November 23, 2010

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: 03 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 8, 2010** and the Ocean County Gazette on **Friday, January 15, 2010** 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 3, 2010**. The Notice was also posted on the Township Web Page.

Roll Call:

Council Member Donohue-Appleby	- Present
Council Member Hill	- Present
Council Vice-President Kubiel	- Absent
Council Member Maruca	- Present
Council Member Sevastakis	- Present
Council President McGuckin	- Present
Council Member Wittmann	- Present

A motion was made by Council Hill, seconded by Council Member Sevastakis, and carried with Council Members Donohue-Appleby, Hill, Maruca, Sevastakis, Wittmann, and Council President McGuckin voting yes, to approve an excused absence for Council Member Kubiel.

APPROVAL OF MINUTES

A motion was made by Council Member Wittmann, seconded by Council Member Donohue-Appleby, and carried with Council Members Hill, Maruca, Sevastakis, Donohue-Appleby, Wittmann and McGuckin voting yes, and Council Member Maruca was absent November 9, 2010 and is abstaining, and with Council Member Kubiel absent, to approve the Minutes of the Regular Meeting of **November 9, 2010.** The reading of this Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

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

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

AN ORDINANCE OF THE TOWNSHIP OF TOMS RIVER IN THE COUNTY OF OCEAN, NEW JERSEY, AMENDING ORDINANCE NO. 3990-06 OF THE TOWNSHIP FINALLY ADOPTED MARCH 14, 2006, PROVIDING FOR VARIOUS GOLF COURSE UTILITY CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF TOMS RIVER

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

Council Member Hill 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	Absent
Council Member Hill	Yes
Council Member Donohue-Appleby	Yes
Council Member Wittmann	Yes
Council President McGuckin	Yes

Council Member Hill introduced the following Ordinance of which the title only was read in full:

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 95-3 (UTILIZATION OF TRUST FUNDS) OF CHAPTER 95 (OPEN SPACE TRUST FUND) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, TO EXPAND THE PERMITTED USES FOR MONIES ACCUMULATED IN THE OPEN SPACE TRUST FUND IN ACCORDANCE WITH N.J.S.A. 40:12-15.7

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

1. Section 95-3 (Utilization of Trust Funds) of Chapter 95 (Open Space Trust Fund) of the Code of the Township of Toms River, Ocean County, New Jersey, is amended and supplemented to read as follows:

§95-3. Utilization of Trust Funds.

A. Permitted Uses. In accordance with N.J.S.A. 40:12-15.7, the funds accumulated within the Open Space Trust Fund shall be expended for any or all of the following purposes, or any combination thereof, as determined by the governing body:

1. Acquisition of lands for recreation and conservation purposes.
2. Development of lands acquired for recreation and conservation purposes.
3. Maintenance of lands acquired for recreation and conservation purposes.
4. Acquisition of land for farmland preservation purposes.

5. Appraisal fees, title fees, professional fees, and other legally permissible expenses associated with the acquisition of land for recreation and conservation or farmland preservation purposes.
6. Historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition such properties, structures, facilities, sites, areas, or objects for historic preservation purposes.
7. Payment of debt service on indebtedness issued or incurred for any of the purposes set forth in the preceding subparagraphs.

B. Cap on Funds Appropriated For Maintenance. The amount of funds annually appropriated for maintenance as permitted in Subsection A3 shall be limited to the lesser of 40% of the annual amount collected or $1,000,000.

C. Interest. Any and all interest or gain accruing upon the monies accumulated in the Open Space Trust Fund shall remain therein and may be utilized for any of the purposes set forth in the preceding subsection.

2. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 95 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

3. If any part or parts of this ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this ordinance.

4. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.

A motion was made by Council Member Hill, seconded by Council Member Sevastakis, and carried with Council Members Donohue-Appleby, Hill, Maruca, Sevastakis, Wittmann and Council President McGuckin voting yes, and with Council Member Kubiel absent, that the foregoing Ordinance be adopted on first reading with publication notice as follows:

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on November 23, 2010 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on December 14, 2010 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

J. MARK MUTTER
TOWNSHIP CLERK

APPROVED AS TO FORM:
KENNETH B. FITZSIMMONS
TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, November 26, 2010.

Ordinance was adopted on first reading with Council Members Donohue-Appleby, Hill, Maruca, Sevastakis, Wittmann and Council President McGuckin voting yes, and with Council Member Kubiel absent.

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-Appleby, and carried with Council Members Hill, Donohue-Appleby, Maruca, Sevastakis, Wittmann, and with Council President McGuckin voting yes, and with Council Member Kubiel absent, to approve all the following items listed on the Consent Agenda, except items **P,** which was done separately.

R E S O L U T I O N

NOVEMBER 23, 2010

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*
RUSTIC DUNES BEACH ASSN @MAMONE	*935*	*21.05*	*2010/1*	*$ 374.95*
			2010/2	*374.94*
			2010/3	*129.07*
LEWANDOWSKI, JOSEPH & KATHLEEN	*1085.03*	*12*	*2010/3*	*401.76*

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 DIVISION OF PURCHASING TO ADVERTISE AND RECEIVE PROPOSALS FOR TOWNSHIP PROFESSIONAL SERVICES FOR CALENDAR YEAR 2011

NOVEMBER 23, 2010

WHEREAS, the Township Council of the Township of Toms River is desirous of receiving proposal(s) for the calendar year of 2011, the following professional services: Auditor, Pool Township Veterinarians, Legal Bond Counsel, Land Acquisition Counsel, Township Prosecutor with Assistants, Conflict Prosecutor, Township Public Defender, Conflict Public Defender, Legal Counsel for Ciba-Geigy litigation, Labor Counsel, Pool Attorneys, Pool Inspection and General Engineering Services, Pool Capital Improvement Engineering Services, General COAH Planner, COAH Attorney, Rent Leveling Board Accountant, Accountant for Special Services, Real Estate Appraisers, Real Estate Title Search Services, Pool Capital Improvement Architects, Legal Counsel for N.J.D.E.P. v. Almo litigation, Township Physician, Township Psychologists, Township Police EMS Medical Director, Board of Utilities Public Rate Counsel, Planning Board Attorney, Planning Board Engineer, Board of Adjustment Attorney, Conflict Board of Adjustment Attorney, Board of Adjustment Engineer, Certified Forester; Township Cardiologist, Township Physician, COAH Counsel, Court Mediation Services, Legal Counsel for Certified Valuations v. Twp of Toms River, General Environmental Legal Counsel, Bankruptcy Legal Services, Consultant for Community Development Block Grant Program (CDBG); and

WHEREAS, some of the services are subject to the Campaign Finance Reform Act, as set forth in N.J.S.A. 19:44A-20.5 and awarded under the "Open and Fair Process". N.J.S.A. 19:44A-20.1, et. seq. and Chapter 84 of the Toms River Township Administrative Code; and

WHEREAS, the criteria to be considered is as follows:

(a) Name and business address of proposed contractor. The names and roles of the individuals who will perform the task, and a description of their experience with projects similar to the matter being advertised.

