to enter into a contract with the firm of Memoli & McDermott, LLP, from February 12, 2008 up to and including December 31, 2008 at the rate of \$85.00 per hour, for a total maximum amount not to exceed \$6,000.00, for services as described herein, subject to the execution of a contract, availability of funds in the FY08 budget, and subject to the availability of funds and the adoption of the FY09r budget.

BE IT FURTHER RESOLVED that the award of this professional service contract is being made in conformance with *N.J.S.A. 19:44A-20.4 et seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification be placed on file in the Office of the Township Clerk with this Resolution.

PART VI

WHEREAS, the Township of Toms River has a need to acquire certain professional labor counseling services from February 12, 2008 up to and including December 31, 2008; and

WHEREAS, this award is subject to campaign contribution reform laws as set forth in *N.J.S.A. 19:44A-20.4 et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*; and

WHEREAS, the Township of Toms River solicited proposals for these services in accordance with the Fair and Open Process pursuant to the provisions of *N.J.S.A. 19:44A-20.4 et. seq.*; and

WHEREAS, the following firms submitted conforming proposals which were publicly opened and read on December 19, 2007:

1. Secare, Delanoy, Martino & Ryan, Esqs., 616 Washington Street Toms, River, New Jersey 08753
2. Citta, Holzapfel & Zabarsky, Esqs., 248 Washington Street P.O. Box 4 Toms River, New Jersey 08754; and

WHEREAS, a review of the submitted proposal by the Council reveals that the firm of Secare, Delanoy, Martino & Ryan, Esqs. acted as municipal attorney for The Township of Manchester, Borough of Pine Beach, and the Township of Lakewood, including the practice of labor law; and

WHEREAS, the firm of Secare, Delanoy, Martino & Ryan, Esqs. have experience in representing public entities in contract negotiations with collective bargaining units, grievance and arbitration hearings, litigation in Federal and State Court, and;

WHEREAS, by Resolution of the Township Council dated January 3, 2007, authorization was given to award a professional services contract to the law firm of Secare, Delanoy, Martino & Ryan, Esq., with respect to labor counsel matters for the period commencing January 1, 2007 and terminating on December 31, 2007; and

WHEREAS, by resolution of the Township Council dated January 1, 2008 the Township of Toms River extended the term of certain Toms River Township professional contracts awarded in 2007, including that between the Township of Toms River and Secare, Delanoy, Martino & Ryan, Esqs., to February 1, 2008 to ensure the continuation of these professional services; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of these professional service contracts, including that between the Township of Toms River and Secare, Delanoy, Martino & Ryan, Esqs., to February 12, 2008 to ensure the continuation of these professional services: and

WHEREAS, due to ongoing labor matters, the Township Council believes it is in the best interest of the Township for this firm to continue to represent the Township on existing cases it for which it was retained for a period of 90 days from February 12, 2008 through May 13, 2008; and

WHEREAS, the firm of Citta, Holzapfel & Zabarsky, Esqs. has provided legal services to Toms River for many years as labor counsel and acts as labor consultant for the County of Ocean, the Township of Barnegat, the Township of Lacey, the Township of Little Egg Harbor the Township of Long, Beach, the Borough of Brielle, the Township of Plumsted and Borough of Surf City; and

WHEREAS, the firm of Citta, Holzapfel & Zabarsky, Esqs. has provided professional and responsive services to the Township of Toms River; and

WHEREAS, the firm of Citta, Holzapfel & Zabarsky, Esqs. have experience in representing public entities in contract negotiations with collective bargaining units, grievance and arbitration hearings, litigation in Federal and State Court, and;

WHEREAS, by Resolution of the Township Council dated January 3, 2007, authorization was given to award a professional services contract to the law firm of Citta, Holzapfel & Zabarsky, Esqs., with respect to labor counsel matters for the period commencing January 1, 2007 and terminating on December 31, 2007; and

WHEREAS, by resolution of the Township Council dated January 1, 2008 the Township of Toms River extended the term of certain Toms River Township professional contracts awarded in 2007, including that between the Township of Toms River and Citta, Holzapfel & Zabarsky, Esqs., to February 1, 2008 to ensure the continuation of these professional services; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of these professional service contracts, including that between the Township of Toms River and Citta, Holzapfel & Zabarsky, Esqs., to February 12, 2008 to ensure the continuation of these professional services: and

WHEREAS, due to ongoing labor related work, the Township Council believes it is in the best interest of the Township to extend the contract date with the law firm of Citta, Holzapfel & Zabarsky, Esqs., through the calendar year 2008; and

WHEREAS, these firms have completed and submitted a Business Entity Disclosure Certification which certifies that this firm has not made any reportable contributions to a political or candidate committee of the Township of Toms River or County of Ocean in contravention of New Jersey's "Pay-to-Play Law", N.J.S.A. 19:44A-20.4, *et. seq.*, and pursuant to the Township of Toms River Administrative Code , Chapter 84-1 *et. seq.*:

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Toms River approves the proposed contract award and authorizes the Mayor to enter into a contract with the Firm of Secare, Delanoy, Martino & Ryan, Esqs. as labor counsel for a period of 90 days commencing on February 13, 2008 up to and including May 13, 2008 to complete certain legal services commenced prior to February 12, 2008 at the rate of \$135.00 per hour, subject to the execution of a contract, the availability of funds in the FY08 budget.

BE IT FURTHER RESOLVED that the Council of the Township of Toms River approves the proposed contract award and authorizes the Mayor to enter into a contract with the firm of Citta, Holzapfel & Zabarsky, Esqs. to represent Toms River Township from February 12, 2008 up to and including December 31, 2008 at the rate of \$135.00 per hour, subject to the execution of a contract, the availability of funds in the FY08 budget, and the availability of funds, and the adoption of the FY09 budget.

BE IT FURTHER RESOLVED that the award of this professional service contracts is being made in conformance with N.J.S.A. 19:44A-20.4 *et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et.seq.*

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certifications and the Determination of Value be placed on file in the Office of the Township Clerk with this Resolution.

PART VII

WHEREAS, the Township of Toms River has a need to acquire certain professional architectural services for Township capital projects and general services from February 12, 2008 up to and including December 31, 2008; and

WHEREAS, this award is subject to campaign contribution reform laws as set forth in N.J.S.A. 19:44A-20.4 *et. seq.* and pursuant to the Township of Toms River Administrative Code , Chapter 84-1 *et. seq.*; and

WHEREAS, the Township of Toms River solicited proposals for these services in accordance with the Fair and Open Process pursuant to the provisions of *N.J.S.A. 19:44A-20.4 et. seq.*; and

WHEREAS, successful candidates would be placed on an approved list to receive bids and/or requests for proposals as required by law for said future services; and

WHEREAS, the following firms provided their qualifications and set forth their desire to be placed on an approved list for future capital and miscellaneous architectural services:

1. Gibson Tarduini Group, 764 Cirthbert Blvd. Cherry Hill, N.J. 08002
2. David F. Plewa ,11 West Gateway Toms River, N.J. 08753
3. Barlo & Associates, Architects, LLC 92 Mantoloking Road Brick, N.J. 08723
4. Ronald A. Sebring Associates, LLC, 405 Richmond Avenue Point Pleasant Beach, N.J. 08742
5. Shore Point Architecture, 108 South Main Street Ocean Grove, N.J. 07756
6. The Alaimo Group, 200 High Street Mount Holly, New Jersey 08060
7. FKA Architects, 5N Regent Street, Suite 501 Livingston, New Jersey 07039;
8. Tokarski Millemann, 228 Brick Boulevard Brick, New Jersey 08723; and

WHEREAS, the Township Engineer has reviewed said bids and/or proposals and found that Ronald A. Sebring Associates, LLC, Barlo & Associates, and The Alaimo Group have been approved for such services in 2007 and found to be professional and satisfactory; and

WHEREAS, David Plewa has had extensive experience as principal architect for various projects for the County of Ocean and the Ocean County Board of Health, and is familiar with the public improvements in and around the Township of Toms River and is currently awarded a contract for the remodeling of the Toms River Township Courthouse; and

WHEREAS, the Council of Toms River Township reviewed the qualifications of these firms and finds that all the firms recommended by the Township Engineer listed above are qualified to receive such bids and/or proposal as required by law; and

WHEREAS, these firms have completed and submitted a Business Entity Disclosure Certification which certifies that this firm has not made any reportable contributions to a political or candidate committee of the Township of Toms River or County of Ocean in contravention of New Jersey's "Pay-to-Play Law", N.J.S.A. 19:44A-20.4, *et seq.*, and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*:

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 following firms shall be placed on a pre-approved list from February 12, 2008 up to and including December 31, 2008 to receive bids, requests or solicitations as required by law for future capital improvement projects and general architectural services on behalf of the Township of Toms River for the 2008 calendar year:
 - a. David F. Plewa, 11 West Gateway, Toms River, N.J. 08753
 - b. Barlo & Associates, Architects, LLC, 92 Mantoloking Road, Brick, N.J. 08723
 - c. Ronald A. Sebring Associates, LLC, 405 Richmond Avenue, Point Pleasant Beach, N.J. 08742
 - d. The Alaimo Group, 200 High Street, Mount Holly, New Jersey 08060
2. The Toms River Township Engineer may seek authorization from this Council for specific capital projects or miscellaneous architectural services on behalf of the Township to be awarded to those firms contained in this resolution.
3. The successful candidate for each proposed project shall not be awarded by way of appointment, but by competitive bidding, fair and open process, request for proposals or any other method permitted by law.
4. The award of these professional service contracts is being made in conformance with N.J.S.A. 19:44A-20.4 *et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*
5. The Business Entity Disclosure Certifications and the Determination of Value be placed on file in the Office of the Township Clerk with this Resolution.

