

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: 19 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 Monday, January 12, 2009 and the Ocean County Gazette on Friday, January 16, 2009 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 5, 2009. The Notice was also posted on the Township Web Page.

Roll Call:

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

APPROVAL OF MINUTES

A motion was made by Council Member Kubiell, seconded by Council Member Hill, and carried with Council Members Kubiell, Hill, Sevastakis, Maruca, Wittmann and McGuckin voting yes, and with Council Member Donohue not voting because she was not on governing body, to approve the Minutes of the Regular Meeting of **July 14, 2009**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATION

Mayor Kelaher announced nomination for Township Business Administrator, Paul J. Shives.

Council President McGuckin read Mr. Shives accreditations and accomplishments to the public.

A motion was made by Council Member Kubiell, seconded by Council Member Donohue, and carried with Council Members Donohue, Hill, Kubiell, Maruca, Sevastakis, Wittmann and Council President McGuckin voting yes, to make the following Resolution a part of the Minutes:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CONSENTING TO THE APPOINTMENT OF PAUL J. SHIVES AS TOWNSHIP BUSINESS ADMINISTRATOR

JULY 28, 2009

WHEREAS, Mayor Thomas F. Kelaher has nominated Paul J. Shives to serve as Township Business Administrator; and

WHEREAS, the Township Council acknowledges that Mr. Shives, by virtue of his education and experience, would effectively discharge the duties of Township Business Administrator;

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 Council consents to the appointment of Paul J. Shives as Business Administrator.
2. Mr. Shives shall not be required to reside in Toms River, and is granted Permission to engage in outside non-municipal employment such as teaching and counseling.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a. Mayor Thomas F. Kelaher
 - b. Township Council
 - c. Louis A. Amoruso, Acting Business Administrator
 - d. Chief Financial Officer
 - e. Township Attorney
 - f. Department of Personnel
 - g. Paul J. Shives

Township Deputy Township Clerk Alison Carlisle administered the Oath of Office to the new Township Business Administer, Paul J. Shives.

A motion was made by Council Member Hill, seconded by Council Member Kubiell, and carried with Council Members Hill, Donohue, Kubiell, Maruca, Sevastakis, Wittmann and Council President McGuckin voting yes, to make the following Resolution a part of the Minutes:

Councilman Hill presented a certificate to Eagle Scout, Michael Thomas Zarycki.

Township of Toms River

Resolution

July 28, 2009

WHEREAS, the Mayor and Township Council of the Township of Toms River wish to honor and salute **Michael Thomas Zarycki** who has attained the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, an Eagle Scout Court of Honor will be held on Saturday, August 1, 2009 at 1:00 p.m. at the First United Methodist Church of Toms River, recollecting the twelve years **Michael Thomas Zarycki** has devoted to scouting and paying tribute to his many achievements; and

WHEREAS, Boy Scouts of America is an integral part of the Township of Toms River Community; and attaining the rank of Eagle Scout is a milestone, as only five percent of all registered Boy Scouts ever earn that rank; and

WHEREAS, the rank of Eagle Scout signifies the highest advancement rank that a Scout can achieve; and, to fulfill the requirements, a Scout must earn at least twenty-one Merit Badges, hold leadership positions within the Troop, and plan and execute a service project within his community worthy of the Eagle Scout rank; and

WHEREAS, **Michael Thomas Zarycki's** community project was to assist Emergency Medical Squads, by painting addresses on curbs at 300 individual homes in the senior village of Holiday City in Silverton, to better identify residences in emergency situations; he was aided by Scouts, Parents and Family Members; and

WHEREAS, **Michael Thomas Zarycki** earned a total of 31 merit badges and has successfully completed all the rank requirements, has accomplished his Eagle Project and was approved by the Eagle Board of Review, recommending his advancement to the rank of Eagle Scout;

NOW, THEREFORE, WE, Mayor Thomas F. Kelaher and Council President Gregory P. McGuckin, of the Township of Toms River, in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, hereby congratulate **Michael Thomas Zarycki** for achieving the rank of Eagle Scout as recommended by Scoutmasters Sandy and Thomas Zarycki of Boy Scout Troop 165, and thank him for his commitment to Scouting and to his Community, and wish him success in his future endeavors.

Mayor Thomas F. Kelaher

Gregory P. McGuckin, Council President

Melanie S. Donohue
Maria L. Maruca

Maurice B. Hill, Jr.
John C. Sevastakis

Brian S. Kubiell
George E. Wittmann, Jr.

Alison Carlisle, Deputy Township Clerk, read the following Ordinance of which the title only was read in full:

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

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 477 (VEHICLES AND TRAFFIC)
OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY (NO
PARKING CERTAIN HOURS – INNER LOOP OF THE CUL-DE-SAC ON THE WEST END OF
FRANCE COURT)**

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, the public hearing was closed.

Council Member Kubiel offered the following resolution and moved its adoption, Council Member Sevastakis 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.

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

Council Member Maruca	Yes
Council Member Sevastakis	Yes
Council Member Kubiel	Yes
Council Member Hill	Yes
Council Member Donohue	Yes
Council Member Wittmann	Yes
Council President McGuckin	Yes

Alison Carlisle, Deputy Clerk read the following Ordinance of which the title only was read in full:

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

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 477 (VEHICLES AND TRAFFIC) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY (STOP INTERSECTION – APPLE COURT AND AUDUBON DRIVE (STOP SIGN TO BE INSTALLED ON APPLE COURT))

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 Wittmann, seconded by Council Member Kubiel and carried, the public hearing was closed.

Council Member Donohue offered the following resolution and moved its adoption, Council Member Sevastakis 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.