(b) References which include evidence of successful transactions for provision of similar goods or services.

(c) Description of ability to provide the goods or services in a timely fashion (for service contracts, include staffing, familiarity, and location of key staff).

(d) Cost details. including the hourly rates of each of the individuals who will perform services, time estimates for each individual, all expenses, and, where appropriate, total cost of "not to exceed" amount.

(e) Qualifications of the individuals who will perform the tasks and the amounts of their respective participation.

(f) Other relevant experience.

(g) Ability to perform the task or provide goods in a timely fashion.

(h) Cost consideration, including, but not limited to, as applicable, historical costs for similar goods or services, expertise involved and comparable costs for comparable public entities; 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 under a fair and open process as set forth in Chapter 84, "Contracts, Public", of the Toms River Township Administrative Code.

2. In addition to the criteria set forth above for all services, the Division of Purchasing is to provide the following not to exceed hourly rates or other specifications for the following professional services:

Auditor: Partner: $145.00/hr.; Manager: $115.00/hr.; Supervisor $90.00/hr.; Senior Staff: $75.00/hr. and Staff: $65.00/hr., with a total amount not to exceed $60,000.00.

General COAH Planner: not to exceed a total amount of $36,000.00, and:

Jr. Technical Staff
Administrative Support Staff . . . . . $ 60.00/hr.

Field Staff
Professional Entry Level . . . . . $ 75.00/hr.

Technical Staff
Jr. Professional Staff . . . . . $108.00/hr.

Professional Staff
Senior Technical and Field Staff . . . . . $118.00/hr.

Senior Professional Staff
Supervising Technical Staff . . . . . $123.00/hr.

Supervising Professional Staff . . . . . $125.00/hr.

Principal
Division Manager
Corporate Manager . . . . . $135.00/hr.

Legal Counsel for Ciba-Geigy Litigation: hourly rate: $220/hr.

General Environmental Legal Counsel, including applications to the N.J. D.E.P., and State House Commission matters. Hourly rate: $220/hr.

Pool Attorneys: $135/hr.

Legal Bond Counsel: $250/hr. for attorneys and $75/hr. to $185/hr. for legal assistants, for a total maximum amount not to exceed $12,500.00.

Rent Leveling Board Accountant: $85.00/hr. for a total maximum amount not to exceed $6,000.00.

Labor Counsel: $135.00/hour.

Pool Inspection and General Engineering services at the following rates:

Principal Engineer	**$135.00/hr.**
Project Manager (PE)	**$115.00/hr.**
Design Engineer (EIT)	**$105.00/hr.**
Design Engineer	**$ 95.00/hr.**
Professional Land Surveyor (PLS) (As a principal or partner)	**$120.00/hr.**
Professional Land Surveyor (PLS) (As an associate)	**$100.00/hr.**
Senior Designer	**$ 75.00/hr.**
Computer Technician	**$ 75.00/hr.**
Engineering Technician	**$ 75.00/hr.**
Survey Technician	**$ 65.00/hr.**
Senior CADD Operator	**$ 75.00/hr.**
CADD Operator	**$ 60.00/hr.**
Field Survey Crew	**$125.00/hr.**
Senior Inspector	**$ 90.00/hr.**
Inspector Level 1	**$ 50.00/hr.**
Inspector Level 2	**$ 70.00/hr.**
Secretary/Clerical	**$ 32.00/hr.**

Delivery	**$ 30.00/hr.**
Prints	**$ 0.24/sq.ft.**
Mylars	**$ 1.50/sq.ft.**
Cloths	**$ 2.00/sq.ft.**
Subcontract Services	**120% of cost**
Expenses	**At cost**

Real Estate Appraisal Services:

Principal Appraiser Consultant	$150.00/hr.
Associate Appraiser	$ 75.00/hr.
Administrative/Clerical	$ 50.00/hr.
Materials/Supplies	Plus 50%

Real Estate Title Abstract Services: at the rates set forth by the New Jersey Department of Insurance for title insurance, and $165.00 per parcel for searches.

Special Accounting Services: $85.00/hr., not to exceed a maximum amount of $6,000.00.

Forester services: $78.00/hr.

Police Emergency Medical Service Director: shall not exceed the maximum amount of $12,000.00 for entire CY11 budget at $1,000.00 per month, which includes 10 hours per month for the activities described in the RFP.

Conflict Public Defender Services: $350.00 per court session, not to exceed $2,000.00 for the entire calendar year.

Municipal Public Defender: not to exceed $42,000.00 annually for CY11, and not to exceed $3,500.00 on a monthly basis.

Conflict Prosecutor: $350.00 per court session, not to exceed $2,000.00 for the entire calendar year.

Municipal Prosecutor and Assistants: a maximum amount not to exceed $75,000.00 annually for CY11, and not to exceed $6,250.00 on a monthly basis.

Legal Professional Services in the NJDEP v. Almo Anti-Pollution Services, et als. v. Toms River Township: $200/hr. for partners; $140/hr. for associates.

Land Acquisition Legal Services: $125/hr.

Township Psychologist: not to exceed $10,000.00.

Township Physician: not to exceed $26,000.00.

Bankruptcy Legal services: $300/hr., not to exceed $5,000.00 for tax appeals and not to exceed $5,000.00 for general bankruptcy services.