PART VIII

WHEREAS, the Township of Toms River has a need to acquire professional inspection and general engineering services from February 12, 2008 up to and including December 31, 2008; and

WHEREAS, this award is subject to campaign contribution reform laws as set forth in N.J.S.A. 19:44A-20.4 *et. seq.* and pursuant to the Township of Toms River Administrative Code , Chapter 84-1 *et.seq* ; and

WHEREAS, the Township of Toms River solicited qualifications for these services in accordance with the Fair and Open Process, pursuant to the provisions of *N.J.S.A. 19:44A-20.4 et. seq.*; and

WHEREAS, the proposals were sought by way of public notice seeking such services, with successful candidates to be placed on an approved list for the calendar year 2008 to render services described above at the following rates:

Principal Engineer	\$135.00/hour
Project Manager (PE)	\$115.00/hour
Design Engineer (EIT)	\$105.00/hour
Design Engineer	\$95.00/hour
Professional Land Surveyor (PLS) (As a principal or partner)	\$120.00/hour
Professional Land Surveyor (PLS) (As an associate)	\$100.00/hour
Senior Designer	\$ 75.00/hour
Computer Technician	\$ 75.00/hour
Engineering Technician	\$ 75.00/hour
Survey Technician	\$ 65.00/hour
Senior CADD Operator	\$ 75.00/hour
CADD Operator	\$ 60.00/hour
Field Survey Crew	\$125.00/hour

Senior Inspector	\$ 90.00/hour
Inspector Level 1	\$ 50.00/hour
Inspector Level 2	\$ 70.00/hour
Secretary/Clerical	\$ 32.00/hour
Delivery	\$ 30.00/hour
Prints	\$ 0.24/sq.ft.
Mylars	\$ 1.50/sq.ft.
Cloths	\$ 2.00/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost ; and

WHEREAS, the following firms submitted conforming qualifications which were publicly opened and read on December 19, 2007:

1. Owen, Little & Associates, 443 Atlantic City Blvd., Beachwood, N.J. 08722
2. Crest Engineering Association, 100 Rike Road Englishtown, New Jersey 07726
3. Boswell Engineering, P.O. Box 3152, 330 Phillips Avenue, So. Hackensack, N.J. 07606-1722
4. PDS, 700 Hooper Avenue, Toms River, New Jersey 08753
5. Truhan Consulting Eng., Inc., 1442 Lakewood Road, Box K, Manasquan, N.J. 08736
6. Hatch, Mott, & MacDonald 3 Paragon Way, Freehold, N.J. 07728
7. Alaimo Associates 200 High Street, Mt. Holly, N.J. 08060
8. Remington, Vernick & Vena Engineers, 232 King's H'way East, Haddonfield, N.J. 08033-3899
9. T & M Associates, 210 Hooper Avenue, Toms River, N.J. 08753
10. PMK Group, 1415 Wycoff Road, Suite 206, Farmingdale, N.J. 07727
11. GSE, LLC Branch Estates, 3121 U.S. Hwy 22, East Branchburg, N.J. 08876
12. Najarian Associates, 1 Industrial Way West, Eatontown, N.J. 07724

WHEREAS, a review of the submitted qualifications by the Council reveals the firm of Owen, Little, & Associates is currently the Toms River Township Board of Adjustment Engineer and is familiar with approved and pending projects; and

WHEREAS, the Toms River Township Council finds the firm Owen, Little, & Associates has previously provided satisfactory work for Toms River Township; and

WHEREAS, the firm of Remington, Vernick & Vena Engineers is currently performing engineering services for the Township of Toms River and is familiar with approved and pending projects; and

WHEREAS, the Toms River Township Council finds the firm Remington, Vernick & Vena Engineers has previously provided satisfactory work for Toms River Township; and

WHEREAS, The firm of Hatch, Mott, & MacDonald are currently under contract with the County of Ocean and have familiarity with beach erosion and beach permit issues; and

WHEREAS, the Toms River Township Council finds the firm of Hatch, Mott & MacDonald could be beneficial to Toms River Township for water development sensitive issues; and

WHEREAS, T & M Associates has previously provided satisfactory work for Toms River Township; and

WHEREAS, T & M Associates is the Manchester Township Engineer and would be able to interface with Toms River involving joint jurisdiction issues; and

WHEREAS, The Alaimo Group has previously provided satisfactory work for Toms River Township; and

WHEREAS, The Alaimo Group is familiar with Toms River Township's preliminary road program and could be beneficial in this regard; and

WHEREAS, the firm of GSE, LLC Branch Estates has performed projects for the Townships of Wayne, West Milford, Mount Olive, City of Orange and the County of Burlington and is experienced in public water systems; and

WHEREAS, each firm has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any contributions in contravention of New Jersey's "Pay-to-Play Law", N.J.S.A. 19:44A-20.4, *et. seq.*, and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*, and that each firm has acknowledged that the contract will prohibit it from making any such contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Toms River approves the award and authorizes the Mayor to enter into contracts from February 12, 2008 up to and including December 31, 2008 with the firms of Owen, Little & Associates, Remington, Vernick & Vena Engineers, Hatch, Mott, & MacDonald, GSE, LLC Branch Estates, T & M Associates, and The Alaimo Group at the rate of:

Principal Engineer	\$135.00/hour
Project Manager (PE)	\$115.00/hour
Design Engineer (EIT)	\$105.00/hour
Design Engineer	\$95.00/hour
Professional Land Surveyor (PLS) (As a principal or partner)	\$120.00/hour
Professional Land Surveyor (PLS) (As an associate)	\$100.00/hour
Senior Designer	\$ 75.00/hour
Computer Technician	\$ 75.00/hour
Engineering Technician	\$ 75.00/hour
Survey Technician	\$ 65.00/hour
Senior CADD Operator	\$ 75.00/hour
CADD Operator	\$ 60.00/hour
Field Survey Crew	\$125.00/hour
Senior Inspector	\$ 55.00/hour
Inspector	\$ 44.00/hour
Secretary/Clerical	\$ 32.00/hour
Delivery	\$ 30.00/hour
Prints	\$ 0.24/sq.ft.
Mylars	\$ 1.50/sq.ft.
Cloths	\$ 2.00/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost; and

BE IT FURTHER RESOLVED this award is subject to the execution of contracts, the availability of funds in the FY08 budget, and the availability of funds and the adoption of the FY09 budget.

BE IT FURTHER RESOLVED that the award of these professional service contracts are being made in conformance with N.J.S.A. 19:44A-20.4 *et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification be placed on file in the Office of the Township Clerk with this Resolution.

BE IT FURTHER RESOLVED the firms approved above are prohibited from appearing before Toms River Township Land Use Boards or otherwise violate the Local Government Ethics Law, N.J.S.A. 40A:9-22.3.

PART IX

WHEREAS, the Township of Toms River has a need to acquire professional capital improvement engineering services from February 12, 2008 up to and including December 31, 2008; and

WHEREAS, this award is subject to campaign contribution reform laws as set forth in N.J.S.A. 19:44A-20.4 *et. seq.* and pursuant to the Township of Toms River Administrative Code , Chapter 84-1 *et.seq* ; and

WHEREAS, the Township of Toms River solicited qualifications for these services in accordance with the Fair and Open Process, pursuant to the provisions of *N.J.S.A. 19:44A-20.4 et. seq.*; and

WHEREAS, the qualifications were sought by way of public notice seeking such services, with successful candidates to be placed on an approved list for the calendar year 2008; and

WHEREAS, successful candidates would be awarded contracts for each capital project as needed by providing requests for proposals in competition with other candidates placed on the same pre-approved list; and

WHEREAS, the following firms submitted a conforming qualifications which was publicly opened and read on December 19, 2007:

1. Crest Engineering Associates , 100 Rike Drive , Englishtown, N.J. 07726
2. O'Donnell, Stanton & Associates, 1705 Rte. 37 East, Toms River, N.J. 08753
3. Boswell Engineering , 330 Phillips Ave, P.O. Box 3152, So. Hoboken, N.J. 07606-1722
4. Professional Design Services, 700 Hooper Avenue, Toms River, N.J. 08753
5. Truhan Consulting Eng., Inc., 1442 Lakewood Road, Box K, Manasquan, N.J. 08736
6. O'Brien & Gere Engineers, Inc., Raritan Plaza I, Edison, N.J. 08837
7. Hatch, Mott, & MacDonald , 3 Paragon Way, Freehold, N.J. 07728
8. Alaimo Associates , 200 High Street, Mt. Holly, N.J. 08060
9. Gravatt Consulting Group , 414 Lacey Road, Forked River N.J. 08731
10. French & Parrello Associates, P.A. , 1800 Rte. 34, Suite 101 , Wall, N.J. 07719
11. T & M Associates, 201 Hooper Ave, Toms River, N. J. 08753
12. Remington, Vernick & Vena, 9 Allen Street, Toms River, N.J. 08753;
13. GSE, LLC Branch Estates, 3121 Hwy 22 East, Branchburg, N.J. 08876
14. Najarin Assocs., 1 Industrial Way West , Eatontown, N.J. 07724;
15. Cramer Engineering, 166 Patterson Ave , Shrewsbury, N.J. 07702; and