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

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, SUPPORTING ASSEMBLY BILL NO. A-3443 WHICH WOULD AUTHORIZE A MUNICIPALITY TO REQUIRE AS PART OF A DEVELOPMENT, APPROVAL THAT LAND BE SET ASIDE FOR OPEN SPACE OR RECREATIONAL AREAS AND FACILITIES, OR, TO PAY A MONETARY ASSESSMENT IN LIEU OF ESTABLISHING THESE FACILITIES

JULY 28, 2009

WHEREAS, Assembly Bill No. A-3443 is currently pending in the New Jersey Legislature which, if enacted, would authorize a municipality to require as part of a development approval that land be set aside for open space or recreational areas and facilities, or, to pay a monetary assessment in lieu of establishing these facilities; and

WHEREAS, Assembly Bill No. A-3443 would afford a municipality the discretion to address its needs based upon fair and reasonable criteria; and

WHEREAS, this proposed law would authorize a planning board to utilize clustering techniques, similar to current provisions for a planned development; and

WHEREAS, this proposed law provides that any revenues derived from fees in lieu of set-asides be deposited into an account in a "Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund" dedicated for recreation and conservation purposes; and

WHEREAS, the Township Council believes that it is in the best interest of the residents and taxpayers of the Township of Toms River to support the passage of this bill;

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 strenuously supports the passage of Assembly Bill A-3443, and urges the New Jersey Legislature to immediately approve this legislation.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) 9th District Legislators
 - b) 10th District Legislators
 - c) 30th District Legislators
 - d) Township Planning Board
 - e) Township Planner, Jay Lynch
 - f) Department of Engineering
 - g) Township Attorney

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, MANDATING
A HIRING FREEZE FOR NEW POSITIONS AND RESTRICTING PROMOTIONS IN ALL
DEPARTMENTS OF THE TOWNSHIP**

JULY 28, 2009

WHEREAS, the State of New Jersey is confronting a fiscal and economic crisis more severe than any experienced since the Great Depression; and

WHEREAS, the severity of the national and international economic crisis has impacted the Township of Toms River ("Township"); and

WHEREAS, the Township is suffering a loss of revenue due to a reduction in construction fees, reduced interest on investments, a reduction in state school aid, an 18.4% increase in medical coverage payments, and increased legal expenses to defend more than 4,000 real property tax appeals resulting from a state mandated property revaluation; and

WHEREAS, it is necessary for the Township to immediately implement cost saving measures for fiscal year 2010; and

WHEREAS, it is necessary for the Township to implement appropriate controls on its employees to continue government services in the current economic situation, and hopefully, avoid the need for substantial, permanent lay-offs; and

WHEREAS, the Township Council has determined that a freeze on non-essential hiring and restricting promotions is necessary to address the current fiscal crisis;

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 imposes a freeze on hiring non-essential personnel and promotions. In the event that an essential position becomes vacant due to retirement, termination, or other reason, a re-hire or promotion may be considered only if it is necessary to continue essential services.

2. The Township Council mandates that all department heads adhere to the provisions of this resolution in order to avoid unnecessary expenditures. It is the intention of this mandate to control and reduce expenses, during this current economic crisis.

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

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Louis Amoruso, Acting Business Administrator
- d) Christine Manolio, Chief Financial Officer
- e) Kenneth B. Fitzsimmons, Township Attorney
- f) All Department Heads

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

RESOLUTION AMENDING SECTION 15.6 (HEALTH BENEFITS) OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL OF THE TOWNSHIP OF TOMS RIVER TO REDUCE THE AMOUNT OF MONEY PAID TO AN EMPLOYEE WHO WAIVES HEALTH INSURANCE BENEFITS PROVIDED BY THE TOWNSHIP

July 28, 2009

WHEREAS, Subsection "D" of Section 15.6 (Health Benefits) of the Personnel Policies and Procedures Manual of the Township of Toms River provides for payment of money to an employee who waives medical insurance benefits provided by the Township; and

WHEREAS, the Township Council is desirous of reducing the amount of money paid to an employee who waives medical insurance benefits;

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 second paragraph of Subsection "D" of Section 15.6 is amended as follows:

An employee, who shall provide proof of an outside insurance carrier, may waive health insurance benefits provided by the Township, and be paid an amount of money equal to 35% of the current cost of the insurance premium for which the employee is eligible. The waiver of benefits shall be for the fiscal year commencing July 1st and ending June 30th. This sum shall be paid during June of the fiscal year when the benefits have been waived. All employees must ensure that they have healthcare coverage at all times during the period they waive Township health insurance benefits.

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

- a) Mayor Thomas F. Kelaher
- b) All Department Heads
- c) Chief Financial Officer
- d) Township Attorney

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

RESOLUTION AUTHORIZING THE TOWNSHIP OF TOMS RIVER TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN, TO RECEIVE A GRANT PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, THROUGH THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

JULY 28, 2009

WHEREAS, there is available grant monies from the American Recovery and Reinvestment Act of 2009, ("Recovery Act"), through the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Byrne Memorial Justice Assistance Grant ("JAG") Program; and

WHEREAS, the U.S. Department of Justice requires that Ocean County serves as the lead applicant, and shall submit a single application to the Program on behalf of the Township; and

WHEREAS, the County of Ocean is ineligible to receive direct funding under the Recovery Act, but under the JAG guidelines, must remain a partner with the jurisdictions receiving funding and must be a signatory to the required shared services agreement; and

WHEREAS, the County of Ocean will distribute the funds to the Township, providing the Township has complied with the reporting requirements; and

WHEREAS, the Township Council shall make payments for certain law enforcement services or functions from current revenues legally available; and

WHEREAS, the Township Council wishes to participate in this program;

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

1. It hereby authorizes the Township of Toms River to enter into a Shared Services Agreement with the County of Ocean, to receive a grant pursuant to the American Recovery and Reinvestment Act of 2009, which includes funding for local law enforcement agencies distributed as a grant through the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Byrne Memorial Justice Assistance Grant (JAG) Program.

2. It hereby authorizes the Mayor to execute and the Township Clerk to attest to an agreement with the County of Ocean, to accept and process the grant funds.

3. The appropriate Township Officials are authorized to execute any and all documentation which is necessary to process the aforementioned grant.

4. 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) Mayor Thomas F. Kelaher
- d) Police Chief Mastronardy
- e) Office of the Prosecutor
Courthouse Annex Building
119 Hooper Avenue
P.O. Box 2191
Toms River, N.J. 08754
Attn: Marlene Lynch Ford, Prosecutor

Mayor Kelaher left at 6:40 P.M.

