

July 27, 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: 10 PM.

A Moment of Silence was held for Toms River Fire Chief Gus Forte, who died, and Marine Major James Weis, Toms River, who was killed in Afghanistan.

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	- Absent
Council Member Hill	- Present
Council Member Kubiell	- Present
Council Member Maruca	- Present arrived late 6:30 p.m.
Council Member Sevastakis	- Present
Council Member Wittmann	- Present
Council President McGuckin	- Present

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

APPROVAL OF MINUTES

A motion was made by Council Member Kubiell, seconded by Council Member Wittmann, and carried with Council Members Kubiell, Sevastakis, Wittmann and McGuckin voting yes, and Council Member Maruca absent, and with Council Member Sevastakis who was absent July 13, 2010 and is abstaining, to approve the Minutes of the Regular Meeting of **July 13, 2010**. The reading of this Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTION AND PRESENTATION

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

There were no retirement presentations at this meeting.

Presentation by Kathy Haake-Trust for Public Land

Council President McGuckin introduced Kathy Haake to give a presentation by the Trust for Public Land, regarding purchase and preservation of property – the Camp Albacondo property along the Toms River.

Greg Auriemona, Ocean County Sierra Club; Sharon Allitt, Executive Director, Kula Kanala Foundation; Willie DeCamp, Save Barnegat Bay; Frank Holman, Ocean County Boy Scouts; Mark Pica and William Schukolwski, Toms River, Environment Commission, all spoke in favor of the acquisition.

Carol Benson questioned the acquisition and opposed it due to environment reasons.

Kathy Haake advised that environmental assessment shall be performed.

Richard Krezonis questioned the cost of the acquisition.

Mayor Kelaher and Council Members Wittmann, Sevastakis, Hill, and Maruca all spoke in favor of the acquisition.

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 Maruca, seconded by Council Member Kubiel, and carried that an Ordinance entitled:

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 287 (FEES) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, TO REVISE SECTION 287-19 (PUBLIC RECORD COPY FEES) AND TO ESTABLISH A CAFRA STORAGE FEE OF \$50.00 FOR EACH APPLICATION WHICH IS FILED WITH AND MAINTAINED BY THE TOWNSHIP

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 Maruca offered the following resolution and moved its adoption, Council Member Kubiel 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-Appleby	Absent
Council Member Wittmann	Yes
Council President McGuckin	Yes

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 Kubiel, seconded by Council Member Hill, and carried that an Ordinance entitled:

ORDINANCE AMENDING AND SUPPLEMENTING SECTION 165-12(G) OF CHAPTER 165 (ANIMALS AND ANIMAL ESTABLISHMENTS) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, TO REVISE THE DOG LICENSE FEES TO \$15.00 FOR EACH NEUTERED DOG AND \$20.00 FOR EACH UNNEUTERED DOG

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 Hill seconded the motion:

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

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

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-Appleby	Absent
Council Member Wittmann	Yes
Council President McGuckin	Yes

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 Maruca, seconded by Council Member Sevastakis, and carried that an Ordinance entitled:

AN ORDINANCE AUTHORIZING THE EXECUTIVE OF A LEASE WITH THE WALDORF CONDOMINIUM ASSOCIATION FOR A PUBLIC BATHING BEACH IN EXCHANGE FOR BEACH BADGES

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.

Ken Langdon, Ortley Beach, spoke regarding this Ordinance.

On motion by Council Member Kubiel, seconded by Council Member Maruca and carried, the public hearing was closed.

Council Member Maruca 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-Appleby	Absent
Council Member Wittmann	Yes
Council President McGuckin	Yes

Township Clerk Mutter advised that the Supplemental Debt Statement from the State has not been received back. The hearing was advertised and must be held, but the vote cannot be taken tonight.

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 Kubiel seconded by Council Member Hill, and carried that an Ordinance entitled:

ORDINANCE OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR CONSTRUCTION OF A SOFTBALL COMPLEX AND RELATED EXPENSES IN AND FOR THE TOWNSHIP OF TOMS RIVER AND APPROPRIATING \$3,800,000 THEREFOR (INCLUDING A GRANT IN THE AMOUNT OF \$750,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO THE GRENN ACRES PROGRAM), AND PROVIDING FOR THE ISSUANCE OF \$3,610,000 IN BONDS OR NOTES OF THE TOWNSHIP OF TOMS RIVER TO FINANCE THE SAME.

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President McGuckin announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith.

Carol Benson questioned this Ordinance regarding State funding.

Township Administrator Shives explained the Ordinance.

Richard Krezonis questioned this Ordinance and its cost.

On motion by Council Member Kubiell, seconded by Council Member Hill and carried, the public hearing was closed.

A motion was made by Council Member Maruca, seconded by Council Member Hill, and carried with Council Members Wittmann, Hill, Kubiell, Maruca, Sevastakis and Council President McGuckin voting yes and Council Member Donohue-Appleby absent, to **CARRY** the Ordinance to the **August 10, 2010 Meeting**.

Township Clerk Mutter advised that the Supplemental Debt Statement from the State has not been received back. The hearing was advertised and must be held, but the vote cannot be taken tonight.

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 Kubiell seconded by Council Member Hill, and carried that an Ordinance entitled:

ORDINANCE OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF TOMS RIVER AND APPROPRIATING \$9,265,000 THEREFOR (INCLUDING AN EXPECTED \$900,000 FEDERAL STIMULUS GRANT), AND PROVIDING FOR THE ISSUANCE OF \$8,801,750 IN BONDS OR NOTES OF THE TOWNSHIP OF TOMS RIVER TO FINANCE THE SAME.

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.

Sylvia Schackne spoke regarding this Ordinance and questioned the cost.

On motion by Council Member Kubiell, seconded by Council Member Hill and carried, the public hearing was closed.

A motion was made by Council Member Kubiell, seconded by Council Member Hill, and carried with Council Members Wittmann, Hill, Kubiell, Maruca, Sevastakis and Council President McGuckin voting yes and Council Member Donohue-Appleby absent, to **CARRY** the Ordinance to the **August 10, 2010 Meeting**.

Township Attorney Fitzsimmons explained that a Resolution must be considered and that a majority of full governing body must approved it because the following Ordinance is not consistent with Master Plan.