BPU Rate Counsel: $165/hr. not to exceed $15,000.00.

COAH Legal services: Round 3 COAH $175/hr. General COAH legal services 135/hr.; paralegal $75/hr.

Court Mediation Services: $400.00 per hour, with one half of this fee ($200.00) to be paid by the Township of Toms River and the remaining half to be paid by the adversary.

Board of Adjustment Attorney and Conflict Attorney 135.00/hr. through escrow accounts except for litigation.

Board of Adjustment Engineer and Conflict Engineer 135.00/hr through escrow accounts.

Planning Board Attorney $135.00/hr.

Planning Board Engineer $135.00/hr.

Consultant for Community Development Block Program (CDBG): Not to exceed $10,000.00 for CY11.

Special Counsel for Certified Valuations v. Township of Toms River: Partner: $195.00/hr., Associate: $150.00/hr., Paralegal: $100.00/hr.

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

a) Mayor Thomas Kelaher
b) Purchasing
c) Chief Financial Officer
d) Business Administrator
e) Township Attorney
f) Director of Dept. of Engineering
g) Engineer
h) Township Council
i) Police Dept.
j) Municipal Court
k) Director of Health and Human Services
l) Tax Collector
m) Planning Board
n) Board of Adjustment
o) Tax Assessor
p) Jay Lynch, Township Planner
q) Director, Public Works

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY ACCEPTING THE BID OF GRUNIN HOLDINGS LLC FOR A PLENARY RETAIL CONSUMPTION LICENSE

NOVEMBER 23, 2010

WHEREAS, pursuant to law, the Township Council authorized the solicitation of bids for a Plenary Retail Consumption License; and

WHEREAS, the following bid was received from a qualified bidder:

PLENARY RETAIL CONSUMPTION LICENSE

NAME OF BIDDER	AMOUNT OF BID
GRUNIN HOLDINGS LLC	$600,000.00

WHEREAS, it has been determined that it is in the best interests of the Township to authorize the acceptance of this bid subject to the approval of the Division of Alcoholic Beverage Control of the State of New Jersey;

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 bid of GRUNIN HOLDINGS LLC in the amount of $600,000.00 for a Plenary Retail Consumption License is accepted.

2. This award is contingent upon bidder's compliance with all terms of the Notice to Bidders, compliance with all local, county, state and federal requirements, and approval of license by the Division of Alcoholic Beverage Control of the State of New Jersey.

3. Grunin Holdings LLC shall pay the balance of the bid amount ($540,000.00) on or before December 23, 2010. If, after the acceptance of the bid by the Township, and the payment of the balance of the purchase price, the Township Council, for any reason denies

the transfer of the license to Grunin Holdings LLC, then in such event, the Township shall return the entire purchase price ($600,000.00) to Grunin Holdings LLC within thirty days of such denial.

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

a) Township Council
b) Business Administrator
c) Township Attorney
d) Chief Financial Officer
e) Police Chief Michael Mastronardy
f) State of New Jersey
Division of Alcoholic Beverage Control
P.O. Box 087
140 East Front Street
5th Floor
Trenton, NJ 08625-0087
g) GRUNIN HOLDINGS LLC
c/o Marc S. Galella, Esq.
R.C. Shea & Associates
244 Main Street
CN 2627
Toms River, New Jersey 08754

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO DEACON EQUIPMENT COMPANY, AS SOLE BIDDER, FOR THE SUPPLY OF MORBARK TUB GRINDER REPAIR PARTS, FOR THE DEPARTMENT OF PUBLIC WORKS, IN THE AMOUNT OF $17,500.00

NOVEMBER 23, 2010

WHEREAS, bids were received on October 20, 2010 for the Supply of Morbark Tub Grinder Repair Parts for the Department of Public Works; and

WHEREAS, only one bid was received, as follows:

Deacon Equipment Company
22 Wedgetown Road
Bloomsburg, PA. 17815 . . . . . 3% off current price list
0% prompt payment discount

ARO: 3-5 days

WHEREAS, said bid has been reviewed by Louis Amoruso, Director, Department of Public Works, and he has recommended that the award of contract be made to Deacon Equipment Company, for a total maximum amount of $17,500.00 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 Morbark Tub Grinder Repair Parts for the Department of Public Works to Deacon Equipment Company, as sole bidder, for a total maximum amount of $17,500.00 over two (2) years. Term of Contract: December 22, 2010 for two (2) years, through December 21, 2012. 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) Township Attorney
d) Public Works
e) Aforementioned bidder

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Deacon Equipment Company, in the total maximum amount of $17,500.00 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: November 23, 2010

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR THE SUPPLY OF LEACH PACKER REPAIR PARTS FOR THE DEPARTMENT OF PUBLIC WORKS TO GRAN TURK EQUIPMENT COMPANY, INC., AS SOLE BIDDER, IN THE MAXIMUM AMOUNT OF $40,000.00 OVER TWO (2) YEARS

NOVEMBER 23, 2010

WHEREAS, bids were received on October 20, 2010 for the Supply of Leach Packer Repair Parts for the Department of Public Works; and

WHEREAS, only one bid was received, as follows:

GranTurk Equipment Company, Inc.
One Schuylkill Parkway
Bldg. B
Bridgeport, PA. 19405 . . . . . 30% off current price list
1% Discount Prompt Payment

ARO: Parts in stock available immediately.
Special orders 5-10 days

WHEREAS, said bid has been reviewed by Louis Amoruso, Director, Department of Public Works, and he has recommended that the award of contract be made to, GranTurk Equipment Company, Inc., for a total maximum amount of $40,000.00 over two (2) years;

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

1. It hereby awards the contract for the Supply of Leach Packer Repair Parts for the Department of Pubic Works to GranTurk Equipment Company, Inc., as sole bidder, for a total maximum amount of $40,000.00 over two (2) years. Term of Contract: December 8, 2010 for two (2) years, through December 7, 2012. 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) Township Attorney
d) Public Works
e) Aforementioned bidder

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to GranTurk Equipment Company, Inc., in the total maximum amount of $40,000.00 over two 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: November 23, 2010

RESOLUTION AUTHORIZING REJECTION OF REBID RECEIVED FOR SNOW PLOW SERVICES, AND AUTHORIZING NEGOTIATION FOR THE AWARD OF CONTRACTS FOR SNOW PLOW SERVICES