WHEREAS, the Township Engineer approves the firms of Remington, Vernick & Vena Engineers, O'Donnell, Stanton & Associates, The Alaimo Group, Professional Design Services, Hatch, Mott, & MacDonald, GSE, LLC Branch Estates, French & Parrello Associates, PA, Gravatt Consulting Group and T & M Associates based upon each firm's expertise in providing municipal capital improvement services and the professional manner in which such services were rendered to the Township in 2007; and

WHEREAS, each firm has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any contributions in contravention of New Jersey's "Pay-to-Play Law", N.J.S.A. 19:44A-20.4, *et. seq.*, and the recently-enacted local Pay-to-Play ordinance, and that each firm has acknowledged that the contract will prohibit it from making any such contributions through the term of the contract; and

WHEREAS, by resolution of the Township Council dated January 1, 2008 the Township of Toms River extended the term of certain Toms River Township professional contracts awarded in 2007, including that between the Township of Toms River and the firms of Remington Vernick & Vena Engineers, O'Donnell, Stanton & Associates, The Alaimo Group, Professional Design Services, Hatch Mott & MacDonald, GSE, LLC Branch Estates, French & Parrello Associates, PA, Gravatt Consulting Group and T & M Associates to February 1, 2008 to ensure the continuation of these professional services; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of these professional service contracts, including that between the Township of Toms River and , including that between the Township of Toms River and the firms of Remington, Vernick & Vena Engineers, O'Donnell, Stanton & Associates, The Alaimo Group, Professional Design Services, Hatch Mott & MacDonald, GSE, LLC Branch Estates, French & Parrello Associates, PA, Gravatt Consulting Group and T & M Associates, to February 12, 2008 ensure the continuation of these professional services: and

WHEREAS, due to ongoing capital improvement engineering matters, the Township Council believes it is in the best interest of the Township to extend the contracts with these professionals for the period of time through December 31, 2008; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Toms River approves the following firms Remington, Vernick & Vena Engineers, O'Donnell, Stanton & Associates, The Alaimo Group, Professional Design Services, Hatch, Mott, & MacDonald, GSE, LLC Branch Estates, French & Parrello Associates, PA, Gravatt Consulting Group and T & M Associates be placed on a pre-approved list from February 12, 2008 up to and including December 31, 2008 to provide competitive requests for proposals of capital improvement projects as needed.

BE IT FURTHER RESOLVED this award is subject to the execution of contracts, the availability of funds in the FY08 budget, and the availability of funds and the adoption of the FY09 budget.

BE IT FURTHER RESOLVED that the placement on the preapproved list award is being made in conformance with N.J.S.A. 19:44A-20.4 *et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et.seq.*

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certifications be placed on file in the Office of the Township Clerk with this Resolution.

PART X

WHEREAS, the Township of Toms River has a need to acquire certain real estate appraisal services from February 12, 2008 up to and including December 31, 2008; and

WHEREAS, the Township of Toms River solicited proposals for these services in accordance with the Fair and Open Process pursuant to the provisions of *N.J.S.A. 19:44A-20.4 et. seq.*; and

WHEREAS, the following firm submitted a conforming proposal which was publicly opened and read on December 19, 2007:

1. Value Research Group, LLC, 301 So. Livingston Ave, Livingston, N.J. 07039
2. Johnson Realty Services ,P.O. Box 434, Sea Girt, New Jersey 08750; and

WHEREAS, a review of the submitted proposal to the Council reveals that the firm of Johnson Realty Services provides appraisal services for Freehold Township, Howell Township, City of Long Branch, and other municipalities; and

WHEREAS, Value Research Group, LLC, has provided appraisal services to public entities such as the Port of New York and New Jersey Authority and the New Jersey Meadowlands Commission; and

WHEREAS, by resolution of the Township Council dated January 1, 2008 the Township of Toms River extended the term of certain Toms River Township professional contracts awarded in 2007, including that between the Township of Toms River and Value Research Group, LLC, and Johnson Realty Services, to February 1, 2008 to ensure the continuation of these professional services; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of these professional service contracts, including that

between the Township of Toms River and Value Research Group, LLC, and Johnson Realty Services, to February 12, 2008 to ensure the continuation of these professional services: and

WHEREAS, due to ongoing matters, the Township Council believes it is in the best interest of the Township to extend the contracts with these professionals for the period of time through December 31, 2008; and

WHEREAS, this award is subject to campaign contribution reform laws as set forth in N.J.S.A. 19:44A-20.4 *et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*; and

WHEREAS, these firms have completed and submitted a Business Entity Disclosure Certification which certifies that this firm has not made any reportable contributions to a political or candidate committee of the Township of Toms River or County of Ocean in contravention of New Jersey's "Pay-to-Play Law", N.J.S.A. 19:44A-20.4, *et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.* and that these firms have acknowledged that the contract will prohibit it from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Toms River approves the proposed contract award and authorizes the Mayor to enter into a contract with Value Research Group, LLC and Johnson Realty Services from February 12, 2008 up to and including December 31, 2008 at the rates set forth:

Principal Appraiser Consultant	\$150.00 per hour
Associate Appraiser	\$ 75.00 per hour
Administrative/Clerical	\$ 50.00 per hour
Materials/Supplies	Plus 50%

All costs, fees, and compensation are subject to the execution of a contract, the availability of funds in the FY08 budget, and the availability of funds and the adoption of the FY09 budget and/or passage of appropriate Capital Ordinances.

BE IT FURTHER RESOLVED that the award of this professional services contract is being made in conformance with N.J.S.A. 19:44A-20.4 *et seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification and the Determination of Value statement be placed on file in the Office of the Township Clerk with this Resolution.

PART XI

WHEREAS, the Township of Toms River has a need to acquire certain real estate title abstract services from February 12, 2008 up to and including December 31, 2008; and

WHEREAS, this award is subject to campaign contribution reform laws as set forth in N.J.S.A. 19:44A-20.4 *et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*; and

WHEREAS, the Township of Toms River solicited proposals for these services in accordance with the Fair and Open Process pursuant to the provisions of N.J.S.A. 19:44A-20.4 *et. seq.*; and

WHEREAS, the following firms submitted a conforming proposal which was publicly opened and read on December 19, 2007:

1. Mid State Abstract Co., 207 Hooper Avenue, P.O. Box 413, Toms River, N.J. 08754; and

WHEREAS, a review of the submitted proposals to the Council reveals that

the firms of Mid State Abstract Co. has represented Toms River Township for the services described herein and is familiar with the process required to serve the interests of Toms River Township; and

WHEREAS the firm of Mid State Abstract Co. has provided professional and responsive services to the Township for past title abstract services; and

WHEREAS, by Resolution of the Township Council dated January 3, 2007, authorization was given to award a professional services contract to Mid-State Abstract Co. for the period commencing January 1, 2007 and terminating on December 31, 2007; and

WHEREAS, by resolution of the Township Council dated January 1, 2008 the Township of Toms River extended the term of certain Toms River Township professional contracts awarded in 2007, including that between the Township of Toms River and Mid-State Abstract Co., to February 1, 2008 to ensure the continuation of these professional services; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of these professional service contracts, including that between the Township of Toms River and Mid-State Abstract Co., to February 12, 2008 to ensure the continuation of these professional services: and

WHEREAS, due to ongoing real estate matters, the Township Council believes it is in the best interest of the Township to extend the contracts with Mid-State Abstract Co., for the period of time through December 31, 2008; and

WHEREAS, the proposed firm has completed and submitted a Business Entity Disclosure Certification which certifies that these firms have not made any contributions in contravention of New Jersey's "Pay-to-Play Law", *N.J.S.A. 19:44A-20.4, et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.* and that this firm has acknowledged that the contract will prohibit it from making any such contributions through the term of the contract:

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Toms River approves the proposed contract awards and authorizes the Mayor to enter into a contract with Mid-State Abstract Co. from February 12, 2008 up to and including December 31, 2008 at the rates set forth regulated by the New Jersey Department of Insurance for title insurance, and \$165.00 per parcel for searches, subject to the execution of a contract, the availability of funds in the FY08 budget, and the availability of funds and the adoption of the FY09 budget.