Council President McGuckin read into the record Resolution justifying the Ordinance; it is 12a now on agenda.

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

RESOLUTION CONCERNING AN AMENDMENT TO CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE TOWNSHIP CODE REZONING PROPERTY DESIGNATED ON THE TAX MAP AS BLOCK 235.34, LOTS 1.01, 1.02, 15.01, 15.02 AND BLOCK 353, LOT 43

JULY 27, 2010

WHEREAS, the Township has introduced on first reading on June 15, 2010, an ordinance rezoning the above-designated properties from the GB General Business Zone to the R-75 Residential Zone; and

WHEREAS, this ordinance is inconsistent with the land use element of the Township Master Plan; and

WHEREAS, this ordinance was sent to the Planning Board for review; and

WHEREAS, the Planning Board recognized that the ordinance was not consistent with the Master Plan, but supported the zoning change for reasons set forth below, which are adopted by the Township Council:

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 finds that the proposed rezoning is inconsistent with the Township Master Plan.
2. The Township Council finds that the ordinance should be adopted for the following reasons, notwithstanding the inconsistency with the Master Plan:
 - a) Four of the five lots in this zone are developed as single-family residential homes. The homes are individually owned and in good condition, and are not suitable for commercial development.
 - b) Only one lot in this zone is developed for business purposes. Based upon current zoning regulations, the business use on the property cannot be physically expanded. This business use may continue to operate as a valid pre-existing non-conforming use.
 - c) The existing GB zone is adjoined by the R-75 residential zone.
 - d) The rezoning of this property to the R-75 zone is consistent with its current development, and is consistent with the character and development of adjoining properties, which are located in the R-75 zone.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Office of the Mayor
 - b) Township Council
 - c) Business Administrator
 - d) Township Attorney
 - e) Township Clerk
 - f) Chief Financial Officer
 - g) Jay Lynch, Municipal Housing Liaison/Township Planner
 - h) Toms River Township Planning Board
 - i) County Planning Board
 - j) All municipalities adjoining the Township of Toms River

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-Appleby	Absent
Council Member Wittmann	Yes
Council President McGuckin	Yes

Township Clerk Mutter indicated that Planning Board approved the following Ordinance.

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 Maruca, seconded by Council Member Hill, and carried that an Ordinance entitled:

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY TO REZONE PROPERTY DESIGNATED ON THE MUNICIPAL TAX MAP AS BLOCK 235.34, LOTS 1.01, 1.02, 15.01, AND 15.02, AND BLOCK 353, LOT 43, FROM THE GB GENERAL BUSINESS ZONE TO THE R-75 RESIDENTIAL ZONE

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

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

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

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

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-Appleby	Absent
Council Member Wittmann	Yes
Council President McGuckin	Yes

Township Clerk Mutter indicated that Supplemental Debt Statement was received from the Chief Financial Officer and filed today in the Clerk's office.

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

ORDINANCE NO.

AN ORDINANCE OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP OF TOMS RIVER AND APPROPRIATING \$5,820,000 THEREFOR (INCLUDING AN EXPECTED \$200,000 STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION TRUST FUND GRANT), AND PROVIDING FOR THE ISSUANCE OF \$5,529,000 IN BONDS OR NOTES OF THE TOWNSHIP OF TOMS RIVER TO FINANCE THE SAME.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Toms River, in the County of Ocean, New Jersey (the "Township") as general improvements. For the improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$5,820,000 (including a grant in the amount of \$200,000 expected to be received from the State of New Jersey, Department of Transportation Trust Fund Grant) and including the sum of \$291,000 as the down payment for the improvements or purposes required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$5,529,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds are to be issued is Township-wide road and drainage projects, including, but not limited to, (i) design and construction of bulkhead replacement improvements, (ii) curb, sidewalk and paving improvements, including the paving of Whitty Road, (iii) drainage improvements, including Gloucester and Pioneer, and (iv) speed bump installation at various Township locations, and including all work and materials necessary therefore or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense. They are improvements or purposes the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$5,529,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$540,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes.

(e) The Township reasonably expects to commence the acquisition and/or construction of the improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof including the State of New Jersey, Department of Transportation Trust Fund Grant in the amount of \$200,000 expected to be received shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

NOTICE OF PENDING BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on July 13, 2010. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Council to be held in the Municipal Offices, 33 Washington Street, Toms River, New Jersey on July 27, 2010 at 6 o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the Township Clerk's office in the Municipal Offices to the members of the general public who shall request the same.

J. Mark Mutter, Township Clerk

A motion was made by Council Member Maruca, seconded by Council Member Hill, and carried with Council Members Hill, Kubiak, Maruca, Sevastakis, Wittmann, and Council President McGuckin voting yes, and with Council Member Donohue-Appleby 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 July 27, 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 August 10, 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, July 30, 2010.

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

Township Clerk Mutter indicated that Supplemental Debt Statement was received from the Chief Financial Officer and filed today in the Clerk's office.

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

ORDINANCE NO.

AN ORDINANCE OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR TOWNSHIP WATER LINE EXTENSION PROJECT AND RELATED EXPENSES IN AND FOR THE TOWNSHIP OF TOMS RIVER AND APPROPRIATING \$325,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$308,750 IN BONDS OR NOTES OF THE TOWNSHIP OF TOMS RIVER TO FINANCE THE SAME.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Toms River, in the County of Ocean, New Jersey (the "Township") as general improvements. For the improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$325,000 including the sum of \$16,250 as the down payment for the improvements or purposes required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$308,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds are to be issued is the design of all phases of the Township's Windsor Park Water Line Extension Project, and including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense. They are improvements or purposes the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$308,750 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$325,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes.

(e) The Township reasonably expects to commence the acquisition and/or construction of the improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

NOTICE OF PENDING BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on July 27, 2010. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Council to be held in the Municipal Offices, 33 Washington Street, Toms River, New Jersey on August 10, 2010 at 6:00 p.m., and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the Township Clerk's office in the Municipal Offices to the members of the general public who shall request the same.