NOVEMBER 23, 2010

WHEREAS, bids were invited on September 10, 2010 for Snow Plowing Services; and

WHEREAS, only one bid was received; and

WHEREAS, resolution of the Township Council dated October 12, 2010 rejected the bid received as excessive and authorized the Purchasing Division to rebid this bid; and

WHEREAS, rebids were invited on October 29, 2010 with one bid being received, as follows:

Bil-Jim Construction Co.
577 South Hope Chapel Road
Jackson, N.J. 08527 . . . . . Excessive

WHEREAS, based upon the review by the Department of Public Works, recommendation has been made to reject the rebid received, as excessive and authorize the negotiation of contracts; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(3)(b), it hereby authorizes the appropriate Township Official to negotiate contracts for snow plowing services;

WHEREAS, it is in the best interests of the Township of Toms River to award contracts for snow plowing services;

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

1. It hereby authorizes the rejection of the bid received as excessive.
2. It hereby authorizes the appropriate Township official(s) of the Township of Toms River to negotiate for the award of contracts for snow plowing services.
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) Township Attorney
c) Purchasing

d) Public Works

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO VENDOR WITH STATE CONTRACT, EAST COAST EMERGENCY LIGHTING, INC., FOR THE PURCHASE OF NEW EQUIPMENT, FOR INSTALLATION ON FIVE (5) NEW POLICE VEHICLES (2010 CROWN VICTORIA POLICE INTERCEPTORS) RECENTLY RECEIVED BY THE POLICE DEPARTMENT, IN THE AMOUNT $24,761.70

NOVEMBER 23, 2010

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 New Equipment (emergency lighting, radio consoles, and prisoner cages) for installation on five (5) new police vehicles (2010 Crown Victoria Police Interceptors) recently received by the Police Department.

DESCRIPTION OF EQUIPMENT TO BE PURCHASED:

(Prices include 55.10% State Contract Discount on all Whelan Items; ProGuard Items are Non-State Contract)

ITEM/QUANTITY: (ITEMS #1 THROUGH #8 ARE WHELAN, STATE CONTRACT)

1. Five (5) Whelan Freedom Bars, TPD
   Toms River Police Light Bar w/Opticom
   Pre-Wire: . . . . . $2,369.00 ea. = $11,845.00

2. Five (5) Whelan Sirens/Control Center,
   #295SLSA6: . . . . . $ 272.99 ea. = $ 1,364.95

3. Five (5) 123db Whelan Speakers,
   Nylon/Composite, #SA315P: . . . . . $ 113.60 ea. = $ 568.00

4. Five (5) Whelan
   Mounting Brackets, #SAK17: . . . . . $ 14.37 ea. = $ 71.85

5. Ten (10 Whelan TIR-3 Synch LED
   Lthead, Red RSR03ZCR . . . . . $ 39.51 ea. = $ 395.10

6. Ten (10) Whelan 15 of Extension Cable
   (for Dash-Miser Remote Strobe Series
   Only), EXT15: . . . . . $ 13.47 ea. = $ 134.70

7. Twenty (20) VTX609C: . . . . . $ 53.88 ea. = $ 1,077.60

8. Five (5) Whelan Stout Mount Console,
   Complete with Options,
   SM-830-TPD-CV S: . . . . . $ 610.00 ea. = $ 3,050.00

State Contract Sub-Total: . . . . . $ 18,507.20

Item/Quantity: (Items #9 through #15 are ProGuard, Non-State Contract)

9. Five (5) ProGuard Part, CTR Slide,
   CV, Ext B P2604FD-P:. . . . . $ 374.50 ea. = $ 1,872.50

10. Five (5) ProGuard Grey Bucket Seat
    Protector 47" P2107F:. . . . . $ 34.30 ea. = $ 171.50

11. Five (5) ProGuard Rear Seat ABS
Grey S6001F-G:. . . . . $ 279.30 ea. = $ 1,396.50

12. Five (5) ProGuard Floor Pan ABS
Grey S6051F: . . . . . $ 119.00 ea. = $ 595.00

13. Five (5) ProGuard Push Bumper Crn
Vic 2003 E1105F: . . . . . $ 217.70 ea. = $ 1,088.50

14. Five (5) ProGuard Rear Door Panels
to be used w/Window Armor V119F: . . . $ 83.00 ea. = $ 416.50

15. Five (5) ProGuard Metal Bars w/ABS
Door Panels V6011: . . . . . $ 142.80 ea. = $ 714.00

Non-State Contract Sub-Total: . . . . . $ 6,254.50

GRAND TOTAL: . . . . . $ 24,761.70

Contract Awarded to: East Coast Emergency Lighting, Inc.
1945 4th Street
North Brunswick, N.J. 08902

State Contract No.: A74184

Maximum Amount: $24,761.70
Account No. X-04- -178-068

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) Township Attorney
d) Police Department
e) East Coast Emergency Lighting, Inc.
1945 4th Street
North Brunswick, N.J. 08902

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract for vendor with State contract, East Coast Emergency Lighting, Inc., in the maximum amount of $24,761.70, are available Account No. X-04- -178-068.

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: November 23, 2010

RESOLUTION AUTHORIZING THE DIVISION OF PURCHASING TO SOLICIT FOR AND RECEIVE WRITTEN QUOTATIONS FOR THE PURCHASE ONE (1) PROGRESSIVE PRO FLEX 120 ROTARY CONTOUR MOWER 601205 FOR THE BEY LEA MUNICIPAL GOLF COURSE

NOVEMBER 23, 2010

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

PURCHASE OF ONE (1) PROGRESSIVE PRO FLEX

120 ROTARY CONTOUR MOWER 601205 FOR THE

BEY LEA MUNICIPAL GOLF COURSE

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

1. The Division of Purchasing is hereby authorized to solicit for and receive written quotations for the above-mentioned project/item(s).