BE IT FURTHER RESOLVED that the award of this professional services contract is being made in conformance with *N.J.S.A. 19:44A-20.4 et seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certifications be placed on file in the Office of the Township Clerk with this Resolution; and

PART XII

WHEREAS, the Township of Toms River has a need to acquire special accounting services from February 12, 2008 up to and including December 31, 2008 including but not limited to monitor and reconciliation of Developer's escrows accounts and analysis concerning the Municipal Review Services Rebate Act; and

WHEREAS, this award is subject to campaign contribution reform laws as set forth in *N.J.S.A. 19:44A-20.4 et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*; and

WHEREAS, the Township of Toms River solicited proposals for these services in accordance with the Fair and Open Process, pursuant to the provisions of *N.J.S.A. 19:44A-20.4 et. seq.*; and

WHEREAS, the following firm submitted a conforming proposal which was publicly opened and read on December 19, 2007:

1. Memoli & McDermott, LLP, 230 Main Street, Toms River, New Jersey 08753 was the only firm to present a submission for this position; and

WHEREAS, a review of the submitted proposal to the Council reveals that the firm of Memoli & McDermott, LLP has represented Toms River Township for the services described herein and is familiar with the process required to serve the interests of Toms River Township; and

WHEREAS the firm of Memoli & McDermott has provided professional and responsive services to the Township for past special accounting services; and

WHEREAS, by resolution of the Township Council dated January 1, 2008 the Township of Toms River extended the term of certain Toms River Township professional contracts awarded in 2007, including that between the Township of Toms River and Memoli & McDermott, LLP, to February 1, 2008 to ensure the continuation of these professional services; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of these professional service contracts, including that between the Township of Toms River and Memoli & McDermott, LLP, to February 12, 2008 to ensure the continuation of these professional services: and

WHEREAS, due to ongoing special accounting, the Township Council believes it is in the best interest of the Township to extend the contract with Memoli & McDermott, LLP, for the period of time through December 31, 2008; and

WHEREAS, this proposed firm has completed and submitted a Business Entity Disclosure Certification which certifies that this firm has not made any reportable contributions to a political or candidate committee of the Township of Toms River or County of Ocean in contravention of New Jersey's "Pay-to-Play Law", *N.J.S.A. 19:44A-20.4, et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*, and that this firm has acknowledged that the contract will prohibit it from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Toms River approves the proposed contract award and authorizes the Mayor to enter into a contract with the firm of Memoli & McDermott, from February 12, 2008 up to and including December 31, 2008 at the rate of \$85.00 per hour, subject to the availability of funds in the FY08 budget, and the availability of funds and the adoption of the FY09 budget.

BE IT FURTHER RESOLVED that the award of this professional service contract is being made in conformance with *N.J.S.A. 19:44A-20.4 et seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification and the Determination of Value be placed on file in the Office of the Township Clerk with this Resolution.

PART XIII

WHEREAS, the Township of Toms River has a need to acquire certain forester services from February 12, 2008 up to and including December 31, 2008; and

WHEREAS, this award is subject to campaign contribution reform laws as set forth in N.J.S.A. 19:44A-20.4 *et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*; and

WHEREAS, the Township of Toms River solicited proposals for these services in accordance with the Fair and Open Process, pursuant to the provisions of N.J.S.A. 19:44A-20.4 *et. seq.*; and

WHEREAS, the following firm submitted a conforming proposal which was publicly opened and read on December 19, 2007:

1. Michael LaMana, Heartwood Consulting Services, LLC, 1358 Hooper Avenue, Suite 260, Toms River, New Jersey 08753

WHEREAS, Michael LaMana, MS, CTE, RCA, CTE of Heartwood Consulting Services, LLC has represented the Township of Toms River in other forestry matters and found to be responsive and professional; and

WHEREAS, by resolution of the Township Council dated January 1, 2008 the Township of Toms River extended the term of certain Toms River Township professional contracts awarded in 2007, including that between the Township of Toms River and Michael LaMana Heartwood Consulting Services, LLC., to February 1, 2008 to ensure the continuation of these professional services; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of these professional service contracts, including that between the Township of Toms River and Michael LaMana, Heartwood Consulting Services, LLC. to February 12, 2008 to ensure the continuation of these professional services: and

WHEREAS, due to ongoing forester-related matters, the Township Council believes it is in the best interest of the Township to extend the contracts with Michael LaMana, Heartwood Consulting Services, LLC., for the period of time through December 31, 2008; and

WHEREAS, this proposed firm has completed and submitted a Business Entity Disclosure Certification which certifies that this firm has not made any reportable contributions in contravention of New Jersey's "Pay-to-Play Law", N.J.S.A. 19:44A-20.4, *et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Toms River approves the proposed contract award and authorizes the Mayor to enter into a contract with Michael LaMana, MS, CTE, RCA, of Heartwood Consulting Services, LLC, from February 12, 2008 up to and including December 31, 2008 at the rate of \$58.00 per hour, subject to the execution of a contract, the availability of funds in the FY08 budget, and the availability of funds and the adoption of the FY09 budget.

BE IT FURTHER RESOLVED that the award of this professional service contract is being made in conformance with N.J.S.A. 19:44A-20.4 *et seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification, The Political Disclosure Certification and the Determination of Value be placed on file in the Office of the Township Clerk with this Resolution.

BE IT FURTHER RESOLVED that notice of this contract award shall be published within 10 days of the within the date of this Resolution, in the official newspaper of 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) Township Attorney
- b) Chief Financial Officer
- c) Purchasing
- d) Mayor Kelaher
- e) Business Administrator
- f) Cindy Asay, Township Clerk's Office
- g) Secare, Delanoy, Martino & Ryan, Esqs.,
616 Washington Street
Toms, River, New Jersey 08753
- h) Citta, Holzapfel & Zabarsky , Esqs.
248 Washington Street
P.O. Box 4
Toms River, New Jersey 08754
- i) Starkey, Kelly, Bauer, Kenneally & Cunningham, Esqs.
1593 Suite 88 West
Brick, New Jersey 08724
- j) Brian E. Rumpf, P.C.
96 Radio Road
Little Egg Harbor, New Jersey 08087
- k) Wolff & Samson, PC,
1 Boland Drive
West Orange, New Jersey 07052
- l) DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis
& Lehrer, P.C.
15 Mountain Boulevard
Warren, NJ 07059-5686
- m) David F. Plewa
11 West Gateway
Toms River, N.J. 08753
- n) Barlo & Associates, Architects, LLC
92 Mantoloking Road
Brick, N.J. 08723
- o) Ronald A. Sebring Associates, LLC
405 Richmond Avenue
Point Pleasant Beach, N.J. 08742
- p) The Alaimo Group
200 High Street
Mount Holly, New Jersey 08060
- q) Remington, Vernick & Vena Engineers
32 King's H'way East
Haddonfield, N.J. 08033-3899
- r) O'Donnell, Stanton & Associates
1705 Rte. 37 East
Toms River, N.J. 08753
- s) Property Development Services
700 Hooper Avenue
Toms River, N.J. 08753
- t) T & M Associates
210 Hooper Avenue
Toms River, N.J. 08753; and
- u) Owen, Little & Associates
443 Atlantic City Blvd.
Beachwood, N.J. 08722
- v) Hatch, Mott, & MacDonald
100 Willowbrook Road
Freehold, N.J. 07728
- w) French & Parrello Associates, P.A.
1800 Rte. 34, Suite 101
Wall, N.J. 07719
- x) Mid State Abstract Co.
207 Hooper Avenue

- P.O. Box 413
Toms River, N.J. 08754
- y) Johnson Realty Services
1334 Laurel Avenue
P.O. Box 434
Sea Girt, New Jersey 08750
- z) Value Research Group, LLC
301 So. Livingston Ave
Livingston, N.J. 07039
- aa) Michael LaMana
Heartwood Consulting Services, LLC
1358 Hooper Avenue, Suite 260
Toms River, New Jersey 08753
- bb) Gravatt Consulting Group
414 Lacey Road
Forked River N.J. 08731
- cc) GSE, LLC Branch Estates
3121 U.S. Hwy 22 East,
Branchburg, N.J. 08876
- dd) Gluck, Walrath
428 River View Plaza
Trenton, New Jersey 08611-3420
- ee) Memoli, McDermott LLP
230 Main Street
Toms River, New Jersey 08753
- ff) Hierung, Gannon & McKenna, Esqs.
29 Hadley Avenue
Toms River, New Jersey 08754

**CERTIFICATION OF CHIEF FINANCIAL OFFICER
PURSUANT TO
LOCAL PUBLIC CONTRACT LAW**

The contracts awarded on the attached Resolution are open-ended contracts and, accordingly, pursuant to NJAC 5:30-5.5 the availability of funds cannot be certified at this time. However, funds will be certified at such time as goods or services are ordered or otherwise called for. Prior to incurring the liability, by placing the order, the certification of available funds shall be made by the Chief Financial Officer or certifying officer, as appropriate, and attached to the file copy of the purchase order or other such document. Furthermore, pursuant to NJAC 5:30-5.5(c)(2), these contracts do not coincide with the fiscal year and, therefore, these contracts may also be subject to the adoption of the FY09 budget and/or the adoption of appropriate Capital Ordinances.