J. Mark Mutter, Township Clerk

A motion was made by Council Member Maruca, seconded by Council Member Wittmann, and carried with Council Members Hill, Kubiell, Maruca, Sevastakis, Wittmann, and Council President McGuckin voting yes, and with Council Member Donohue-Appleby 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 July 27, 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 August 10, 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, July 30, 2010.

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

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

AN ORDINANCE AUTHORIZING THE SALE OF TAX LOT 99 , BLOCK 1108.13, IN THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY TO A CONTIGUOUS PROPERTY OWNER PURSUANT TO N.J.S.A. 40A:12-13(b)(5)

WHEREAS, the Toms River Township Council has found and determined that Tax Lot 99, Block 1108.13 (the "property"), hereinafter described on "Schedule A" attached hereto, constitutes real property with less than the minimum size required for development under the Municipal Land Use Ordinance, and is without any capital improvement thereon; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes the sale of municipally owned property which is less than the minimum size required for development under the Municipal Land Use Ordinance, and is without any capital improvement thereon, to an owner of contiguous real property; and

WHEREAS, the Council has determined the property is not needed for public use; and

WHEREAS, the Township Council is desirous of selling the property to an owner of contiguous real property;

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. Pursuant to N.J.S.A. 40A:12-13(b)(5), the sale of Tax Lot 99, Block 1108.13 is authorized to an owner of contiguous real property.
2. The minimum acceptable bid price for the sale of this property is \$2,750.00.
3. Any owner of real property contiguous to the property may submit a written sealed bid for its purchase to Pamela Applegate-Roche, Purchasing Agent, on or before 11:00 a.m., on Tuesday, August 31, 2010 at the Purchasing Office, 33 Washington Street, Toms River, N.J. The bid must be accompanied by a deposit payable to the Township of Toms River in the form of cash, bank check, certified check, or cashier's check in the amount of 10% of the total bid.
4. This sale is contingent and conditioned upon the purchaser consolidating the property into the purchaser's contiguous property.
5. The Township will impose a deed restriction that no principal or accessory use may be developed on these lands except in conformance with the Municipal Zoning Ordinance. A principal or accessory use may not be developed by way of a use variance or variance relating to minimum lot size.
6. This sale is made subject to such state of facts as an accurate survey may disclose, easements, conditions, covenants and restrictions of record, tenancies, leaseholds,

rights of persons in possession, codes, regulations and ordinances of the Township of Toms River or federal, state or county governments. No representations of any kind are made by the Township of Toms River as to the condition of the lands, and they are being sold in their present condition “as is”.

7. The purchaser must close title and pay the balance of the purchase price within 60 days of the acceptance of the bid.

8. All prospective bidders are placed on notice to consult appropriate public and private authorities as to the provision of utility services.

9. The Township Clerk shall post and advertise copies of the ordinance as required by N.J.S.A. 40A:12-13(b)(5).

10. The Mayor and Clerk are authorized to execute a deed and other necessary documents to convey this property to the successful bidder, subsequent to the Council adopting a resolution awarding the bid.

11. 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.

12. Since this ordinance is not legislative in nature, it does not have to be codified.

“SCHEDULE A”

NON-CONFORMING

<u>TAX MAP SHEET</u>	<u>BLOCK</u>	<u>LOT</u>	<u>MINIMUM PRICE</u>	<u>DESCRIPTION</u>
90.04	1108.13	99	\$2,750.00	Vacant Land, containing approximately 2,352 s.f. Zoned R-75.

A motion was made by Council Member Hill, seconded by Council Member Kubiell, and carried with Council Members Hill, Kubiell, Maruca, Sevastakis, Wittmann, and Council President McGuckin voting yes, and with Council Member Donohue-Appleby 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 July 27, 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 August 10, 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, July 30, 2010.

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

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

ORDINANCE REPEALING CHAPTER 159 (ALARM LICENSING AND OPERATIONS) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AND ESTABLISHING A NEW CHAPTER 159 (ALARM LICENSING AND OPERATIONS) OF THE TOWNSHIP CODE

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

1. Chapter 159 (Alarm Licensing and Operations) of the Code of the Township of Toms River, Ocean County, New Jersey is repealed in its entirety.
2. A new Chapter 159 to be entitled "Alarm Licensing and Operations" is established to read, as follows:

Section 159-1. Purpose.

A. The purpose of this chapter is to encourage alarm users and alarm companies to properly use and maintain the operation, effectiveness and proper utilization of alarm systems and to reduce or eliminate false alarms which may unduly divert law enforcement from responding to criminal activity.

B. This chapter governs systems intended to summon law enforcement response, requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension or loss of registration.

Section 159-2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

ALARM ADMINISTRATOR

A person or persons designated by the Township to administer, control and review false alarm reduction efforts and administer the provisions of this ordinance.

ALARM COMPANY

A person subject to the licensing requirements, and/or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems; this person shall be licensed in compliance with Township ordinances and state laws and regulations.

ALARM PERMIT

A permit issued by the Township allowing the operation of an alarm system within the Township.

ALARM SIGNAL

A detectable signal; audible or visual, generated by an alarm system, to which law enforcement is requested to respond.

ALARM SYSTEM

Any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity requiring immediate attention and to which law enforcement is requested to respond. The following are exempt from the ordinance: motor vehicle alarms, boat alarms, fire alarms, domestic violence alarms, and alarms designed to elicit a medical response.

ALARM USER

Any person, corporation, limited liability company, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

ALARM USER AWARENESS CLASS

A class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

AUTOMATIC DIAL PROTECTION DEVICE

An automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically initiates to the Toms River Police Department a recorded message or code signal indicating a need for law enforcement response.

CANCELLATION

The process where response is terminated when the alarm company (designated by the alarm user) notifies the Toms River Police Department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed.

FALSE ALARM

The activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his/her employees or agents, and signals activated to summon law enforcement personnel unless law enforcement response was cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the Toms River Police Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

LOCAL ALARM

An alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

PERMIT YEAR

A 12-month period beginning on the day and month on which an alarm permit is issued.

RUNAWAY ALARM

An alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The Toms River Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

SIA CONTROL PANEL STANDARD CP-01

The American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms. Control panels built and tested to this standard by a nationally recognized testing organization, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

TOWNSHIP

The Township of Toms River or its agent(s).