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) Township Attorney
d) Bey Lea Municipal Golf Course Maintenance

RESOLUTION AUTHORIZING THE DIVISION OF PURCHASING TO SOLICIT FOR AND RECEIVE WRITTEN QUOTATIONS FOR THE PURCHASE ONE (1) TURFCO WIDE SPIN 1540EC TOW TYPE TOP DRESSER FOR THE BEY LEA MUNICIPAL GOLF COURSE

NOVEMBER 23, 2010

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

PURCHASE OF ONE (1) TURFCO WIDE SPIN 1540EC

TOW TYPE TOP DRESSER FOR THE BEY

LEA MUNICIPAL GOLF COURSE

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

1. The Division of Purchasing is hereby authorized to solicit for and receive written quotations for the above-mentioned project/item(s).

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) Township Attorney
d) Bey Lea Municipal Golf Course Maintenance

RESOLUTION AUTHORIZING THE ON-LINE SALE/AUCTION OF THE TOWNSHIP'S PERSONAL PROPERTY (PITNEY BOWES DM1000 DIGITAL MAILING MACHINE) NO LONGER NEEDED FOR PUBLIC USE UTILIZING THE SERVICES OF PROPERTYROOM.COM, INC.

NOVEMBER 23, 2010

WHEREAS, pursuant to N.J.S.A. 40A:11-36, the Township of Toms River Clerk's Office has exhausted the use of their Pitney Bowes DM 1000 Digital Mailing Machine through the normal course of municipal business, and as the total estimated fair market value of these items exceed fifteen percent (15%) of the current bid threshold, it is necessary to sell said items at public sale to the highest bidder; and

WHEREAS, the sale shall be conducted pursuant to Local Finance Notice 2008-9, utilizing the website host services of PropertyRoom.com, Inc. at www.propertyroom.com via an "on-line" auction process;

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 item to be sold by this online auction process include the following:

MAKE & MODEL	SERIAL NUMBER
Pitney Bowes DM1000 Mailing Machine	0013980

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) Clerk's Office
e) PropertyRoom.com, Inc.
26421 Crown Valley Parkway
Suite 200
Mission Viejo, CA. 92691
f) PropertyRoom.com, Inc.
Attn: Denny Peck
870 Corporate Drive
Suite 30
Lexington, KY 40503
g) State of New Jersey
Department of Community Affairs
Division of Local Government Services
Attn: Director
P.O. Box 803
Trenton, N.J. 08625-0803

RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO ENTER INTO AN AGREEMENT WITH LYNSWELL TECHNOLOGIES, INC. TO PROVIDE FOR THE RECYCLING OF COMPUTERS AND ELECTRONICS (E-WASTE) IN NEED OF DISPOSAL AT THE MUNICIPAL RECYCLING CENTER, FOR THE TOWNSHIP OF TOMS RIVER

NOVEMBER 23, 2010

WHEREAS, the Township of Toms River is in need of recycling services in order to dispose of computers and electronics (e-waste) received at the municipal recycling center in need of disposal; and

WHEREAS, pursuant to the Local Public Contracts Law of the State of New Jersey, N.J.S.A. 40A:11-5(1)(s), and certain recycling laws that have been put into effect within the State of New Jersey, which have been imposed on all municipalities by the Department of Environmental Protection, the award of this agreement is exempt from public bidding requirements; and

WHEREAS, Lynswell Technologies, Inc., (Class D Universal Waste Recycling Center, Facility ID No. 155416, Permit No. CDG020001), has the necessary means for the recycling services for the disposal of computers and electronics (e-waste), in need of disposal;

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 Officials of the Township of Toms River to enter into an agreement with Lynswell Technologies, Inc., (Class D Universal Waste Recycling Center, Facility ID No. 155416, Permit No. CDG020001), for the recycling services to dispose of computers and electronics (e-waste) at the municipal recycling center in need of disposal, as follows:

TERMS:

A. Items accepted at No Charge:
- Televisions (CRT)
- Computer Monitors (CRT)

B. Items accepted. Township shall be paid at $0.10 per pound:
- Computers
- Laptops
- Servers
- Telecommunications Hardware

C. Items Accepted, Township shall be paid at $0.05 per pound**
- Televisions (Flat Panel)
- Computer Monitors (Flat Panel)
- Hard Drives
- CD Roms
- Uninterruptible Power Supplies (UPS)
- Mice
- Keyboards
- Copy Machines
- Fax Machines
- Printers
- Scanners
- Docking Stations
- VCR’s
- DVD/Blu-Ray Players
- Stereos
- Radios
- Tape/CD Players
- Telephones
- Game Consoles
- Game Controllers
- Remote Controls
- Cables/Wires
- Network Routers/Switches
- Modems
- Terminals
- Rechargeable Batteries
- Small Household Appliances
- Microwave Ovens
- Vacuum Cleaners
- Medical Hardware
- Military Hardware

- Commercial Hardware
- Office Hardware
- Banking Hardware
- Industrial Hardware
- Laboratory hardware

** All unlisted electronic and/or electric items that do not fall into the following categories shall fall into Section C (above): Bio-hazardous materials, Radioactive materials, Chemical waste and hardware containing mercury (shall not be accepted).

2. Terms of Agreement: From date of award by resolution of the Township Council through December 31, 2011.

3. Lynswell Technologies, Inc. shall pay the Township of toms river $0.10 per pound for all items listed under Section B; $0.05 per pound for all items listed under Section C; and all items in Section A (i.e. Televisions (CRT) and Computer Monitors (CRT) shall be at no charge. Any unlisted electronic and/or electric items not listed shall fall into Section C, except bio-hazardous materials, radioactive materials, chemical waste and hardware containing mercury which shall not be accepted.

4. Lynswell Technologies, Inc. shall supply the truck and service person for the proper pick-up, sorting, palletizing, packing materials, destruction costs and hazardous material processing costs.

5. The Township of Toms River shall provide the container(s) for items received for recycling at the Municipal Recycling Center.

6. The Township of Toms River shall contact Lynswell Technologies, Inc. for pick-up on an “as needed” basis. Lynswell Technologies, Inc. shall respond within five (5) business days of request being made.

7. This agreement may be terminated at any time, by either party, upon thirty (30) days written notification.

8. 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, and is exempt from public bidding requirements.