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: March 11, 2008

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
PROFESSIONAL LEGAL SERVICES TO BARRY W. FROST, ESQ., OF THE FIRM OF
TEICH GROH AS BANKRUPTCY COUNSEL**

MARCH 11, 2008

WHEREAS, Barry W. Frost, Esq. of the law firm of Teich Groh was retained by way of resolution of this Council dated March 13, 2007 to December 31, 2007 as bankruptcy attorney for the Township at the hourly rate of \$300.00/hour, not to exceed \$7,500.00; and

WHEREAS, on January 1, 2008 the Township of Toms River Council by way of resolution extended the term of a contract award to Barry W. Frost, Esq. of the law firm of Teich Groh to February 1, 2008 to ensure the continuation of professional legal services as bankruptcy attorney; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of this professional service contract to February 12, 2008: and

WHEREAS, this Council finds that there is a need for a bankruptcy attorney to represent the Township when other parties have petitioned for bankruptcy affecting the rights of the Township to the remainder of the 2008 calendar year; and

WHEREAS, this award is subject to campaign contribution reform laws as set forth in N.J.S.A. 19:44A-20.4 *et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*; and

WHEREAS, the anticipated contract amount will not exceed \$17,500.00 for the 2008 calendar year; and

WHEREAS, this Council finds that Barry W. Frost, Esq. of the law firm of Teich Groh has provided services to the Township in a professional and competent manner in the court matter described above; and

WHEREAS, this firm has completed and submitted a Business Entity Disclosure Certification which certifies that this firm has not made any contributions in contravention of New Jersey's "Pay-to-Play Law", N.J.S.A. 19:44A-20.4, *et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*, and that this firm has acknowledged that the contract will prohibit it from making any contributions in violation of state or local laws through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Toms River approves the proposed contract award and authorizes the Mayor to enter into a contract with Barry W. Frost, Esq. of the law firm of Teich Groh at the rate of \$300/hour not to exceed \$7,500.00 as bankruptcy attorney from February 12, 2008 up to and including December 31, 2008, subject to the execution of contracts, the availability of funds in the FY08 budget, and the availability of funds and the adoption of the FY09 budget.

BE IT FURTHER RESOLVED that the award of this professional service contract is being made in conformance with N.J.S.A. 19:44A-20.4 *et seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification be placed on file in the Office of the Township Clerk with this Resolution; and

BE IT FURTHER RESOLVED THAT notice of this contract award shall be published within 10 days of the within the date of this Resolution, in the official newspaper of the Township of Toms River.

- a) Township Attorney
- b) Chief Financial Officer
- c) Purchasing
- d) Mayor Kelaher
- e) Twp. Administrator
- f) Cindy Asay, Township Clerk's Office
- g) Barry W. Frost, Esq.
Teich Groh
691 State Highway 33
Trenton, New Jersey 08619

**CERTIFICATION OF CHIEF FINANCIAL OFFICER
PURSUANT TO
LOCAL PUBLIC CONTRACT LAW**

The contract awarded on the attached Resolution is an open-ended contract and, accordingly, pursuant to N.J.A.C. 5:30-5.5, the availability of funds cannot be certified at this time. However, funds will be certified at such time as goods or services are ordered or otherwise called for. Prior to incurring the liability, by placing the order, the certification of available funds shall be made by the Chief Financial Officer or certifying officer, as appropriate, and attached to the file copy of the purchase order or other such document. Furthermore, pursuant to N.J.A.C. 5:30-5.5(c)(2), this contract does not coincide with the fiscal year and, therefore, this contract may also be subject to the adoption of the FY09 budget and/or the adoption of appropriate Capital Ordinances.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: March 11, 2008

**RESOLUTION AUTHORIZING THE DIVISION OF PURCHASING TO ADVERTISE
AND RECEIVE PROPOSALS FOR CONFLICT PUBLIC DEFENDER AND GENERAL
LEGAL SERVICES FOR CALENDAR YEAR OF 2008**

March 11, 2008

WHEREAS, the Township Council of the Township of Toms River is desirous of receiving proposal(s) for conflict public defender and general legal services for the calendar year of 2008; and

WHEREAS, such services are professional in nature, and are subject to the Campaign Finance Reform Act, as set forth in N.J.S.A. 19:44A-20.1 and by way of Section 84-1 of the Toms River Administrative Code entitled, "Prohibition on awarding public contracts to certain contributors"; and

WHEREAS, selection of the successful candidate(s) is to be pursuant to an Open and Fair Process, in N.J.S.A. 19:44A-20.1; and

WHEREAS, the criteria to be considered is as follows:

1. Name and roles of the individuals who will perform the task and description of their education and experience similar to the services contained herein.
2. Documented past performance of same or similar service.
3. References and record of success of same or similar service.
4. Description of ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff).

5. Cost details, including the hourly rates of each of the individuals who will perform services, and all expenses.

6. Description of technical process and equipment used in performing the task.

7. The rate for said services shall be \$135/hr. and WHEREAS, proposals by vendors are to be sealed and opened at a time certain as determined by the Division of Purchasing, and such proposals shall become available to the public at that time;

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 advertise for the receipt of proposals for the above-mentioned services.

2. With the specifications described above, the Division of Purchasing is hereby authorized to prepare proposal packages, pursuant to an Open and Fair Process, as defined in N.J.S.A. 19:44A-20.1 for:

Toms River Township Conflict Public Defender and general legal services

3. The Division of Purchasing shall conduct the opening of proposals in a public forum and provide the results to the Township Council for their determination.

4. Successful candidates shall comply with all provisions for campaign finance pursuant to the Campaign Finance Reform Act, as set forth in N.J.S.A. 19:44A-20.1 and by way of Section 84-1 of the Toms River Administrative Code entitled, "Prohibition on awarding public contracts to certain contributors" during the term of the award.

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) Mayor
- e) Business Administrator

**RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR
THE SUPPLY OF HEIL RAPID RAIL REPAIR PARTS
FOR THE DEPARTMENT OF PUBLIC WORKS**

MARCH 11, 2008

WHEREAS, bids were received on February 20, 2008 for the Supply of Heil Rapid Rail Repair Parts for the Department of Public Works; and

WHEREAS, only one bid was received, as follows:

SCNJ, Inc.
P.O. Box 1717
Lansdale, PA. 19446 Plus 10% - Current Heil
Repair Parts Price List

WHEREAS, said bid has been reviewed by the Department of Public Works, and they have recommended that the award of contract be made to SCNJ, Inc., for a total maximum amount of \$175,000.00 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 the Supply of Heil Rapid Repair Parts for the Department of Public Works to SCNJ, Inc., for a total maximum amount of \$175,000.00 over two (2) years. Term of Contract: April 24, 2008 through April 23, 2010. 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. This contract is subject to all terms and conditions of the bid specifications.

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) Public Works
- e) Aforementioned bidder

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to SCNJ, Inc., in the total maximum amount of \$175,000.00 over two (2) years, are 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 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: March 11, 2008

A motion was made by Council Member Kubiell, seconded by Council Member Maruca, and carried with Council Members Cassano, Donohue, Hill, Kubiell, Maruca, Sevastakis and Council President McGuckin voting yes, to approve the following Resolution:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER OPPOSING THE REQUESTED RATE INCREASE OF UNITED WATER-TOMS RIVER

MARCH 11, 2008

WHEREAS, United Water-Toms River ("United Water") has filed an application with the New Jersey Board of Public Utilities ("BPU") requesting a rate increase for the provision of public water service to its customers; and

WHEREAS, the requested rate increase would increase the typical cost to a residential customer from \$19.00 per month to nearly \$37.00 per month – an increase of more than 90% and

WHEREAS, during the past tow decades United Water has failed to provide adequate water service to its customers, the great majority of whom are residents of Toms River; and

WHEREAS, during this period, United Water has engaged in a course of conduct, including the failure to make necessary capital investments in its system which, in part, resulted in a complete loss of pressure in a substantial portion of its service area Memorial Day, 2006, which establishes that United Water has little regard for its customers; and

WHEREAS, also, during this period, United Water has failed to report exceedances of the presence of certain contaminants in its water supply to the New Jersey Department of Environmental Protection (“NJDEP”), as required by law, and has also knowingly reported false test results to the NJDEP resulting in the indictment of two senior employees of United Water including its former general manager; and

WHEREAS, United Water has also been cited by the NJDEP for its failure to obtain necessary permits for the extension of numerous water mains in the past and for failing to obtain a modification of its approved water allocation, which resulted in the issuance of an Administrative Order by the NJDEP imposing a moratorium on new water connections within Toms River for an extended period. This moratorium resulted in a hardship to many Toms River residents and significantly damaged the local economy; and

WHEREAS, as a result of these acts and omissions, the Township successfully brought legal action against United Water, resulting in the appointment of an Overseer by the Superior Court to monitor the operations of United Water; and

WHEREAS, the report of the Overseer confirmed the shoddy practices of United Water including improper security of its wellpoints, inadequate capital investment, the lack of any Master Plan for future improvements and water main extensions and numerous operational deficiencies; and

WHEREAS, as a result of the above, United Water has shown a reckless disregard for the public at large and its customers in particular and because of this pattern of malfeasance, Toms River has filed a petition with the BPU seeking to revoke United Water’s franchise to operate a public water utility in Toms River; and

WHEREAS, the Township Council finds therefore that the 90% rate increase proposed by United Water is unconscionable and unreasonable and not in the best interest of the residents of Toms River;

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 proposed 90% rate increase of United Water should be rejected by the BPU.