VERIFY

An attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this ordinance, telephone verification shall require, as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

Section 159-3. Alarm permit.

(a) Permit required.

No person shall use an alarm system without first obtaining a permit for such alarm system from the Township. A fee will be required for the initial registration and annual renewals. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.

(b) Application.

The permit shall be requested on an application form provided by the Township. An alarm user has the duty to obtain an application from the Township.

(c) Transfer of possession.

When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.

(d) Reporting updated information.

Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the Township within 30 days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the Township a form requesting updated information. The permit holder shall complete and return this form to the Township when any of the requested information has changed; failure to comply will constitute a violation and may result in a civil penalty.

(e) Multiple alarm systems.

If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

Section 159-4. Duties of the alarm user.

The alarm user shall:

- (a) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.
- (b) Provide the alarm company the permit number, (the number must be provided to the communications center by the alarm company to insure dispatch).
- (c) Respond or cause a representative to respond to the alarm system's location within a reasonable amount of time when notified by the Toms River Police Department.
- (d) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- (e) Obtain a new permit and pay any associated fees if there is a change in address or ownership of a business or residence.

Section 159-5. Duties of the alarm company.

- (a) Any person engaged in the alarm business in the Township, shall comply with the following:
 - 1) Obtain and maintain the required state and/or Township license(s).
 - 2) Provide name, address, and telephone numbers of the license holder or a designee, who can be called in an emergency, 24 hours a day; and be able to respond to an alarm call, when notified, within a reasonable amount of time.
 - 3) Be able to provide the most current contact information for the alarm user.
- (b) On and after 90 days after enactment of this ordinance, alarm installation companies shall, on all new and upgraded installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.
- (c) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.
- (d) Provide written information of how to obtain service from the alarm company for the alarm system.
- (e) An alarm company performing monitoring services shall:
 - 1) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, except in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.
 - 2) Provide alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
 - 3) Communicate any available information about the alarm.
 - 4) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

Section 159-6. Prohibited acts.

- (a) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.

(b) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 10 minutes.

(c) It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Toms River Police Department.

Section 159-7. Enforcement of provisions.

(a) Excessive false alarms/Failure to register.

It is hereby found and determined that four or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. Fees for false alarms within a permit year shall be assessed against an alarm user as follows:

Fee Schedule

Yearly Registration.....	\$ 25.00
Third, fourth and fifth false alarm . . .	\$ 50.00
Sixth and seventh false alarm.	\$100.00
Eighth and ninth false alarm	\$250.00
Tenth and over false alarms	\$500.00
Failure to Register.....	\$100.00

(b) Payment of Fees.

All fees, except the yearly registration fee, shall be paid within 30 days from the date of the Township invoice.

(c) Discontinuance of law enforcement response.

The failure of an alarm user to make payment of any fees assessed under this ordinance within 30 days from the date of the Township invoice alarm shall result in discontinuance of law enforcement response to alarm signals that may occur at the premises described in the alarm user's permit until payment is received. In addition, failure to register and obtain a permit may result in no law enforcement response to an unregistered alarm.

Section 159-8. Alarm user awareness class.

(a) Alarm User Awareness Class.

The Township shall create and implement an Alarm User Awareness Class and may request the assistance of the area alarm companies to assist in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The Township shall have the option of waiving all or a part of a fee (except the yearly registration fee) up to a maximum of \$150.00 if the alarm user attends an awareness class.

Section 159-9. Appeals.

(a) Appeals process.

Assessments of fees and other enforcement decisions made under this ordinance may be appealed by filing a written notice of appeal with the Toms River Police Department within 10 days after the date of notification of the assessment of a fee or other enforcement decision. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of a fee or other enforcement decision. Appeals shall be heard through an administrative process established by the Township Attorney, who shall act as the hearing officer.

(b) **Appeal standard.**

The hearing officer shall review an appeal from the assessment of a fee or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of a fee or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce the fee or reverse any other enforcement decision where warranted.

Section 159-10. Confidentiality.

In the interest of public safety, all information contained in and gathered through the alarm registration applications, no response records, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the Township, except where otherwise provided by law.

Section 159-11. Government immunity.

An alarm permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed by the Township. All governmental immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that the response of the Toms River Police Department may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Section 159-12. Violations and penalties.

Any person, partnership, limited liability company, corporation or other entity who shall violate any provision of this chapter, shall, upon conviction thereof, be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5, and as same shall be amended from time to time. Each and every day a violation of this ordinance shall exist shall constitute a separate violation.

3. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

4. 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.

5. 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 Kubieli, seconded by Council Member Wittmann, and carried with Council Members Hill, Kubieli, Maruca, Sevastakis, Wittmann, and Council President McGuckin voting yes, and with Council Member Donohue-Appleby 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 July 27, 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 August 10, 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.

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, July 30, 2010.

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

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

ORDINANCE AMENDING CHAPTER 46 (DEPARTMENT OF HEALTH, HUMAN SERVICES AND HUMAN RESOURCES) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, TO REPEAL SECTION 46-10 (BOARD OF HEALTH) AND AMENDING AND SUPPLEMENTING CHAPTER 14 (OFFICE OF THE MUNICIPAL CLERK) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, TO ESTABLISH THE BOARD OF HEALTH WITHIN THE OFFICE OF THE MUNICIPAL CLERK

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

1. Chapter 46 (Department of Health, Human Services and Human Resources) of the Code of the Township of Toms River, New Jersey is amended to repeal Section 46-10 (Board of Health), in its entirety.

2. Chapter 14 (Office of the Municipal Clerk) of the Code of the Township of Toms River, New Jersey is amended and supplemented to add Section 14-9 (Board of Health) to read, as follows:

Section 14-9. Board of Health.

A. There is hereby created, within the Office of the Municipal Clerk, the Board of Health. The Board of Health shall be composed of seven members to be appointed by the Township Council in accordance with N.J.S.A. 26:3-5.

B. There is hereby created the position of Board of Health Secretary, whose duties shall be prescribed by the Board of Health.

3. 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 46 and Chapter 14 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

4. 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.