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

10. 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) Public Works Department
c) Chief Financial Officer
d) Purchasing
e) Lynswell Technologies, Inc.
602 North 10th Street
Camden, N.J. 08102

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO VENDOR WITH STATE CONTRACT, EAST COAST EMERGENCY LIGHTING, INC., FOR THE PURCHASE OF NEW EQUIPMENT, FOR INSTALLATION ON FIVE (5) NEW POLICE VEHICLES (2010 FORD EXPEDITIONS) RECENTLY RECEIVED BY THE POLICE DEPARTMENT, IN THE AMOUNT $19,743.35

NOVEMBER 23, 2010

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 New Equipment (Sirens, emergency lights, radio consoles, etc.) for installation on five (5) new police vehicles (2010 Ford Expeditions) recently received by the Police Department.

DESCRIPTION OF EQUIPMENT TO BE PURCHASED:

(Prices include 55.10% State Contract Discount on all Whelan Items; ProGuard Items are Non-State Contract)

ITEM/QUANTITY: (ITEMS #1 THROUGH #7 ARE WHELAN, STATE CONTRACT)

1. Five (5) Whelan Freedom Bars, TPD

   Toms River Police Light Bar w/Opticom
   Pre-Wire "55": . . . . . $2,369.00 ea. = $11,845.00

2. Five (5) Whelan Sirens/Control Center,
   #295SLSA6: . . . . . $ 272.99 ea. = $ 1,364.95

3. Five (5) 123db Whelan Speakers,
   Nylon/Composite, #SA315P: . . . . . $ 113.60 ea. = $ 568.00

4. Five (5) SA315 Whelan Universal
   Mount Brackets, #SAK1: . . . . . $ 14.37 ea. = $ 71.85

5. Ten (10) Whelan Extension Cables
   (for Dash-Miser Remote Strobe Series
   Only), #EXT15: . . . . . $ 13.47 ea. = $ 134.70

6. Twenty (20) #VTX609C: . . . . . $ 53.88 ea. = $ 1,077.60

7. Five (5) Whelan Stout Mount Consoles,
   Complete with Options for Toms River
   Police, #SM-830-TPD-CV: . . . . . $ 610.00 ea. = $ 3,050.00

State Contract Sub-Total: . . . . . .$ 18,112.10

ITEM/QUANTITY: (ITEM #8 IS PROGUARD, NON-STATE CONTRACT)

8. Five (5) ProGuard Exp. Push
   Bumpers, #PB58EXPD09: . . . . . $ 326.50 ea. = $ 1,631.25

Non-State Contract Sub-Total: . . . . . $ 1,631.25

GRAND TOTAL: . . . . . $ 19,743.35

Contract Awarded to: East Coast Emergency Lighting, Inc.
1945 4th Street
North Brunswick, N.J. 08902

State Contract No.: A74184

Maximum Amount: $19,743.35
Account No. X-04- -170-028

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) Township Attorney
d) Police Department
e) East Coast Emergency Lighting, Inc.
1945 4th Street
North Brunswick, N.J. 08902

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract for vendor with State contract, East Coast Emergency Lighting, Inc., in the maximum amount of $19,743.35, are available Account No. X-04- -170-028.

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: November 23, 2010

RESOLUTION AUTHORIZING THE DIVISION OF PURCHASING TO ADVERTISE AND RECEIVE QUALIFICATIONS FOR THE PROVISION OF EMPLOYEE BENEFITS BROKERAGE SERVICES (AGENT OF RECORD) FROM JANUARY 1, 2011 TO DECEMBER 31, 2013

NOVEMBER 23, 2010

WHEREAS, the Township Council of the Township of Toms River is desirous of receiving proposals for the Provision of Employee Benefits Brokerage Services (Agent of Record) from January 1, 2011 to December 31, 2013; and

WHEREAS, the services sought are subject to the Campaign Finance Reform Act, as set forth in N.J.S.A. 19:44A-20.5 and awarded under the "Open and Fair Process". N.J.S.A. 19:44A-20.1 et. seq., and The Code of the Township of Toms River, Chapter 84, Section 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 Division of Purchasing is hereby authorized to advertise for the receipt of qualifications for the above-mentioned services.

2. The Division of Purchasing is to provide public notice for the requests for qualifications by:

[a] Prominently posted in the public place reserved for Sunshine Law,
[b] Mailed, telephoned, telegrammed, faxed, or hand delivered to at least two newspapers designated to receive such notice, one of which shall be the official newspaper of the municipality; and
[c] Filed with the Township Clerk.

3. The Division of Purchasing is authorized to prepare qualification packages, pursuant to an Open and Fair Process as defined in N.J.S.A. 19:44A-20.1 et. seq.

4. The selection criteria to be used in awarding a contract or agreement for goods or services shall include:

(a) Name and business address of proposed contractor. For service contracts, the names and roles of the individuals who will perform the task, and a description of their experience with projects similar to the matter being advertised.

(b) References which include evidence of successful transactions for provision of similar goods or services.

(c) Description of ability to provide the goods or services in a timely fashion (for service contracts, include staffing, familiarity, and location of key staff).

(d) Cost details. For service contracts, include the hourly rates of each of the individuals who will perform services, time estimates for each individual, all expenses, and, where appropriate, total cost of "not to exceed" amount.

(e) Qualifications of the individuals who will perform the tasks and the amounts of their respective participation.

(f) Other relevant experience.

(g) Ability to perform the task or provide goods in a timely fashion.

(h) Cost consideration, including, but not limited to, as applicable, historical costs for similar goods or services, expertise involved and comparable costs for comparable public entities.

5. The qualifications by vendors are to be sealed and opened at a time certain as determined by the Division of Purchasing, and such qualifications shall become available to the public at that time.

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

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

a) Mayor Thomas Kelaher
b) Purchasing
c) Chief Financial Officer
d) Business Administrator
e) Township Attorney
f) Human Resources

RESOLUTION AUTHORIZING THE PURCHASING DIVISION TO ADVERTISE FOR AND RECEIVE BIDS FOR THE PROCUREMENT OF MOBILE ELECTRO-HYDRAULIC WHEEL ENGAGING COLUMN LIFTS FOR THE DEPARTMENT OF PUBLIC WORKS

NOVEMBER 23, 2010

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

PROCUREMENT OF MOBILE ELECTRO-HYDRAULIC WHEEL ENGAGING COLUMN LIFTS FOR THE DEPARTMENT OF PUBLIC WORKS

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 is hereby authorized to prepare bid specifications for the above-mentioned items/project.