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 Donohue, and carried with Council Members Kubiak, Hill, Donohue, Maruca, Sevastakis, Wittmann, and with Council President McGuckin voting yes, to approve all the following items listed on the Consent Agenda, except items **A** and **J**, which were done separately.

RESOLUTION

JULY 28, 2009

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:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>QUAL.</u>	<u>YEAR</u>	<u>AMOUNT</u>
KELLY, JOHN SR.	443.4	6		08/1	1,204.03
				08/2	1,204.02
				09/2	2,501.53
MULLIGAN, GERARD M. & EILEEN	725	5		08/1	835.39
				08/2	835.38
				09/2	868.52
AGLIATA, ROBERT J. & SESSA	987	20		09/2	827.20

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

Approved as to content:

RESOLUTION AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS TO ENTER INTO AN AGREEMENT WITH OCEAN COUNTY RECYCLING CENTER, INC. D/B/A OCEAN COUNTY REMANUFACTURING CENTER TO PROVIDE FOR REMOVAL AND RECYCLING SERVICES

**FOR THE DISPOSAL OF CONCRETE, ASPHALT AND TREE STUMP RECYCLING AT THE
MUNICIPAL RECYCLING CENTER, IN THE AMOUNT OF \$30,000.00**

JULY 28, 2009

WHEREAS, the Township of Toms River is in need of removal and recycling services in order to dispose of concrete, asphalt and tree stump recycling services at the municipal recycling center in need of disposal; and

WHEREAS, certain recycling laws have been put into effect within the State of New Jersey, which have been imposed on all municipalities by the Department of Environmental Protection for the disposal of concrete, asphalt and tree stump products; and

WHEREAS, Ocean County Recycling Center, Inc. d/b/a. Ocean County Remanufacturing Center has the necessary means for the removal and recycling services for the disposal of concrete, asphalt and tree stump products;

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 appropriate Township Official(s) of the Township of Toms River to enter into an agreement with Ocean County Recycling Center, Inc. d/b/a Ocean County Remanufacturing Center, for the removal and recycling services to dispose of concrete, asphalt and tree stumps, at the municipal recycling center in need of disposal, to be paid at the following rates:

Contract Terms - \$5.00 per ton for concrete and asphalt; \$34.00 per ton for tree stumps, received at the municipal recycling center, then delivered to the Ocean County Recycling Center, Inc. d/b/a Ocean County Remanufacturing Center by the Township. Total maximum amount of contract - \$30,000.00. Funds are available in Account No. 0-01- -U24-412, with funds contingent upon approval and adoption of the FY10 municipal budget in a lawful manner. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. Term of contract: Date of award by resolution of the Township Council through June 30, 2010.

2. This contract may be cancelled by either party, upon thirty (30) days written notice.

3. This contract is awarded without competitive bidding as a "recycling service" in accordance with N.J.S.A. 40A:11-5 (1)(s) of the Local Public Contracts Law of New Jersey.

4. A notice of this action shall be advertised once by the Clerk in the newspaper with the lowest advertising rate.

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) Public Works Dept.
- c) Chief Financial Officer
- d) Purchasing
- e) Ocean County Recycling Center, Inc.
d/b/a Ocean County Remanufacturing Center
1497 Lakewood Road
Toms River, N.J. 08755

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with Ocean County Recycling Center, Inc. d/b/a. Ocean County Remanufacturing Center., for concrete, asphalt and tree stump recycling services, in the total maximum amount of \$30,000.00, are available in Account No. 0-01- -U24-412 with funds contingent upon the approval and adoption of the FY10 municipal budget in a lawful manner.

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: July 28, 2009

AMENDMENT TO RESOLUTION DATED MAY 26, 2009, AUTHORIZING THE RETENTION OF THE PROFESSIONAL LEGAL SERVICES OF STEVEN A. ZABARSKY, ESQ. AS MUNICIPAL PROSECUTOR AND COLLEEN M. DOLCY, ESQ., JOHN P. REILLY, ESQ. AND PAUL GRANICK, ESQ. AS ALTERNATE MUNICIPAL PROSECUTORS

JULY 28, 2009

WHEREAS, on January 5, 2009, the Township of Toms River Council by way of resolution, extended the term of certain Toms River Township professional contracts awarded in 2008 to March 31, 2009 to ensure the continuation of these professional services; and

WHEREAS, on February 10, 2009, the Township of Toms River Council by way of resolution authorized the Division of Purchasing to advertise and receive proposals in an open and fair process for professionals for the calendar year of 2009; and

WHEREAS, on March 24, 2009, the Township of Toms River Council by way of resolution further extended the term of these professional service contract awards to April 30, 2009; and

WHEREAS, on April 28, 2009, the Township of Toms River Council by way of resolution further extended the term of these professional service contract awards to May 31, 2009; and

WHEREAS, resolution of the Township Council dated May 26, 2009 authorized certain professional service contracts to December 31, 2009; and

WHEREAS, the May 26, 2009 resolution retained Steven A. Zabarsky, Esq., as Municipal Prosecutor and Thomas V. Campo, Esq., Colleen M. Dolcy, Esq., and John P. Reilly, Esq., as Alternate Municipal Prosecutors of the firm of Citta, Holzapfel & Zabarsky, Esqs., for a term commencing on June 1, 2009 and terminating on December 31, 2009, for a total maximum amount not to exceed \$43,750.00; and

WHEREAS, the Township has been advised by letter dated July 15, 2009, from Steven A. Zabarsky, Esq., of the law firm of Citta, Holzapfel & Zabarsky, Esqs., that Paul Granick, Esq., of the Citta law firm, will be replacing Thomas V. Campo, Esq., as Alternate Municipal Prosecutor; and

WHEREAS, there exists a need for the retention of professional legal services with regard to Municipal Prosecutor and Alternate Municipal Prosecutors; 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; 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 the Toms River Township Administrative Code § 84-1, "Prohibition on awarding public contracts to certain contributors."; and

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. It hereby authorizes the Township to enter into an amended contract with Steven A. Zabarsky as Municipal Prosecutor and Colleen M. Dolcy, Esq., John P. Reilly, Esq., and Paul Granick, Esq., as Alternate Municipal Prosecutors of the firm of Citta, Holzapfel & Zabarsky, Esqs., for a term commencing on June 1, 2009 and terminating on December 31, 2009, for a total maximum amount not to exceed \$43,750.00, the amount awarded by resolution dated May 26, 2009, for services as described herein, subject to the execution of a contract, the availability of funds, and the adoption of the FY10 budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

2. The purpose of this amended resolution is only to replace Thomas V. Campo, Esq., as Alternate Municipal Prosecutor, with Paul Granick, Esq., as Alternate Municipal Prosecutor. No additional monies are required.