2. That prior to taking any action on the requested 90% rate increase, the BPU should schedule public hearings on this matter within Toms River to ensure that the ratepaying residents of Toms River will have ample opportunity to comment on the proposed increase.

3. That prior to taking any action on the requested rate increase, the BPU fully consider the past failures of United Water to provide adequate service to its customers.

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) Engineering
- d) United Water – Toms River
15 Adafre Street
Toms River, N.J. 08753
- e) New Jersey Board of Public Utilities
Two Gateway Center – 8th Floor
Newark, N.J. 07102
- f) New Jersey Department of Environmental Protection
P.O. Box 402
Trenton, N.J. 08625-0402
- g) Ocean County Board of Chosen Freeholders
P.O. Box 2191
Toms River, N.J. 08754
- h) Borough of South Toms River
114 Mill Street
South Toms River, N.J. 08757
- i) Township of Berkeley
627 Pinewald-Keswick Road
P.O. Box B
Bayville, N.J. 08721

A motion was made by Council Member Kubiell, seconded by Council Member Hill, and carried with Council Members Kubiell, Hill, Sevastakis and Council President McGuckin voting yes, to approve the following Resolutions. Council Members Cassano, Hill, Donohue, Kubiell, and Maruca abstained due to personal conflict. The following respective exceptions to their votes were noted as abstentions to this vote:

Council Member Kubiell abstained on Auxiliary Association of Community Medical Center.

Council Member Hill abstained on Saint Luke's Roman Catholic Church and Auxiliary Association of Community Medical Center.

Council Member Cassano abstained on Saint Luke's Roman Catholic Church.

Council Member Donohue abstained on Toms River High School East.

Council Member Maruca abstained on Toms River High School East and Saint Justin's Rosary Alter Society.

RESOLUTION

March 11, 2008

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>
WOMENS CLUB HOLIDAY CITY WEST RL5562	ON PREMISE 50/50	06-09-08 12-08-08
PLEASANT PLAINS VOL. FIRE DEPT. RL5563	OFF PREMISE 50/50	07-19-08
ST. LUKES RC CHURCH RL5564	OFF PREMISE 50/50	04-25-08
TOMS RIVER YOUTH SOCCER CLUB INC. RL5565	OFF PREMISE	06-18-08
OPEN ARMS INC. RL5566	OFF PREMISE 50/50	10-06-08
OCEAN COUNTY HISTORICAL SOCIETY RL5567	OFF PREMISE	08-30-08
TOMS RIVER HIGH SCHOOL EAST RAIDER BRIGADE RL5568	PULL TABS	4-7,14,21,28 5-5,12,19-08 6-2,9,16,23,30 7-7,14,21,28-08 8-4,11,18,25-08 9-8,15,22,29-08 10-6,13,20,27 11-3,10,17,24 12-1,8,15
TOMS RIVER SUNRISE ROTARY CLUB RL5569	CASINO NITE	ON PREMISE 04-11-08
ST. JUSTINS ROSARY ALTER SOC. RL5570	OFF PREMISE	06- 07-08
AUXILIARY ASSOCIATION OF COMM. MED. CENTER RL5571	ON PREMISE 50/50	04-24-08
AUXILIARY ASSOCIATION OF COMM. MED. CENTER RL5572	ON PREMISE	06-05-08
AUXILIARY ASSOCIATION OF COM. MED. CENTER RL5573	ON PREMISE	06-05-08
AUXILIARY ASSOCIATION OF COM. MED. CENTER RL5574	OFF PREMISE 50/50	06-05-08

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

March 11, 2008

Amendment #1
RL No. RL5534
I.D. #107-03-19185

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

1. That RAFFLE LICENSE NO. RL5534 issued to GREEK LADIES PHILOP. SOC. OF ST. BARBARAS is hereby amended as follows:

Due to inclement weather we must amend Chinese Auction Friday 2-22-08 to Friday 2-29-08.

2. All other provisions of RAFFLE LICENSE NO. RL5534 shall remain in full force and effect.

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

Council Member Sevastakis noted he is in favor of the following Resolution.

A motion was made by Council Member Maruca, seconded by Council Member Kubiell, and carried with Council Members Cassano, Donohue, Hill, Kubiell, Maruca, Sevastakis and Council President McGuckin, voting yes, to approve the following Resolution.

RESOLUTION AUTHORIZING THE TOMS RIVER TOWNSHIP DEPARTMENT OF RECREATION TO WAIVE THE BEACH ENTRANCE FEES AT SHELTER COVE BEACH IN TOMS RIVER TOWNSHIP ON SATURDAY, JUNE 21, 2008 FOR A BEACH PARTY SPONSORED BY THE TOMS RIVER SUNRISE ROTARY CLUB

MARCH 11, 2008

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 Toms River Township Department of Recreation to waive the beach entrance fees at Shelter Cove Beach in Toms River Township for one day on Saturday, June 21, 2008 for a beach party sponsored by the Toms River Sunrise Rotary Club.

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) Recreation
- c) Chief Financial Officer
- d) Police Dept.
- e) Toms River Sunrise Rotary Club
P.O. Box 1483
Toms River, N.J. 08754-1483
- f) James J. Gluck, Esq.
Gluck & Allen, LLC
217 Washington Street
Toms River, N.J. 08753

Council Member Maruca spoke in favor of the following Resolution.

A motion was made by Council Member Maruca, seconded by Council Member Kubiell, and carried with Council Members Cassano, Donohue, Hill, Kubiell, Maruca, Sevastakis and Council President McGuckin, voting yes to approve the following Resolution.

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION LAND
USE REGULATION PROGRAM APPLICATION FORM (LURP#2) CAFRA AND
WATERFRONT DEVELOPMENT GENERAL PERMIT NO. 14 FOR PHASE I BULKHEAD
IMPROVEMENTS**

MARCH 11, 2008

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 State of New Jersey Department of Environmental Protection Land Use Regulation Program Application Form (LURP#2), CAFRA and Waterfront Development General Permit No. 14 for Phase I Bulkhead Improvements at Cruiser Court, Green Island Road, Jefferson Avenue - bay, Longman Street, Maria Drive, Maritime Drive, Matso Drive, Monitor Drive, Nautilus Drive, Sunrise Boulevard, Venetian Court, Cheryl Drive, Sunrise Way, Cove Point Road and Riverside Drive. The total application fees for this permit in the amount of \$1,050.00, are available in Account No. X-04- -160-067. 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) Attorney
- b) Chief Financial Officer
- c) Engineering
- d) Alaimo Group
200 High Street
Mt. Holly, N.J. 08060
Attn: Thomas D. Cappetti, Jr.
- e) State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation
501 E. State Street
P.O. Box 439
Trenton, N.J. 08625-0439

CERTIFICATION

THIS IS TO CERTIFY that the funds for the required fee with reference to the State of New Jersey Department of Environmental Protection Land Use Regulation Program Application Form (LURP#2) - Cafra and Waterfront Development General Permit No. 14 for Phase I Bulkhead Improvements, in the total maximum amount of \$1,050.00, are available in Account No. X-04- -160-067.

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: March 11, 2008

A motion was made by Council Member Maruca, seconded by Council Member Hill, and carried with Council Members Cassano, Donohue, Hill, Maruca, Sevastakis and Council President McGuckin voting yes, Council Member Kubiak abstaining due to personal conflict, to approve the following Resolution.

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO ROBERT G. CIMER, DVM, D/B/A CALLING ALL CREATURES VETERINARY HOSPITAL

MARCH 11, 2008

WHEREAS, Robert G. Cimer, d/b/a Calling all Creatures Veterinary Hospital was retained by way of resolution of the Township Council dated March 13, 2007 to provide veterinarian services with regard to the Animal Shelter during the 2007 calendar year; and

WHEREAS, on January 1, 2008 the Township of Toms River Council by way of resolution extended the term of a contract award to Robert G. Cimer, d/b/a Calling all Creatures Veterinary Hospital to February 1, 2008 to ensure the continuation of professional legal services for veterinarian services to the Animal Shelter; and

WHEREAS, on January 22, 2008 the Township of Toms River Council by way of resolution further extended the term of this professional service contract to February 12, 2008; and

WHEREAS, the Council finds that there is a need for this professional service from February 12, 2008 through December 31, 2008; and

WHEREAS, solicitation was advertised for Veterinary Services for the Animal Shelter on December 19, 2007; and

WHEREAS, only one (1) proposal was received, as follows:

Robert G. Cimer, DVM
d/b/a Calling all Creatures Veterinary Hospital
246 Washington Street
Toms River, N.J. 08753

WHEREAS, based upon the review of the proposal by Joann Benson, Director, Department of Health and Human Services, she has recommended awarding a professional services contract to Dr. Robert G. Cimer, DVM, d/b/a Calling All Creatures Veterinary Hospital pursuant to his proposal; and

WHEREAS, the maximum amount of the contract to be awarded under this resolution shall not exceed \$30,000.00; 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 Robert G. Cimer, DVM d/b/a Calling All Creatures Veterinary Hospital, for the aforesaid purpose as outlined hereinabove, in the total maximum amount not to exceed \$30,000.00, and funds are available in Account No. 8-13- -911-011 - \$15,000.00 and Account No. 9-13- -911-011 - \$15,000.00 contingent upon adoption of the FY09 municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The Business Entity Disclosure certifications shall be placed on file in the Office of the Township Clerk with this resolution. The contract term shall be from February 12, 2008 through December 31, 2008.