2. The Purchasing Division of the Township of Toms River is hereby authorized to advertise for the receipt of bids for the above-mentioned items/project.

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

a) Purchasing
b) Chief Financial Officer
c) Township Attorney
d) Department of Public Works

RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS STATE OF NEW JERSEY, NHTSA, HOLIDAY OVER THE LIMIT UNDER ARREST 2011 MOBILIZATION #AL-10-04-50

November 23, 2010

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a grant from the State of New Jersey, NHTSA, Holiday Over the Limit Under Arrest 2011 Mobilization #AL-10-04-50 and wishes to amend its 2010 Budget to include a portion of this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, County of Ocean, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2010 Budget the sum of $5,000.00 which is now available as revenue from:

Miscellaneous Revenues -

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services -Public and Private Revenues Offset with Appropriations:

State of New Jersey, NHTSA,
Holiday Over the Limit Under Arrest
2011 Mobilization #AL-10-04-50 .....$5,000.00

pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of $5,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

State of New Jersey, NHTSA,
Holiday Over the Limit Under Arrest
2011 Mobilization #AL-10-04-50 .....$5,000.00

BE IT FURTHER RESOLVED, that the Township Clerk forward copies of this resolution to the following:

A) Division of Local Government Services (2 certified copies)
B) Chief Financial Officer
C) Township Auditor

Approved as to Content:

RESOLUTION AUTHORIZING THE RENEWAL OF POCKET LIQUOR LICENSE 1507-33-014-004 ISSUED TO OCEAN VENTURES LIQUOR I LLC, PURSUANT TO NJABC SPECIAL RULING

NOVEMBER 23, 2010

WHEREAS, the liquor license holder listed below has made application for the renewal of his respective license and has paid the necessary fee for his renewal; and

WHEREAS, the aforesaid application and other proceedings relative to said application and license are in regular and proper form; and

WHEREAS, Jerry Fischer, Director, of the State of New Jersey Alcoholic Beverage Control, has authorized the Township of Toms River to consider the renewal application for Plenary Retail Consumption License Number 1507-33-014-004 for the 2010-2011 license term, pursuant to the provisions of N.J.S.A. 33:1-12.39; 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. The Plenary Retail Consumption Liquor License is hereby granted to the following applicant, which is presently the holder of the license:

1507-33-014-004
Ocean Ventures Liquor I LLC
708 Third Avenue
New York, NY 10017 4146
POCKET

2. The license referred to in the preceding paragraphs shall be executed for and on behalf of this Municipality by the Clerk of the Township with an effective date of November 23, 2010.

3. The Township Clerk shall forthwith report to the Division of Alcoholic Beverage Control of the State of New Jersey, and to the State Tax Department, the issuance of this license as soon as this license is issued.

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

a) Department of Police
b) Chief Financial Officer
c) Attorney
d) State of New Jersey
Division of Alcoholic Beverage Control
P. O. Box 087
Trenton, NJ 08625-0087
e) State Tax Dept.
f) Ocean Ventures Liquor I LLC
708 Third Avenue
New York, NY, 10017-4146

R E S O L U T I O N

NOVEMBER 23, 2010

WHEREAS, Frank Schilling, Developer of a Major Site Plan entitled Schilling, Block 1047, Lots 277-279, 347-349 (Rt. 35 Northbound) has presented the following:

(1) Maintenance Cash Bond in the amount of $1500.00. This amount is currently on deposit in #X-19- -601-639 and will be retained to represent the required maintenance amount;

WHEREAS, the Township Engineer has made an inspection of said Major Site Plan and finds that all improvements have been satisfactorily completed; and

WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees and the acceptance of the Maintenance Guarantees;

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

1) Previously posted Cash Performance Bond in the amount of $15,000.00 with this amount currently on deposit in #X-19- -601-639 in the cash amount of $1500.00 which will remain on account and $13,500.00 in the form of a Letter of Credit in #X-18- -101-418 which will be released;

2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby accepted;

Township Clerk shall send a certified copy hereof to each of the following:

a) Engineer
b) Finance Department
c) Township Attorney
d) Frank Schilling
811 Quarry Lane
Martinsville, N.J. 08836

Dennis Galante questioned the following Resolution.

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

RESOLUTION IMPOSING CHARGES INCURRED UNDER SECTION 111 OF THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE AS A LIEN ON REAL PROPERTY, AND DIRECTING THE TAX COLLECTOR TO COLLECT THESE COSTS, AND IMPOSE INTEREST ON UNPAID COSTS, IN THE SAME MANNER AS PROVIDED FOR IN THE COLLECTION OF REAL ESTATE TAXES IN THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY

NOVEMBER 23, 2010

WHEREAS, the Township of Toms River adopted the 2006 International Property Maintenance Code (the "Code") as part of Chapter 335 (Housing and Rental Property Standards) of the Township Code; and

WHEREAS, Section 111 of the Code provides that costs incurred by the Township in remediating conditions on properties in violation of the Code are to be assessed and levied upon lands, and bear interest at the same rate as real property taxes, and be collected and enforced in the same manner as provided for the collection of real property taxes; and

WHEREAS, the Housing and Property Maintenance Supervisor, has filed a Certification of Costs incurred by the Township, which costs are outlined on Schedule "A ", attached to and made part of this resolution;

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 determines the Certification of Costs as set forth as Schedule "A" to be accurate.

2) The Tax Collector is authorized and directed to collect the costs listed on the Certification of Costs. The amount shown on the Certification of Costs shall be charged, become, and form part of the real estate taxes next to be assessed and levied upon such property, and shall bear interest at the same rate as real property taxes, and shall be collected and enforced in the same manner as provided for in the collection of real property taxes.