3. A notice of this action shall be advertised once by the Clerk in the newspaper with the lowest advertising rate.

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

- a. Chief Financial Officer
- b. Purchasing Agent
- c. Municipal Attorney
- d. Personnel
- e. Municipal Court
- f. Chief of Police
- g. Office of the Township Council
- h. Office of the Mayor
- i. Colleen M. Dolcy, Esq.
- j. John P. Reilly, Esq.
- k. Paul Granick, Esq.
- l. Steven Zabarsky, Esq.
248 Washington Street,
P.O. Box 4
Toms River, NJ 08754

AMENDED CERTIFICATION

THIS IS TO CERTIFY that the funds for the amended professional services contract with Steven A. Zabarsky, Esq., as Municipal Prosecutor, Colleen M. Dolcy, Esq., Paul Granick, Esq. and John P. Reilly, Esq., as Alternate Municipal Prosecutors, of the firm of Citta, Holzapfel & Zabarsky, Esqs., in the amount not to exceed \$43,750.00, which was awarded by resolution of May 26, 2009, are subject to the execution of a contract, the availability of funds and the adoption of the FY10 budget.

This is an amended certification only to replace Thomas V. Campo, Esq., as Alternate Municipal Prosecutor with Paul Granick, Esq., as Alternate Municipal Prosecutor for the Township. No additional money is required.

More specifically, the actual encumbrance of the funds will be based on 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: July 28, 2009

RESOLUTION

July 28, 2009

WHEREAS, Officer Jennifer Grob #319, pension #0089060, has applied for a leave of absence without pay for medical reasons, 4th request, pursuant to the Federal Family Medical Leave Act; and

WHEREAS, the Township Council has determined that the aforesaid employee is entitled to a leave of absence pursuant to said Act; 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 approves a four (4) week leave of absence (4th request) for medical reasons for Police Officer Jennifer Grob, pension #0089060, pursuant to the Family Medical Leave Act, for a period to commence on July 7, 2009 to August 6, 2009. The Township shall maintain health benefits for the aforementioned employee, pursuant to U.S.C.A. 29 Section 2601 et seq.

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

- a. Chief Financial Officer
- b. Attorney
- c. Personnel
- d. Police Dept.
- e. Public Employees Retirement System
Attn: Client Services
PO Box 05
Trenton, NJ 08625
- f. Officer Jennifer Grob

RESOLUTION

July 28, 2009

WHEREAS, Darlene Asay, Police Department, pension #0681206, has applied for a leave of absence without pay for medical reasons, 1st request, pursuant to the Federal Family Medical Leave Act; and

WHEREAS, the Township Council has determined that the aforesaid employee is entitled to a leave of absence pursuant to said Act; 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 approves a four (4) week leave of absence (1st request) for medical reasons for Darlene Asay, Police Department, pension #0681206, pursuant to the Family Medical Leave Act, for a period to commence on June 29, 2009 to July 28, 2009. The Township shall maintain health benefits for the aforementioned employee, pursuant to U.S.C.A. 29 Section 2601 et seq.

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

- a. Chief Financial Officer
- b. Attorney
- c. Personnel
- d. Police Dept.
- e. Public Employees Retirement System
Attn: Client Services
PO Box 05
Trenton, NJ 08625
- f. Darlene Asay

RESOLUTION

July 28, 2009

WHEREAS, the following application for masseuse and massage business licenses have been made under the Provisions of Ordinance numbers 1606 and 1682:

(MASSAGE) LICENSE #05-09	Joeng S. Nash Toms River Accupressure Therapy Inc.
(MASSAGE BUSINESS) #06-09	Toms River Accupressure Therapy Inc.
((MASSAGE) LICENSE #07-09	Jung Han Winter Toms River Accupressure Therapy Inc.
((MASSAGE) LICENSE #08-09	Lori Keith Mind and Body Alliance
(MASSAGE) BUSINESS #09-09	Mind and Body Alliance

WHEREAS, said applicants have complied with all the requirements of Ordinance numbers 1606 and 1682, Chapter 357, of the "Code of the Township of Toms River, New Jersey," with respect to licensing; and

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

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

1. The Township Clerk 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
 - d. Applicants listed above

RESOLUTION AUTHORIZING PAYMENT OF IN-HOUSE HOCKEY LEAGUE REFEREES ON AN EUS (EXTRAORDINARY UNSPECIFIABLE SERVICES) BASIS

JULY 28, 2009

WHEREAS, the Township of Toms River sponsors in-house ice skating hockey league games at the Winding River Skating Center; and

WHEREAS, in order to conduct the aforesaid, it is necessary to retain the extraordinary unspecifiable services of referees for the in-house ice skating hockey league games; and

WHEREAS, the total amount of the contracts awarded under this resolution is not to exceed \$10,000.00, at the rate of \$25.00 per game, and funds are available in Account No. 0-31- -I47-534 contingent upon funds being available and the adoption of the FY10

budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk; and

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

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

1. It hereby retains the Extraordinary Unspecifiable Services of the following at a rate of \$25.00 per game, for a total contract amount not to exceed \$10,000.00:

- | | |
|---|---|
| a) Jimmy Gouse
54 Maple Street
Beachwood, N.J. 08722 | n) John Woytanowski
1241 Sylvania Place
Forked River, N.J. 08731 |
| b) Paul Daly
1967 Bricksburg Court
Toms River, N.J. 08755 | o) Liam Coffey
1613 Raccoon Drive
Toms River, N.J. 08742 |
| c) Andy Dill
1093 Hawser Avenue
Manahawkin, N.J. 08050 | p) Mitch Crenshaw
213 Smokerise Lane
Toms River, N.J. 08755 |
| d) Bruce Kocenski
2149 Rainbow Way
Toms River, N.J. 08755 | q) Rob Kulesa
3433 Bergen Avenue
Toms River, N.J. 08753 |
| e) Ryan Gouse
131 Seward Avenue
Toms River, N.J. 08753 | r) Joe Maroukis
1406 Summit Avenue
Toms River, N.J. 08753 |
| f) Marc Panzitta
816 Bartlett Circle
Toms River, N.J. 08753 | s) Paul Kaufman
2379 Forest Circle
Toms River, N.J. 08755 |
| g) Tyler DeBock
1581 Country Club Lane
Toms River, N.J. 08753 | t) Adam Greengrove
2056 Bay Blvd.
Ortley Beach, N.J. 08751 |
| h) Eddie Casler
956 Meredith Drive
Toms River, N.J. 08753 | u) Jay Malone
644 Halliard Avenue
Beachwood, N.J. 08722 |
| i) David Dalcortivo
239 Downhill Run
Toms River, N.J. 08755 | v) Ralph Gargaloni
1086 Lake Placid Drive
Toms River, N.J. 08753 |
| j) Kevin Lapsley
419 Stuyvesant Street
Forked River, N.J. 08731 | w) Robert DiBenedetto
6 Secret Cove Court
Barnegat, N.J. 08005 |
| k) Larry Clayton
520 Terrace Avenue
Toms River, N.J. 08753 | x) Andrew Gargaloni
1086 Lake Placid Drive
Toms River, N.J. 08753 |
| l) Chris Regis
1115 Indian Hill Road
Toms River, N.J. 08753 | y) Greg Bonte
1860 Eileen Way
Pt. Pleasant, N.J. 08742 |
| m) Dan Crenshaw
213 Smokerise Lane
Toms River, N.J. 08755 | |

Funds in the amount not to exceed \$10,000.00 are available in Account No. 0-31- -I47-534, contingent on funds being available and the adoption of the FY10 budget. Term of contract commencing on July 1, 2009 through June 30, 2010.

2. Fully executed purchase orders shall serve as the necessary contract documentation between the parties hereto. The

aforesaid payments are authorized pursuant to Sec. 6A-8 of the "Code of the Township of Toms River, New Jersey".

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

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

- a) Chief Financial Officer
- b) Attorney
- c) Purchasing
- d) Recreation
- e) Craig Lyons, Ice Rink Manager
- f) All Aforementioned Referees

CERTIFICATION

THIS IS TO CERTIFY that the funds for payment of in-house hockey league referees on an EUS (extraordinary unspecifiable services) basis, for a total maximum amount not to exceed \$10,000.00/\$25.00 per game, are available in Account No. 0-31- -I47-534 contingent upon funds being available and the adoption of the FY10 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 orders will encumber the funds for the affected account at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: July 28, 2009

RESOLUTION AUTHORIZING THE DEPARTMENT OF ENGINEERING AND COMMUNITY DEVELOPMENT TO SOLICIT FOR AND RECEIVE WRITTEN QUOTATIONS/PROPOSALS FOR ADMINISTRATIVE AGENT SERVICES CONFORMING TO THE COUNCIL ON AFFORDABLE HOUSING (COAH) REQUIREMENTS FOR ADMINISTRATIVE AGENTS

JULY 28, 2009

WHEREAS, it has been brought to the attention of the Township Council of the Township of Toms River that the Department of Engineering and Community Development is desirous of soliciting for and receiving written quotations/proposals for Administrative Agent Services Conforming to the Council on Affordable Housing (COAH) Requirements for Administrative Agents;

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 Department of Engineering and Community Development is hereby authorized to solicit for and receive written quotations/proposals for the above-mentioned project.

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

- a) Purchasing

- b) Chief Financial Officer
- c) Attorney
- d) Department of Engineering & Community Development
- e) Acting Business Administrator

RESOLUTION AUTHORIZING THE ON-LINE SALE/AUCTION OF THE TOWNSHIP'S PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE UTILIZING THE SERVICES OF PROPERTYROOM.COM., INC.

JULY 28, 2009

WHEREAS, pursuant to N.J.S.A. 40A:11-36, the Township of Toms River has accumulated numerous items of personal property through the normal course of police business and municipal business, and as the total estimated fair value of said items exceed fifteen percent (15%) of the current bid threshold, it is necessary to sell said items at a public sale to the highest bidder; 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. This sale shall be conducted pursuant to Local Finance Notice 2008-9, utilizing the website host services of PropertyRoom.com, Inc. at www.propertyroom.com. It hereby authorizes the services of PropertyRoom.com, Inc. to conduct the on-line sale/auction of the Township's personal property no longer needed for public use. The items to be sold by this online auction process include the following:

- Various bicycles
- Scooters
- Lawn Chairs
- Surfboard
- Baby Strollers
- Assorted men's and women's jewelry
- Women's accessories, pocket books and clothing
- Men's eyeglasses, night vision lens
- I-POD Nano
- Imation 3.5" Diskettes
- Digital camera
- Cell phone, flashlight
- GPS unit
- MP3 players
- Nintendo Wii Remote w/batteries
- Sony Xpolod speaker, VR3 amplifiers

2. The terms and conditions of the agreement between the Township of Toms River and PropertyRoom.com, Inc. are available in the Office of the Purchasing Agent.