2. WHEREAS, this proposed firm has completed and submitted a Business Entity Disclosure Certification which certifies that this firm has not made any reportable contributions to a political or candidate committee of the Township of Toms River or County of Ocean in contravention of New Jersey's "Pay-to-Play Law" N.J.S.A. 19:44A-20.4, et seq., and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 et. seq. The Business Entity Disclosure certifications shall be placed on file in the Office of the Township Clerk with this resolution.

3. Fully executed purchase orders shall serve as contract documentation between the parties hereto.

4. A notice of this action shall be published in the Asbury Park Press.

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) Purchasing
- c) Chief Financial Officer
- d) Animal Shelter
- e) Department of Health & Human Services
- f) Robert G. Cimer, DVM
d/b/a Calling All Creatures Veterinary
Hospital
246 Washington Street
Toms River, N.J. 08753
- g) C. Asay, Clerk's Office

CERTIFICATION

THIS IS TO CERTIFY that the funds for the professional services contract with Robert G. Cimer, DVM d/b/a Calling All Creatures Veterinary Hospital, in the total maximum amount not to exceed \$30,000.00, are available in Account No. 8-13- -911-011 - \$15,000.00 and Account No. 9-13- -911-011 - \$15,000.00 contingent upon adoption of the FY09 municipal budget.

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 order will encumber the funds for the affected accounts at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: March 11, 2008

Allyssa Hollingsworth's grandmother questioned the number of units to be purchased, per the following Resolution.

A motion was made by Council Member Hill, seconded by Council Member Kubiel, and carried with Council Members Cassano, Hill, Donohue, Kubiel, Maruca, Sevastakis and Council President McGuckin voting yes, to approve the following Resolution.

**RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR
THE PROCUREMENT OF AUTOMATED EXTERNAL DEFIBRILLATORS AND
ACCESSORIES**

MARCH 11, 2008

WHEREAS, bids were received on February 20, 2008 for the Procurement of up to Fifty (50) Medtronic Lifepak Express Automated External Defibrillators, Six (6) Training Defibrillators and Seven (7) Medtronic Lifepak® 1000 Defibrillators for the Department of Police, Recreation, Bey Lea Maintenance and Bey Lea Clubhouse; and

WHEREAS, only one bid was received, as follows:

Physio-Control, Inc.	
11811 willows Road North East	
P.O. Box 97023	
Redmond, Washington 98073-9723	\$80,888.30
	(Items A, B, E & F)
Item A Medtronic Lifepak Express Defibrillators	
50 @ \$1,215.00	\$60,750.00
Item B Medtronic Charge-Pak Battery Charter 6 @	
\$94.05	\$ 564.30
Item C Medtronic QUIK-PAK™ Electrode Pads 50 @	
\$94.05	\$ 4,702.50
Item D Infant/Child Reduced Energy Defib Electrodes	
50 @ \$118.15	\$ 5,907.50
Item E Medtronic LifePak Express Training Defibs	
6 @ \$250.00	\$ 1,500.00
Item F Medtronic LifePak ® Defibrillators 7 @	
\$2,582.00	\$18,074.00
Item G Medtronic LifePak ® 1000 Defibrillator	
Accessories	
a) wall Mount Bracket\$ 78.20/ea.
b) wall Cabinet w/Alarm\$231.20/ea.
c) Complete Soft Shell Carrying Case\$126.25/ea.
d) Hard Shell, watertight Carrying	
Case\$178.50/ea.
e) 3-wire cable\$170.00/ea.

Delivery - 45 Days ARO

WHEREAS, said bid has been reviewed by Deputy Chief Vincent J. Pedalino, Department of Police and he has recommended that the award of contract be made to Physio-Control, Inc., for Items A, B, E and F, as follows:

Item A: Bey Lea - 2 @ \$1,215.00 ea. \$ 2,430.00
 (includes one for maintenance and one for clubhouse)
 Recreation - 2 @ \$1,215.00 ea. \$ 2,430.00
 Police - 42 @ \$1,215.00 ea. \$21,049.80
 (includes one for Townhall) \$29,980.20
 Item B: Four (4) @ \$94.05 ea. \$ 376.20
 Item E: Four (4) @ \$250.00 ea. \$ 1,000.00
 Item F: Seven (7) @ \$2,582.00 ea. \$18,074.00
 GRAND TOTAL FOR ITEMS A, B, E & F: \$75,340.20

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 up to Fifty (50) Medtronic Lifepak Express Automated External Defibrillators, six (6) Training Defibrillators and Seven (7) Medtronic Lifepak® 1000 Defibrillators for the Department of Police, as follows:

Item A: Bey Lea - 2 @ \$1,215.00 ea. \$ 2,430.00
 (includes one for maintenance and one for clubhouse)
 Recreation - 2 @ \$1,215.00 ea. \$ 2,430.00
 Police - 42 @ \$1,215.00 ea. \$21,049.80
 (includes one for Townhall) \$29,980.20
 Item B: Four (4) @ \$94.05 ea. \$ 376.20
 Item E: Four (4) @ \$250.00 ea. \$ 1,000.00
 Item F: Seven (7) @ \$2,582.00 ea. \$18,074.00
 GRAND TOTAL FOR ITEMS A, B, E & F: \$75,340.20

for a total maximum amount of \$75,340.20, and funds are available in Account Nos. X-27- -130-001 - \$2,430.00, X-04- -178-033 - \$2,430.00, X-04- -178-072 - \$40,500.00 and X-04- -181-004 - \$29,980.20. 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.

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 Department
- e) Recreation
- f) Bey Lea Maintenance
- g) Bey Lea Clubhouse
- h) Aforementioned bidder

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Physio-Control, Inc., in the total maximum amount of \$75,340.20, are available in the following Account Nos.:

X-27- -130-001 - \$ 2,430.00
X-04- -178-033 - \$ 2,430.00
X-04- -178-072 - \$40,500.00
X-04- -181-004 - \$29,980.20

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 MANOLIO
CHIEF FINANCIAL OFFICER

Dated: March 11, 2008

Carol Benson questioned where the motor vehicle would be used. The Administrator said it is for the Building Department.

A motion was made by Council Member Hill, seconded by Council Member Kubiak, and carried with Council Members Cassano, Hill, Donohue, Kubiak, Maruca, Sevastakis and Council President McGuckin voting yes, to approve the following Resolution.

**RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO VENDOR WITH STATE CONTRACT**

MARCH 11, 2008

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 One (1) New 2008 Ford Escape U93 4WD V6 Auto XLT, for the Building Department, as follows:

DESCRIPTION OF VEHICLE TO BE PURCHASED:

(Option Pricing includes the 11% State Contract Discount)

2008 Ford Escape U93 4WD V6 Auto LXT Base Package as per N.J. State Contract #A70849. \$17,927.00 ea.

Additional Options:

Option 66B Convenience Package \$ 262.55

Option 51A Non-Matching Temporary

Full Size Spare wheel & Tire	\$	93.45
Option 187 Integrated Side Step Bars	\$	307.05
Option 53D Ambient Lighting	\$	262.55
Option 50B All-weather Ebony Floor Mats	\$	66.75

Vehicle shall have an interior of Camel (C)

Vehicle shall have an exterior of Oxford White (YZ)

TOTAL COST FOR VEHICLE: \$18,919.35

Contract Awarded to: Fords National Auto Mart
 900 Highway 35
 Ocean, N.J. 07712

State Contract No.: A70849

Maximum Amount: \$18,919.35

Account No.: 8-01- - C55-552

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) Building Dept.
- e) Fords National Auto Mart
 900 Highway 35
 Ocean, N.J. 07712

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract for vendor with State contract with Fords National Auto Mart, in the total maximum amount of \$18,919.35, are available in Account No. 8-01- -C55-552.

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: March 11, 2008

APPROVAL OF BILLS

Council President McGuckin asked for a report on the bills.

The Bill List, dated March 10, 2008, was approved on motion by Council Member Kubiell, seconded by Council President McGuckin, and carried with Council Members Kubiell, Donohue, Cassano, Hill, Maruca, Sevastakis and Council President McGuckin voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

Council President Sevastakis abstained due to business conflicts on the following:

Purchase Order 08-03493, payable to Chamber of Commerce and in the amount of \$35.00.

Council Member Donohue abstained due to personal and/or business conflicts on the following:

Purchase Order 08-03395, payable to Toms River Board of Education and in the amount of \$192.00.

Council Member Maruca abstained due to business conflicts on the following:

Purchase Order 08-03493, payable to Chamber of Commerce and in the amount of \$35.00.