5. 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 Kubiell, seconded by Council Member Maruca, and carried with Council Members Hill, Kubiell, Maruca, Sevastakis, Wittmann, and Council President McGuckin voting yes, and with Council Member Donohue-

Appleby 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 July 27, 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 August 10, 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, July 30, 2010.

Ordinance was adopted on first reading with Council Members Hill, Kubiell, Maruca, Sevastakis, Wittmann and Council President McGuckin voting yes, and with Council Member Donohue-Appleby 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 Kubiell, seconded by Council Member Hill and carried with Council Members Kubiell, Hill, Maruca, Sevastakis, Wittmann, and with Council President McGuckin voting yes, and with Council Member Donohue-Appleby absent, to approve all the following items listed on the Consent Agenda, except item H which was done separately.

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

JULY 27, 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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ENDORSING AN AMENDMENT TO THE HOUSING ELEMENT OF THE MASTER PLAN AND FAIR SHARE PLAN ADOPTED BY THE TOMS RIVER TOWNSHIP PLANNING BOARD ON JULY 7, 2010

JULY 27, 2010

WHEREAS, the Planning Board of the Township of Toms River, Ocean County, State of New Jersey, adopted the Housing Element of the Master Plan and Fair Share Plan on December 17, 2008; and

WHEREAS, the Township Council adopted a resolution on December 23, 2008, entitled, "Resolution of the Council of the Township of Toms River Endorsing the Amended Housing Element of the Master Plan as the Township's Revised Third Round Fair share Plan and Authorizing Submission of same to the Court in Accordance with the Township Complaint for Declaratory Judgment filed on September 5, 2007, Seeking a Judgment of Repeal Confirming that the Township has Satisfied its Obligation Under the Fair Housing Act"; and

WHEREAS, an Amendment to the Housing Element of the Master Plan and Fair Share Plan was adopted by the Toms River Township Planning Board on July 7, 2010; and

WHEREAS, the Township Council wishes to endorse an Amendment to the Housing Element of the Master Plan and Fair Share Plan adopted by the Toms River Township Planning Board on July 7, 2010;

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 endorses an Amendment to the Housing Element of the Master Plan and Fair Share Plan, Township of Toms River, Ocean County, New Jersey adopted by the Toms River Township Planning Board on July 7, 2010.

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

- a) Office of the Mayor
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Township Clerk
- f) Chief Financial Officer
- g) Jay Lynch, Municipal Housing Liaison/Township Planner
- h) John Maczuga, P.P., AICP
T&M Associates
Eleven Tindall Road
Middletown, N.J. 07748-2792
- i) DiFrancesco, Bateman, Coley, Yospin, Kunzman,
Davis & Lehrer, P.C.
15 Mountain Boulevard
Warren, N.J. 07059,
Attn: William J. Willard, Esq.
- j) Toms River Township Planning Board
- k) Philip Caton, PP, AICP
Clarke, Caton, Hintz,
100 Barrack Street
Trenton, N.J. 08608-2008
- l) COAH
- m) Frank Piazza, Administrative Agent
Piazza & Associates, Inc.
216 Rockingham Row
Princeton Forrestal Village
Princeton, N.J. 08540-5758

RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL LEGAL SERVICES TO RETAIN DAVID P. WADYKA, ESQ. OF THE LAW FIRM OF DIFRANCESCO, BATEMAN, COLEY, YOSPIN, KUNZMAN, DAVIS & LEHRER, P.C., AS SPECIAL COUNSEL, FOR A TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$17,000.00, FOR THE PERIOD COMMENCING RETROACTIVE TO JULY 1, 2010 THROUGH DECEMBER 31, 2010

JULY 27, 2010

WHEREAS, the Township Council is desirous of retaining Special Legal Counsel in the matter of Certified Valuations v. Township of Toms River, et. als., Docket No. MER-L-001434-10; and

WHEREAS, the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., has represented the Township in other litigation matters, and the Council has found their services to be competent and professional; and

WHEREAS, the amount of the contract to be awarded under this resolution is at the rate of \$195.00 per hour for Partners, \$150.00 per hour for Associates, and \$100.00 per hour for paralegals, for a total maximum amount not to exceed \$17,000.00, for the period commencing retroactive to July 1, 2010 through December 31, 2010; and

The award of this professional services contract is being made in conformance with N.J.S.A. 19:44A-20 et. seq. and pursuant to Chapter 84 of the Township of Toms River Administrative Code;

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

1. The Mayor is hereby authorized to execute and the Township Clerk is authorized to attest to a contract with David P. Wadyka, Esq. of the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., as Special Counsel, in the matter of Certified Valuations, Inc. v. Township of Toms River, et als., Docket No. MER-1-001434-10, for the period commencing retroactive to July 1, 2010 through December 31, 2010, at the rate of \$195.00 per hour for Partners, \$150.00 per hour for Associates, and \$100.00 per hour for paralegals, for a total maximum amount not to exceed \$17,000.00, and funds are available in Account No. X-99- -906-012, subject to the execution of a contract, and the availability of funds. 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 professional services contract is being made in conformance with N.J.S.A. 19:44A-20 et. seq. and pursuant to Chapter 84 of the Township of Toms River Administrative Code.

2. A copy of this contract shall be kept on file in the Office of the Township Clerk for public examination.

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) Mayor Thomas Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Tax Assessor
- g) Purchasing Agent
- h) DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C.
Attn: David P. Wadyka, Esq.
15 Mountain Boulevard
Warren, N.J. 07059-5686

C E R T I F I C A T I O N

THIS IS TO CERTIFY that the funds for the contract with David P. Wadyka, Esq., of the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., at the rate of \$195.00 per hour for Partners, \$150.00 per hour for Associates and \$100.00 per hour for Paralegals, for a total maximum amount not to exceed \$17,000.00, are available in Account No. X-99- -906-012, subject to the execution of a contract, and the availability of funds.