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

- a) Purchasing
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) PropertyRoom.com, Inc.
26421 Crown Valley Parkway
Suite 200
Mission Viejo, CA. 92691

RESOLUTION AUTHORIZING THE PURCHASING DIVISION TO ADVERTISE FOR AND RECEIVE BIDS FOR VARIOUS

GOODS AND SERVICES

JULY 28, 2009

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

VARIOUS GOODS AND SERVICES:

- 1) Car Wash Services**
- 2) Vehicle Collision Repairs**
- 3) Dog and Cat Food for Police Canine Unit & Animal Shelter**
- 3) "OEM" Automobile Parts and Accessories**

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

R E S O L U T I O N

July 28, 2009

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major subdivision entitled Bergstrom, Block 410.03, Lot 40 (Isabella Court) hereinafter set forth as follows:

- A. That a Major Subdivision entitled Bergstrom, Block 410.03, Lot 40 (Isabella Court), has submitted the required maintenance guarantees,
- B. That a resolution of the corporation is on file, authorizing officers to execute bonds.
- C. Original Maintenance Cash bond in the form of a letter of credit in the amount of \$36,450.00 dated July 13, 2009 will be accepted along with original road acceptance form for Isabella Court.
- D. Original Cash bond in the amount of \$68,900.00 dated February 15, 2005 currently on deposit in #0-14- -902-101, will be released with applicable interest, and letter of credit in the amount of \$62,010.00 currently on deposit in #x-18- -101-428.

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

- 1. The bonds and guarantees set forth in the preamble hereto be and the same are hereby approved.
- 2. Said bond approval is conditioned upon compliance by Thomas Bergstrom, his successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

3. Township Clerk shall send a certified copy hereof to each of the following:
 - a. Engineer
 - b. Permits and Inspection Dept.
 - c. TRMUA
 - d. Chief Financial Officer
 - e. Planning Board
 - f. Attorney
 - g. Thomas Bergstrom
1407 Isabella Court
Toms River, NJ 08753

R E S O L U T I O N

July 28, 2009

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major subdivision entitled Somerset Meadows, Block 170, Lots 4, 5, 10-12 (Charlton Circle, Jumping Brook Drive) hereinafter set forth as follows:

- A. That a Major Subdivision entitled Somerset Meadows, Block 170, Lots 4, 5, 10-12 (Charlton Circle, Jumping Brook Drive), has submitted the required maintenance guarantees.
- B. That a resolution of the corporation is on file, authorizing officers to execute bonds.
- C. Original Maintenance Cash bond in the form of a letter of credit in the amount of \$390,000.00 dated May 20, 2009 will be accepted along with original road acceptance form for Charlton Circle and Jumping Brook Drive.
- D. Original Cash bond in the amount of \$80,000.00 dated May 9, 2006, currently on deposit in #0-14- -902-101, will be released with applicable interest.
- E. Original Surety bond in the amount of \$2,340,000.00, dated April 15, 2004, will be released, with a surety bond rider reducing surety bond from \$2,340,000.00 to \$720,000.00.

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. The bonds and guarantees set forth in the preamble hereto be and the same are hereby approved.
2. Said bond approval is conditioned upon compliance by Thomas Bergstrom, his successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.
3. Township Clerk shall send a certified copy hereof to each of the following:
 - a. Engineer
 - b. Permits and Inspection Dept.
 - c. TRMUA
 - d. Chief Financial Officer
 - e. Planning Board
 - f. Attorney
 - g. Somerset Development, LLC
911 E. County Line Rd.
Lakewood, NJ 08701

RESOLUTION

July 28, 2009

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

<u>Name</u>	<u>Type of License</u>	<u>Taxi Company</u>
50-09 Martin Wink	Taxi Driver	Beach Taxi
51-09 Mohammed Taha Sr.	Taxi Driver	AA-1 ATaxi

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

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF 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 TAXI LICENSE to the applicants listed above, in accordance with Chapter 457 (Taxicab and Taxicab Drivers) the "Code of the Township of Toms River".
2. The applicant is required to conform to all provisions of Chapter 457 (Taxi cabs and Taxi Drivers)
3. The Township Clerk shall send a certified copy of Resolution to the:
 - a. Police Department
 - b. Licensee (s)
 - c. Clerk's File
 - d. Law Dept.

RESOLUTION CHANGING THE MONETARY AMOUNT OF PETTY CASH IN THE DEPARTMENT OF PARKS, BUILDINGS AND GROUNDS

JULY 28, 2009

WHEREAS, Craig Ambrosio is the custodian of the Department of Parks, Buildings and Grounds Petty Cash Fund: and,

WHEREAS, in accordance with N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund; and,

WHEREAS, it is the desire of the Township of Toms River, County of Ocean, that the petty cash fund for the Department of Parks, Buildings, and Grounds, be increased from \$250.00 to \$500.00.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, in the County of Ocean and State of New Jersey, hereby authorizes such action and two copies of this Resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

BE IT FURTHER RESOLVED that certified copies of the Resolution be provided by the Office of the Township Clerk to each of the following:

- a) Director, Division of Local Government Services
- b) Business Administrator
- c) Township Attorney
- d) Township Auditor
- e) Director of Finance/CFO
- f) Department of Parks, Buildings and Grounds

Approved as to Content:

A motion was made by Council Member Donohue, seconded by Council Member Sevastakis, and carried with Donohue, Sevastakis, Wittmann and Council President McGuckin voting yes, and with Council Member Hill abstaining on Diocese of Trenton Catholic Relief Service, and Community Medical Center, and Council Member Kubiak abstaining on Community Medical Center Auxiliary Association, and with Council Member Maruca abstaining on Diocese of Trenton Catholic Relief Service, to approve the following Resolution:

RESOLUTION

JULY 28, 2009

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>
SILVERTON VOLUNTEER FIRE CO. LADIES AUX. RL- 5906	ON PREMISE RAFFLE	10-9-09
SILVERTON VOLUNTEER FIRE CO. LADIES AUX. RL- 5907	ON PREMISE 50/50	10-3-09
ALPHA DELTA KAPPA LAMBDA CHAPTER RL- 5908	ON PREMSIE RAFFLE	10-14-09
JERSEY SHORE ANIMAL CENTER RL- 5909	ON PREMISE 50/50	8-22-09
TOMS RIVER SOUTH FOOTBALL CLUB RL- 5910	OFF PREMISE RAFFLE	11-2-09
DIOCESE OF TRENTON CATHOLIC RELIEF SERVICE RL- 5911	OFF PREMISE RAFFLE	12-15-09
COMMUNITY MEDICAL CENTER AUXILIARY ASSOC. RL- 5913	OFF PREMISE	11-13-09

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

July 28, 2009

Amendment #1
RL No. 5874
I.D. # 107-08-28041

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

1. That RAFFLE LICENSE NO. RL-5874 issued to Kiwanis Club is hereby amended as follows:

Amending schedule of games and prizes as per attached.