Council Member Hill abstained due to personal conflicts on the following:

Purchase Order 08-01363 and 08-03231, payable to Community Medical Center and in the amount of \$379.05.

Purchase Order 08-03395, payable to Toms River Board of Education and in the amount of \$192.00.

Purchase Order 08-03890, payable to Township of Toms River Payroll and in the amount of \$1367,996.91.

Purchase Order 08-03563, payable to Commerce Bank and in the amount of \$2,970.00

Council Member Kubiell abstained due to personal conflicts on the following:

Purchase Order 08-08-01363 and 08-03231, payable to Community Medical Center and in the amount of \$379.05.

ELECTED OFFICIALS' COMMENTS

Mayor Kelaher had no comments.

Councilman Cassano spoke regarding Cancer Cluster Meeting of March 10, 2008.

Councilwoman Donohue spoke regarding the anti-nepotism Ordinance and its adoption.

Councilman Hill spoke regarding the Dover Retirement Hotel.

Council Members Kubiell, Maruca, and Sevastakis had no comments.

Council President McGuckin spoke regarding the Ward 4 Meeting.

PUBLIC COMMENTS

Carol Benson spoke regarding Board of Education Meetings, traffic issues, Ciba Geigy Meetings and Ciba development.

Daniel Wagner spoke regarding ice cream vending in Ocean Beach, public or private roads and sale. Attorney Troncone asked him to send the information to him, for review.

Allyssa Hollingsworth spoke regarding ownership of certain property in town.

Council President McGuckin asked if there were any other speakers. There was no response.

A motion was made by Council Member Kubiell, seconded by Council Member Maruca and carried with Council Members Cassano, Donohue, Hill, Kubiell, Maruca, Sevastakis and Council President McGuckin voting yes, to approve the following Resolution, which the Clerk read into the Record.

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 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 TOMS RIVER, 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:

1. Matters of Personnel
2. Litigation
3. Attorney-Client Privilege

3. The following specific items were to be discussed:

1. Ciba Geigy
2. P & A Contract
3. Switchboard Operator Position
4. Council On Affordable Housing
5. Sailin's Center

6. Gladney Avenue
7. United Water
8. P.U.S.H.
9. Dover Woods
10. Robo Can Bids
11. Ice Rink Concession Fees
12. Reservoir Committee
13. PAFF-GRC & Superior Court Matters
14. Executive Session Minutes
15. Grade 3 Position – Clerk's Office
16. Registrar Office – Part-Time Position
17. Deputy Clerk Position

4. It is anticipated that 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 foregoing resolution was approved on the following roll call vote:

Council Member Cassano	Yes
Council Member Donohue	Yes
Council Member Hill	Yes
Council Member Kubiell	Yes
Council Member Maruca	Yes
Council Member Sevastakis	Yes
Council President McGuckin	Yes

The Council entered into a private Executive Session at 6:42 PM.

The public portion was reconvened, at 9:30 PM, on motion by Council Member Kubiell, seconded by Council Member Sevastakis, and carried with Council Members Cassano, Donohue, Hill, Kubiell, Maruca, Sevastakis and Council President McGuckin present and voting yes.

A motion was made by Council Kubiell, seconded by Council Member Cassano, and carried with Council Members Cassano, Donohue, Hill, Kubiell, Maruca, Sevastakis and Council President McGuckin voting yes, to approve the following resolution.

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 -
CONTRACT FOR FOUR (4) LABRIE AUTOMATED (ROBO) REFUSE
COLLECTION SYSTEM TRUCKS FOR THE
DEPARTMENT OF PUBLIC WORKS**

MARCH 11, 2008

WHEREAS, on August 28, 2007 GranTurk Equipment Company, Inc. was awarded a contract for A Minimum of One (1) up to a Maximum of Four new and Unused 2008 Sterling Condor Alf (or equivalent) Cab/Chassis with Labrie (or equivalent) 31 Cubic Yard Atomizer Cool Hand Automated (Robo) Refuse Collection System Trucks for the Department of Public Works for a total maximum amount of \$901,637.16; and

whereas the delivery date of the trucks was anticipated to be on or about June 4, 2008; and

WHEREAS, the manufacturer of Sterling Condor Alf Cab/Chassis has filed a Chapter 11 Bankruptcy petition resulting in the delay of the trucks to at least November, 2008; and

WHEREAS, GranTurk has offered to provide a Peterbilt chassis with a Labrie body and deliver the same on or about August 15, 2008; and

WHEREAS, the Peterbilt chassis has been verified to be equivalent to the Sterling Condor Alf chassis by the Department of Public Works; and

WHEREAS, there is no additional cost for a change order from Peterbilt chassis to Sterling Condor chassis; and

WHEREAS, a change order to Peterbilt chassis does not substantially change the character or quality of the items provided; and

WHEREAS, the Township is desirous of having the (robo) trucks available during the summer season when garbage collection is increased within the municipality from one time per week to two times per week and the need for additional trucks is increased;

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. Resolution of the Township Council dated August 14, 2007 awarded a contract to GranTurk Equipment Company, Inc., for a Minimum of One (1) up to a Maximum of Four (4) New and Unused 2008 Sterling Condor Alf (or equivalent) Cab/Chassis with Labrie (or equivalent) 31 Cubic Yard Automizer Cool Hand Automated (Robo) Refuse Collection System Trucks for the Department of Public Works, in the amount of \$901,637.16 and

2. Change Order No. 1 - to the contract with GranTurk Equipment Company, Inc., to wit:

DESCRIPTION OF CHANGES:

GranTurk Equipment Co., Inc. to provide Peterbilt Model 320 Chassis in lieu of the specified Sterling Condor 880S Chassis. This substitution is accepted on the basis of the Chapter 11 Bankruptcy of American LaFrance which results in the inability of the Sterling Condor Chassis to be furnished in an acceptable time-frame together with the documentation provided verifying that the Peterbilt Chassis is an acceptable equal as verified by the Department of Public Works Director Louis Amoruso.

The complete truck chassis and body will be delivered no later than August 15, 2008.

	<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.	X	X
Total This C.O.	X	X
Previous Change Orders	X	X
Total Change Orders to Date	X	X
Total Change in Contract	X	X

ORIGINAL CONTRACT BID PRICE \$901,637.16
NET CHANGE IN CONTRACT -0-

be and the same is hereby ratified and confirmed.

3. 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) Engineering
- c) Attorney
- d) Purchasing
- e) Public Works
- f) GranTurk Equipment Company, Inc.
One Schuylkill Parkway, Bldg. B
Bridgeport, PA. 19405

A motion was made by Council Kubiell, seconded by Council Member Cassano, and carried with Council Members Cassano, Donohue, Hill, Kubiell, Maruca, Sevastakis and Council President McGuckin voting yes, to approve the following Resolution.

R E S O L U T I O N

March 11, 2008

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

1. The following individual is hereby appointed as Cashier-Clerk, Grade 3 – Office of the Clerk, with a salary of \$14.949 per hour (90% minimum new hires) effective March 17, 2008.

Alison Carlisle
902 Yellowbank Road
Toms River, NJ 08753

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

- a. Comptroller
- b. Attorney
- c. Clerks Office
- d. Personnel
- e. Individual listed above
- f. Mayor
- g. Council

A motion was made by Council Sevastakis, seconded by Council Member Hill, and carried with Council Members Cassano, Donohue, Hill, Kubiell, Maruca, Sevastakis and Council President McGuckin voting yes, to approve the following Resolution.

RESOLUTION

March 11, 2008

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

1. The following individual is hereby appointed as Clerk Typist-Part-time, Office of the Township Clerk - - Registrar's Office, with a salary of \$8.50 per hour (maximum 19.5 hours per week), effective March 17, 2008:

Donna Pappas
1675 Copperfield Lane
Toms River, NJ 08755

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

- a. Comptroller
- b. Attorney
- c. Clerks Office
- d. Personnel
- e. Registrar
- f. Individual listed above
- g. Mayor
- h. Council

A motion was made by Council Kubiell, seconded by Council Member Cassano, and carried with Council Members Cassano, Donohue, Hill, Kubiell, Maruca, Sevastakis and Council President McGuckin voting yes, to approve the following Resolution.

RESOLUTION

March 11, 2008

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

1. The following individual is hereby appointed as Switchboard Operator/Receptionist Part-Time, Office of the Township Clerk, with a salary of \$8.517 per hour (maximum 19.5 hours per week), effective March 12, 2008:

Nadeem Siddiqui
747 Ryan Run
Toms River, NJ 08753

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

- a. Comptroller
- b. Attorney
- c. Clerks Office
- d. Personnel
- e. Registrar

- f. Individual listed above
- g. Mayor
- h. Council

No other business appearing, the meeting was adjourned at 9:35 PM, on motion by Council Member Kubiell, seconded by Council Member Sevastakis, and carried with Council Members Cassano, Donohue, Hill, Kubiell, Maruca, Sevastakis, and Council President McGuckin voting yes.

GREGORY P. MCGUCKIN, COUNCIL PRESIDENT

J. MARK MUTTER, TOWNSHIP CLERK

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