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 27, 2010

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO PAPER MART, INC., FOR THE SUPPLY OF COPY PAPER, PARCHMENT PAPER, CERTIFICATE AND PROCLAMATION HOLDERS, IN THE TOTAL MAXIMUM AMOUNT OF \$26,542.00

JULY 27, 2010

WHEREAS, bids were received on July 14, 2010 for the Supply of Copy Paper, Parchment Paper, Certificate and Proclamation Holders; and

WHEREAS, bids were received, as follows:

Paper Mart, Inc.
151 Ridgedale Avenue
East Hanover, N.J. 07936 \$26,542.00

E.J. Schuster Discount Office Supplies
1084 Brook Road
Lakewood, N.J. 08701 \$26,149.50
(Not every item bid)

WHEREAS, said bids have been reviewed by the Purchasing Division, and they have recommended that award of contract be made, as follows:

Paper Mart, Inc. - Item Nos. A1, A2, A3, B1, B2, B3, C1, D1 and D2, for a maximum amount of \$26,542.00

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

1. It hereby awards the contract for the Supply of Copy Paper, Parchment Paper, Certificate and Proclamation Holders, as follows:

Paper Mart, Inc. - Item Nos. A1, A2, A3, B1, B2, B3, C1, D1 and D2, for a maximum amount of \$26,542.00.

The contract term shall be for one (1) year, effective from date of award by resolution of the Township Council through twelve (12) consecutive months. The award of this contract is subject to all terms and conditions of the bid specifications.

This will be an open-ended contract with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) Public Works
- f) Municipal Court
- g) Aforementioned Bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Paper Mart, Inc., in the maximum amount of \$26,542.00, are contingent upon the availability of funds in the appropriate municipal budget.

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

Dated: July 27, 2010

RESOLUTION AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS TO ENTER INTO AN AGREEMENT WITH RUBBERECYCLE, L.L.C. TO PROVIDE FOR REMOVAL AND RECYCLING SERVICES FOR THE DISPOSAL OF TIRES AT THE MUNICIPAL RECYCLING CENTER

JULY 27, 2010

WHEREAS, the Township of Toms River is in need of removal and recycling services in order to dispose of tires 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 rubber products; and

WHEREAS, Rubberecycle, L.L.C. has the necessary means for the removal and recycling services for the disposal of rubber 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 Rubberecycle, L.L.C., N.J. DEP Class B Recycling Center No. #1514001415, for the removal and recycling services to dispose of tires at the municipal recycling center in need of disposal, to be paid at the following rates:

The Township shall pay Rubberecycle, L.L.C. at the following schedule:

Tires Per Piece:

- \$ 1.00 per tire for all car tires, no rims.
- \$ 2.00 per tire for all car tires, on rims
- \$ 1.50 per light truck tire, no rims.
- \$ 3.00 per light truck tire, on rims.
- \$10.00 per truck tire, no rims.
- \$20.00 per truck tire, on rims.
- \$15.00 per super single truck tire, no rims.
- \$30.00 per super single truck tire, on rims.
- \$50.00-\$300.00 per non-solid loader tire.

Car Tires Per Weight:

\$100.00 per ton.

An additional \$20.00 per truck tire, \$35.00 per truck tire on a rim, \$20.00 per super single truck tire, \$35.00 per super single truck tire on rim, and \$50.00-\$300.00 for a loader tire shall be charged.

Total maximum amount - \$6,000.00. Funds in the amount of \$6,000.00 are available in Account No. 0-01- -U24-412. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. Term of contract: From date of award through December 31, 2010.

2. This contract may be terminated, by either party, upon thirty (30) days written notice by certified mail to the other.

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 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) Township Attorney
- b) Public Works Dept.
- c) Chief Financial Officer
- d) Purchasing
- e) Rubberecycle, L.L.C.
1985 Rutgers University Boulevard
Lakewood, N.J. 08701

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with Rubberecycle, L.L.C., for tire recycling services, in the total maximum amount of \$6,000.00, are available in Account No. 0-01- -U24-412.

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 27, 2010

RESOLUTION AUTHORIZING AN EXTENSION OF THE CONTRACT WITH PEPCO ENERGY SERVICES FOR THE SUPPLY OF NATURAL GAS THROUGH DECEMBER 31, 2011

JULY 27, 2010

WHEREAS, resolution of the Township Council dated December 18, 2007, authorized a contract to Pepco Energy Services for the Supply of Natural Gas for the Township of Toms River as a participating contracting unit of the Stafford Township Cooperative Pricing System pursuant to bids received by the Township of Stafford as lead agency of the Stafford Township Cooperative Pricing System (#33-OCCP), at a fixed, total up-charge unit price for transportation of \$2.217 per Dekatherm, for the term of two years - February 1, 2008 through January 31, 2010; and

WHEREAS, pursuant to the Extension Agreement between the Stafford Township Cooperative Pricing System and Pepco Energy Services, the Township wishes to authorize an extension of this contract with Pepco Energy Services, for the Supply of Natural Gas at a fixed, total up-charge unit price for transportation of \$2.217 per Dekatherm, subject to all the original terms and conditions of the bid specifications and the Master Contract as originally awarded by the Township of Stafford as lead agency;

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 an extension of the contract with Pepco Energy Services, for the Supply of Natural Gas, at a fixed, total up-charge unit price for transportation of \$2.217 per Dekatherm, pursuant to the Extension Agreement between the Stafford Township Cooperative Pricing System and Pepco Energy Services, which is on file in the Office of the Township Clerk.

2. The extended contract term: Through December 31, 2011. This contract shall be open-ended with funds being encumbered on a monthly basis, contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with

respect to this resolution is on file in the Office of the Township Clerk. The extension of this contract is subject to all the original terms and conditions of the bid specifications and the Master Contract as originally awarded by the Township of Stafford as lead agency.

3. Stafford Township Cooperative Pricing System Contract I.D. #33-OCCP-3/07.
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) Township of Stafford
Attn: Purchasing Agent
260 East Bay Avenue
Manahawkin, N.J. 08058
 - e) PMK Group, Inc.
Attn: Thomas Brys/Tara Pasca
Lake Center Executive park
401 Route 73 North, Bldg. 10, Suite 101
Marlton, N.J. 08053

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract extension with Pepco Energy Services, for the Supply of Natural Gas, at a fixed, total up-charge unit price for transportation of \$2.217 per Dekatherm, is an open-ended contract with funds being encumbered on a monthly basis, contingent upon the availability of funds in the appropriate municipal budget.