2. All other provisions of Raffle LICENSE NO. RL-5874 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.

RESOLUTION

JULY 28, 2009

WHEREAS, the following organizations have made application for BINGO LICENSE and have paid the required fee:

TOMS RIVER ELKS
LODGE # 1875 BPOE
BL- 5912

BINGO 10-7,14,21,28-09
11-11,18-09
12-2,9,16,23,30-09
1-6,13,20,27-10
2-3,10,17,24-10
3-3,10,17,24,31-10
4-7,14,21,28-10
5-5,12,19,26-10
6-2,9,16,23,30-10
7-7,14,21,28-10
8-4,11,18,25-10
9-1,8,15,22,29-10

WHEREAS, the Clerk of this Township 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 BINGO LICENSE NUMBERS BL- 5856 to said organization as set forth in the preamble hereof, 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.

Carol Benson questioned the following Resolution.

David Paul, Wayne Engineering, made the following comments regarding item J concerning robo (refuse) collection system trucks:

Mr. Paul started with distributing hand-outs to Council Members.

Mr. Paul came up to the microphone and brought with him a laptop to address Council with notes he had made ahead of time. He began by introducing himself, and described what his company produces and that the specifications and contents of the bid that his company, Wayne Engineering, had submitted could save Toms River taxpayers \$500,000.00. Council President McGuckin interjected and asked Mr. Fitzsimmons, Township Attorney, to explain if there was a problem with the bid submitted by Wayne Engineering. Mr. Fitzsimmons explained that there were three bids received in total and that the bid specifications clearly stated that bidders had to keep the bid open for one year. Only one company allowed for this specification in their bid, and that is Granturk. The other bidders did bid lower, but they did not allow for a hold on the bid price for 12 months, making them non-conforming, and therefore invalid. Council President McGuckin stated to Mr. Paul that it is therefore the opinion of the Law Department that the other bids were to be rejected. Mr. Fitzsimmons confirmed this. Mr. Paul continued to read from his laptop facts about an industry wide chassis change that would end up costing tax payers within the Township's specified 12 month timeframe of the bid. Mr. Fitzsimmons retorted his and the Law Department's decision was still the same; the bid was rejected due to its being non-conforming. Mr. Paul explained it would cost \$29,000 more per truck to change the chassis on the first 7 trucks when the change goes into effect. Mr. Paul continued on and commented on the possible ways Granturk could offer this price knowing of the pending chassis change. Mr. Fitzsimmons asked why Wayne Engineering didn't follow the same strategy. Mr. Paul then commented on the fact that Granturk's parts were not American made; the Labrie parts were manufactured and assembled in Quebec, Canada. Mr. Fitzsimmons replied that although it is manufactured there, but with substantial American made parts. Mr. Paul then clarified that the Labrie is manufactured in Quebec, and New Jersey's Open Public Contracts law has the word "manufactured" in it, he then read the dictionary's definition of the word "manufactured" and repeated that the Labrie is manufactured in Canada. Mr. Fitzsimmons ended by saying that they were aware of his argument, they have studied it, but are holding to their decision.

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

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO GRANTURK EQUIPMENT COMPANY, INC., AS LOW BIDDER, FOR THE PROCUREMENT OF A MINIMUM OF SEVEN (7) TO A MAXIMUM OF SIXTEEN (16) AUTOMATED (ROBO) REFUSE COLLECTION SYSTEM TRUCKS, IN THE MAXIMUM AMOUNT OF \$1,942,715.04

JULY 28, 2009

WHEREAS, bids were invited on June 17, 2009 for the Procurement of a Minimum of Seven (7) up to a Maximum of Sixteen (16) New and Unused, 2009 or Current Production Model, Peterbilt 320 (or equivalent) Cab and Chassis with Labrie (or equivalent) 31 Cubic Yard Automizer Right-Hand, Side-Loader Packer Body Automated (Robo) Refuse Collection System Trucks; and

WHEREAS, bids were received, as follows:

GranTurk Equipment Company, Inc.
One Schuylkill Parkway, Bldg. B
Bridgeport, PA 19405

\$242,262.00 ea. x 16 = \$3,876,192.00

Automated Grease
System Option: \$ 6,000.00 ea. x 4 = \$ 24,000.00

Total Bid: \$3,900,192.00

Cab & Chassis: 2010 Peterbilt Model 320
Packer Body: 2009 Labrie 31YD Automizer
Delivery: 200-300 Days or Sooner, if possible

Prompt Payment Discount: 1%
(Within 15 Days of Delivery & Acceptance)

Golden Equipment Company, Inc.
P.O. Box 873
Mars, PA. 16046 Non-Conforming

Cambria Automotive Companies, Inc.
116 Talmadge Road
Edison, N.J. 08817 Non-Conforming

WHEREAS, said bids have been reviewed by the Department of Public Works and the Township Attorney, and recommendation has been made to award a contract to GranTurk Equipment Company, Inc., for the purchase of eight (8) trucks at a maximum amount of \$1,942,715.04, with the unit price bid to remain firm for the balance of the contract period for the remaining eight (8) trucks;

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 Purchase of Eight (8) Automated (Robo) Refuse Collection System Trucks to GranTurk Equipment Company, Inc., for a total maximum amount of \$1,942,715.04, which includes eight (8) trucks for a total of \$1,918,715.04, and the Automated Grease System Option, at the amount of \$24,000.00. Funds for the purchase of eight (8) robo trucks, are available in Account Nos. X-04- -178-057 - \$822,490.39; X-04- -191-001 - \$982,305.00 and X-04- -198-001 - \$137,919.65, with the purchase of up to eight (8) additional robo trucks, contingent upon the future availability of funds in a lawful manner. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all terms and conditions of the bid specifications.