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) Paul Shives, Business Administrator
c) Christine Manolio, Chief Financial Officer
d) Kathleen Adams, Tax Collector
e) Tax Assessor
f) Kenneth B. Fitzsimmons, Township Attorney
g) John Winton, Housing & Property Maintenance
h) Craig Ambrosio, Director, Parks, Buildings & Grounds

REPORTS

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

1. Department of Recreation – October 2010 - $3,033.15
2. Office of Permits & Inspections – October 2010 - $169,406.53

APPROVAL OF BILLS

Council President McGuckin asked for a report on the bills.

The Bill List, dated **November 17, 2010**, was approved on motion by Council Member Donohue-Appleby, seconded by Council Member Wittmann, and carried with Council Members Hill, Maruca, Sevastakis, Donohue-Appleby, Wittmann and Council President McGuckin voting yes, and with Council Member Kubiel absent. The following respective exceptions to their votes were noted as abstentions to this vote:

Council President McGuckin abstained due to Business conflicts on the following:

Purchase Order C0-05173, payable to Monsignor Donovan High School in the amount of $304.00.

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

Purchase Order C0-03048, C0-04661 & C0-04767, payable to Board of Education-Toms River Schools in the amount of $8,270,520.96.

Purchase Order C0-05173, payable to Toms River Schools in the amount of $1,520.00.

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

Purchase Order C0-05173, payable to Saint Luke's Church in the amount of $630.00.

Purchase Order C0-04528, payable to Owen, Little and Associates in the amount of $9,040.76.

Purchase Order C0-01148, payable to Terry Brady, Esquire, in the amount of $3,500.00

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

Purchase Order C0-03788, C0-05011, C0-05012, payable to Gilligan and Nardini Electrical in the amount of $3,332.84.

Purchase Order C0-04441, payable to Memoli & McDermott in the amount of $531.25.

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

Purchase Order C0-03048, C0-04661 & C0-04767, payable to Board of Education-Toms River Schools in the amount of $8,270,520.96.

Purchase Order C0-05173, payable to Monsignor Donovan High School in the amount of $304.00.

Purchase Order C0-05173, payable to Toms River Schools in the amount of $1,520.00.

ELECTED OFFICIALS COMMENTS

Mayor Kelaher spoke regarding the new TD Bank opening, and Marine Major James Weiss dedication at Toms River High School North.

Councilman Wittmann spoke regarding Barnegat Bay Fertilizer Bill, and the liquor license sale.

Councilwoman Donohue-Appleby spoke regarding the recent World War II documentary filming by the Township.

Councilman Hill spoke regarding Camden City crime rate; Youth Services "Cyber bullying" presentation.

Councilwoman Maruca spoke regarding the recent homeowners' meetings, and congratulated Alison Carlisle for passing the RMC examination.

Councilman Sevastakis spoke regarding the Veterans' Day Parade, and wished everyone a happy and safe Thanksgiving.

Council President McGuckin spoke regarding the December 5:00 p.m. meetings; December 3rd Christmas tree Lightening, and the ARC Tunnel Funding.

PUBLIC COMMENTS

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

Dennis Galante spoke regarding July 13, 2010 Executive Session Minutes; Open Space Ordinance; Township worker's compensation insurance and attorneys defending the Township in these matters.

Ray Netshert, Snug Harbor, presented a petition regarding flooding on local streets in Snug Harbor.

Phil Melillo spoke regarding Snug Harbor flooding.

Jane Dernoga spoke regarding Snug Harbor flooding.

Ken Langdon, Ortley Beach, spoke regarding dune planting in Ortley Beach, and rash of burglaries.

Richard Krezonis spoke regarding video-taping of Council Meetings.

Carol Benson spoke regarding Bill List vote; November 2010 Recreation Committee Meeting, and Board of Education response to letter that the Township sent recently.

Pat Clasow, Ortley Beach, spoke regarding Channel 21 filming.

The Council recognized and congratulated Alison Carlisle for passing the RMC examination.

No further comments from the public appearing, a motion was made by Council Member Hill, seconded by Council Member Donohue-Appleby, and carried with Council Members Donohue-Appleby, Hill, Maruca, Sevastakis Wittmann and Council Member McGuckin voting yes, and with Council Member Kubiel absent, to enter into a private Executive Session at 7:00 p.m.

A motion was made by Council Member Hill, seconded by Council Member Donohue-Appleby and carried, to adopt the following resolution, which was read into the record by the Township Clerk:

R E S O L U T I O N

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. Anticipated Litigation
3. Matters in Litigation
4. Attorney Client Privilege

3. The following specific topics were announced.

1. Personnel
2. November 9, 2010 Executive Session Minutes
3. Brown Tract Diversion Application
4. Toms River School District-Safeguarding the interests of Toms River Taxpayers
5. Mesquite Tower-Chadwick Beach Marina-Litigation
6. 2011 Contract Awards-Pay-to-Play Legislation

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	Wittmann	Yes
Council Member	Donohue-Appleby	Yes
Council Member	Hill	Yes
Council Member	Kubiel	Absent
Council Member	Maruca	Yes
Council Member	Sevastakis	Yes
Council President	McGuckin	Yes

The Council reconvened the public portion at 7:56 PM, all Council Members Donohue-Appleby, Hill, Maruca, Sevastakis, Wittmann and Council President McGuckin present, and with Council Member Kubiel absent.

A motion was made by Council Member Hill, seconded by Council Member Wittmann, and carried with Council Members Donohue-Appleby, Hill, Sevastakis, Wittmann and Council President McGuckin voting yes, and Council Member Maruca abstaining, and with Council Member Kubiel absent, 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, THERFORE, 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:

November 9, 2010

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

Council President McGuckin made a statement regarding Toms River Schools and Michael Ritacco situation. Letter to be issued.

A motion was made by Council Member Donohue-Appleby, seconded by Council Member Wittmann, and carried with Council Members Donohue-Appleby, Hill, Maruca, Sevastakis, Wittmann and Council President McGuckin voting yes, and with Council Member Kubiel absent, to approve the statement made by Council President McGuckin and letter to be issued.

No other business appearing, the meeting was adjourned at 8:03 P. M., with Council Members Donohue-Appleby, Hill, Maruca, Sevastakis, Wittmann and Council President McGuckin voting yes, and with Council Member Kubiel absent.

_____
GREGORY P. McGUCKIN, COUNCIL PRESIDENT

_____
J. MARK MUTTER, TOWNSHIP CLERK