More specifically, the actual encumbrance of the funds will be based upon the approval of 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: July 27, 2010

**RESOLUTION AUTHORIZING THE PURCHASING DIVISION
TO ADVERTISE FOR AND RECEIVE BIDS FOR A NEW WHEEL
ALIGNMENT MACHINE FOR THE POLICE GARAGE, TO REPLACE
THE EXISTING MACHINE WHICH IS INOPERABLE AND OUTDATED**

JULY 27, 2010

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

**NEW WHEEL ALIGNMENT MACHINE FOR THE POLICE GARAGE, TO REPLACE
THE EXISTING MACHINE WHICH IS INOPERABLE AND OUTDATED**

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) Department of Police
- d) Township Attorney

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

JULY 27, 2010

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

A. BEY LEA MAINTENANCE SHOP:

1989 Ford F350 Flatbed Truck	1FDHF38G2KNA22961
1989 Ford F250 Pickup Truck	1FTPF27W1XNB81268
1999 Ford Contour (#102)	1FAFP65LOXK173193
1999 Ford Contour #106)	1FAFP6f5L9XK173192
1981 Bowie Hydro Mulcher, Victor 800	Serial #80681729
1978 Ford Backhoe Loader	Serial #C601188
Gravelly Tractor	Serial # 9879395
Olathe Seeder, Model 93	Serial # 93205
Toro HC4000 Aerator	Serial #60101
Toro GM72 Traction Unit, No Mower (Asset #1987)	Serial # 40737
Cushman Greensaver Aerator	n/a
Terra 200 Aerator	n/a
York Rake 3PT Hitch	n/a
Rayco 1620 JR Stump Grinder (Asset #2048)	n/a
Cushman Truck Bodies (Quantity - 2)	n/a

B. DEPARTMENT OF POLICE:

1997 Ford Explorer (#118)	1FMDU35P2VZA58672
1997 Ford Explorer (#99)	1FMDU35P0VUC33109
1997 Mitsubishi Galant (#120)	4A3AJ561VE196234
1998 Chrysler Concord (#113)	2C3HD46J2WH195204
1999 Ford Crown Victoria (#114)	2FAFP71W9XX191307

1999 Ford Crown Victoria (#128)	2FAFP71W8XX186549
1999 Ford Crown Victoria (#208)	2FAFP71W6XX186548
2000 Chrysler 300 (#112)	2C3HE66G1YH271768
2001 Ford Crown Victoria (#192)	2FAFP71W41X159985
2002 Ford Crown Victoria (#203)	2FAFP71W42X151239
2003 Ford Crown Victoria (#187)	2FAFP71W13X197998
2003 Kawasaki ATV (Quad 1)	JKBVFHA143B511087

C. DEPARTMENT OF PUBLIC WORKS:

1989 Ford F-800 Dump Truck (#27)	1FDYK84A4KVA47693
1989 Ford F-800 Dump Truck (#29)	1FDYK84A8KVA47695
1991 Ford Pickup Truck (#49)	1FTEF15NXMNA23163
1991 GMC Trash Truck (#52)	1GDP7H1M2MJ504992
1991 GMC Trash Truck (#54)	1GDP7H1M5MJ505179
1992 Walking Floor Trailer (#50)	1S9WSR2T4N1252953
1997 Volvo Recycling Truck (#156)	4VM2AKEC2VR476732
1998 Volvo Robo Truck (#73)	4VMDCLBE0XN762779
1999 Volvo Robo Truck (#56)	4VMDCLBE6XN765752
1999 Volvo Robo Truck (#69)	4VMDCLBE6XN780753
1999 Volvo Robo Truck (#77)	4VMDCLBE1XN765755
1979 Ingersoll Rand Air Compressor	Serial #112398U79928

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) Housing/Code Enforcement
- f) Public Works
- g) Bey Lea Maintenance Shop
- h) Recreation
- i) PropertyRoom.com, Inc.
26421 Crown Valley Parkway
Suite 200
Mission Viejo, CA. 92691
- j) PropertyRoom.com, Inc.
Attn: Ed Hehon
870 Corporate Drive
Suite 30
Lexington, KY 40503
- k) 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 AWARD OF CONTRACT TO INTERNATIONAL SALT COMPANY, LLC, FOR THE SUPPLY OF ROCK SALT PURSUANT TO BIDS RECEIVED AND THE MASTER CONTRACT AWARDED BY THE TOWNSHIP OF STAFFORD AS LEAD AGENCY FOR THE STAFFORD TOWNSHIP COOPERATIVE PRICING SYSTEM, IN THE MAXIMUM AMOUNT OF \$300,000.00, OVER TWO (2) YEARS

JULY 27, 2010

WHEREAS, the Township of Toms River is a member of the Stafford Township Cooperative Pricing System, as authorized by N.J.S.A. 40A:11-11(5); and

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

WHEREAS, the aforementioned contract was awarded to International Salt Company, LLC, for the Supply of Rock Salt, as follows:

Contract Identification Number: 33-OCCP-2010-013

International Salt Company, LLC
655 Northern Boulevard
Clarks Summit, PA 18411
Up to a Maximum amount: \$300,000.00 over 2 years
Awarded Bid Prices:
Item #1 - Not Applicable - Township did not participate in this item.
Item #2 - Not Applicable - Township did not participate in this item.
Item #3 - Pre-Treated Rock Salt - Delivered: \$82.73/Ton.
Item #4 - Pre-Treated Rock Salt - Picked-Up: \$82.50/Ton.
Delivery Time shall be within 48 hours from the time an order is placed.

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

1. It does hereby award a contract for the Supply of Rock Salt for the Township of Toms River as a participating contracting unit of the Stafford Township Cooperative Pricing System to International Salt Company, Inc., Contract I.D. #33-OCCP-2010-013, as follows:

International Salt Company, LLC
655 Northern Boulevard
Clarks Summit, PA 18411
Awarded Bid Prices:
Item #1 - Not Applicable - Township did not participate on this item.
Item #2 - Not Applicable - Township did not participate on this item.
Item #3 - Pre-Treated Rock Salt - Delivered: \$82.73/Ton.
Item #4 - Pre-Treated Rock Salt - Picked-Up: \$82.50/Ton

Up to a Maximum Amount of \$300,000.00 over 2 years.