2. The contract term is for one (1) year (12 consecutive months) from date of award by resolution of the Township Council.

3. Delivery shall be two hundred twenty (220) days to two hundred thirty (230) days or sooner, if possible, from award of contract by resolution of the Township Council.

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) Township Attorney
- d) Public Works Department
- e) Aforementioned bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to GranTurk Equipment Company, Inc., in the total maximum amount of \$1,942,715.04, which includes eight (8) trucks for a total of

\$1,918,715.04, and the Automated Grease System Option, in the amount of \$24,000.00, are available as follows:

Account No. X-04- -178-057 - \$822,490.39
Account No. X-04- -191-001 - \$982,305.00
Account No. X-04- -198-001 - \$137,919.65,

with the purchase of up to eight (8) additional robo trucks, contingent upon the future availability of funds in a lawful manner.

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 accounts at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: July 28, 2009

REPORTS

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

1. In-season Beach Badge Report - week #4 - \$42,970.00
2. In-season Beach Badge Report - week #5 - \$31,280.00
3. In-season Pool Badge Report - week #5 - \$8,937.00

APPROVAL OF BILLS

Council President McGuckin asked for a report on the bills.

The Bill List, dated **July 24, 2009**, was approved on motion by Council Member Donohue, seconded by Council Member Wittmann, and carried with Council Members Kubiell, Maruca, Sevastakis, Donohue, Hill and Council President McGuckin voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

Council Member Donohue abstained due to Business conflicts on the following:

Purchase Order 10-00024, payable to Board of Education Toms River Schools in the amount of \$9,308,868.60.

Purchase Order 10-00176 and 10-00174, payable to Toms River Schools in the amount of \$2,962.50.

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

Purchase Order 10-00024, payable to Board of Education Toms River Schools in the amount of \$9,308,868.60.

Purchase Order 10-00176 and 10-00174, payable to Toms River Schools in the amount of \$2,962.50.

Purchase Order 09-06011, payable to Owen Little and Association in the amount of \$7,661.25.

Purchase Order 10-00176 and 10-00174, payable to Saint Luke's Church in the amount of \$1,020.00.

Purchase Order 09-03634, payable to Terry Brady, Esquire, in the amount of \$7,000.00

Council Member Sevastakis abstained due to Business conflicts on the following:

Purchase Order 09-05775 and 09-06023, payable to Gilligan and Nardini in the amount of \$864.53.

Purchase Order 09-00780, payable to Memoli and McDermott, LLP in the amount of \$998.75.

Council Member Wittmann abstained due to Business conflicts on the following:

Purchase Order 10-00024, payable to Board of Education Toms River Schools in the amount of \$9,308,868.60.

Purchase Order 10-00176 and 10-00174, payable to Toms River Schools in the amount of \$2,962.50.

Purchase Order 09-00780, payable to Memoli and McDermott, LLP in the amount of \$998.75.

ELECTED OFFICIALS COMMENTS

Mayor Kelaher was absent.

Council Member Wittmann spoke regarding Castle Park.

Council Member Donohue congratulated the new Business Administrator; she also spoke regarding the recent arrests of forty four public officials.

Council Member Hill congratulated Michael Zarycki, Eagle Scout, and the Ortley Beach Lifeguards for being second place winners in the annual tournament held on July 22nd. He also spoke regarding a New Jersey Department of Transportation Meeting he attended.

Council Member Kubiak spoke regarding the rail line from Port Jervis into New York City, and the Health Care Reform.

Council Member Maruca spoke regarding the Groundbreaking at Silverton Castle Park, and nitrogen in our Bay waters and an upcoming meeting.

Council Member Sevastakis spoke regarding the Golf Course. He noted that July was the best month in the history of Bay Lea – over \$235,000 in revenue. He also spoke regarding the Township summer camps with over 700 children, and upcoming special events.

Council President McGuckin spoke regarding Gypsy Moth Program; Toms River Volunteer Company #1; the 9-11 Ceremony coming up, and the Nitrogen Fertilizer Ordinance draft proposals.

PUBLIC COMMENTS

Council President McGuckin announced the public portion and asked if any one wished to speak at this time.

Alyssa Hollingsworth spoke regarding properties of Route 37 with graffiti and areas with over grown grass.

Carol Benson thanked the Council for the removal of dumpster on Main Street. She also spoke regarding Resolution number 11 regarding Health Benefits, and lights for school fields.

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

No further comments from the public appearing, a motion was made by Council Member Kubiell, seconded by Council Member Maruca, and carried to enter into a private Executive Session at 7:34 p.m.

A motion was made by Council Member Kubiell, seconded by Council Member Maruca and carried, to adopt the following resolution, which was read into the record by the Deputy Township Clerk:

RESOLUTION

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF 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. Attorney Client Privileged
 3. Contract Negotiations
 4. Anticipated Litigation
 5. Matters in Litigation
 6. Settlement of Claim
 7. Land Acquisitions
3. No specific topics were announced.
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 Donohue	Yes
Council Member Hill	Yes
Council Member Kubiell	Yes

Council Member Maruca	Yes
Council Member Sevastakis	Yes
Council Member Wittmann	Yes
Council President McGuckin	Yes

The Council reconvened the public portion. All Council Members Donohue, Hill, Kubiell, Maruca, Sevastakis, Wittmann and Council President McGuckin present.

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

RESOLUTION APPROVING EXECUTIVE SESSION MINUTES

WHEREAS, the attached Executive Session Minutes have been reviewed as to form and accuracy;

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

1. The following Executive Session Minutes are approved:

July 14, 2009

2. The Township Clerk shall maintain same as an official record.

No other business appearing, the meeting was adjourned at 8:10 P. M. A motion was made with Council Member Kubiell, seconded by Council Member Wittmann, and carried with Council Members Donohue, Hill, Maruca, Kubiell, Sevastakis, Wittmann and Council President McGuckin voting yes.

GREGORY P. MCGUCKIN, COUNCIL PRESIDENT

ALISON CARLISLE, DEPUTY TOWNSHIP CLERK