The contract shall be effective from the date of award by resolution of the Township Council through July 19, 2012. The contract awarded hereby shall be open-ended. The amount to be encumbered at the time an order is placed for an item and funds will be certified, contingent upon their availability during the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all terms and conditions of the bid specifications and the Master Contract as awarded by the Township of Stafford as Lead Agency. The unit prices, as stipulated above, shall remain firm for the entire term of the contract.

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) Township of Stafford
260 East Bay Avenue
Manahawkin, N.J. 08050
Attn: Purchasing Agent
- f) International Salt Company, LLC
655 Northern Boulevard
Clarks Summit, PA 18411

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to International Salt Company, LLC, in the maximum amount of \$300,000.00 over 2 years, for the Supply of Rock Salt, is an open-ended contract with funds being encumbered at the time each order is placed, contingent upon the availability of funds in the appropriate municipal budget year.

Awarded Bid Prices:

- Item #1 - Not Applicable – Township did not participate in this item.
- Item #2 - Not Applicable - Township did not participate in this item.
- Item #3 – Pre-Treated Rock Salt – Delivered: \$82.73/Ton.
- Item #4 – Pre-Treated Rock Salt – Picked-Up: \$82.50/Ton.

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 MANOLIO
CHIEF FINANCIAL OFFICER

Dated: July 27, 2010

**RESOLUTION AUTHORIZING THE DIVISION OF ENGINEERING TO PREPARE SPECIFICATIONS
AND THE PURCHASING DIVISION TO ADVERTISE FOR AND RECEIVE BIDS FOR THE
INSTALLATION OF TRAFFIC CALMING DEVICES ON HOVSONS BOULEVARD, BEACHVIEW
DRIVE AND BAYVIEW DRIVE**

JULY 27, 2010

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

**INSTALLATION OF TRAFFIC CALMING DEVICES ON HOVSONS
BOULEVARD, BEACHVIEW DRIVE AND BAYVIEW DRIVE**

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 Engineering/Purchasing Division are 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) Department of Public Works
 - d) Division of Engineering
 - e) Township Attorney

RESOLUTION

AUGUST 10, 2010

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan entitled D'Onofrio, Block 412.36, Lot 14.02 (1426 Route 9) that all improvements presently under a maintenance bond have been maintained in accordance with Township standards.

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:

A. Maintenance Cash Bond in the amount of \$10,150.00 currently on deposit in #0-14- -902-101 is hereby released with applicable interest;

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

- a. Engineer
- b. Finance Department
- c. Township Attorney
- d. DSMM, LLC
952 Lakewood Road
N.J. 08753
Attn: Jen Burritt, Acct. Manager

RESOLUTION

July 27, 2010

WHEREAS, performance guarantees were posted for a Major Site Plan entitled United Water, Block 135 Lot 3.02 (Whitesville Road) and were accepted by way of Resolution dated April 11, 2000.

WHEREAS, the Township Engineer has reported that said improvements have been constructed in accordance with Township standards and recommends release of Performance Guarantees.

WHEREAS, the developer has now posted the required maintenance guarantees which are hereby accepted:

(1) Maintenance Cash Bond in the amount of \$860.00. This amount is currently on deposit in #0-14- -902-101 as a portion of the existing performance guarantee amount of \$8600.00.

The following performance bonds are hereby released:

(1) Cash Bond in the amount of \$8600.00 with \$860.00 of this amount to be retained and the difference, \$7740.00 released with applicable interest;

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

- a) Engineer
- b) Chief Financial Officer
- c) Township Attorney
- d) United Water
15 Adafre Avenue
Toms River, N.J. 08754
Attn: Theodore M. Holod

**RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS
FOR STATE PEDESTRIAN SAFETY EDUCATION AND ENFORCEMENT FUND 2010
PEDESTRIAN DECOY MOBILIZATION**

July 27, 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 Pedestrian Safety Education and Enforcement Fund, 2010 Pedestrian Decoy Mobilization 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 \$8,000.00 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 Pedestrian Safety Education and Enforcement Fund,
2010 Pedestrian Decoy Mobilization State of New
Jersey.....\$8,000.00

pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$8,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

State Pedestrian Safety Education and Enforcement Fund,
2010 Pedestrian Decoy Mobilization State of New
Jersey.....\$8,000.00

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

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

Approved as to Content:

**RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS
FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

July 27, 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 Edward Byrne Memorial Justice Assistance Grant 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 \$17,340.00 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:

Edward Byrne Memorial Justice Assistance Grant\$17,340.00

pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$17,340.00 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:

Edward Byrne Memorial Justice Assistance Grant\$17,340.00

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
- D) Police Department

Approved as to Content:

**RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS
FOR STATE OF NEW JERSEY,
DIVISION OF YOUTH AND FAMILY SERVICES GRANT**

July 27, 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, Division of Youth and Family Services Grant 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 \$54,691.00 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, Division of Youth and Family Services.....\$54,691.00

pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$54,691.00 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, Division of Youth and Family Services.....\$54,691.00

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
- D) Police Department

Approved as to Content:

**RESOLUTION TO CANCEL GRANT RECEIVABLE BALANCE
AND OFFSETTING APPROPRIATION RESERVE BALANCE
FOR DIVISION OF HIGHWAY TRAFFIC SAFETY,
2010 PEDESTRIAN SAFETY REIMBURSEMENT GRANT
July 27, 2010**

WHEREAS, a receivable balance of \$25,000.00 entitled Due From State of New Jersey, FY10 Pedestrian Safety Grant remains on the Current Fund balance sheet, the program has been cancelled by the State of New Jersey; and,

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

NOW, THEREFORE, BE IT RESOLVED that the following grant receivable and appropriation reserve balances be cancelled:

<u>GRANT TITLE</u>	<u>AMOUNT CANCELLED</u>
State of New Jersey, FY10 Pedestrian Safety Grant	\$25,000.00

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

- a) Director, Division of Local Government Services (2 certified copies)
- b) Business Administrator
- c) Township Attorney
- d) Township Auditor
- e) Chief Financial Officer
- f) Affected Department Heads

Approved as to Content:

**RESOLUTION AUTHORIZING THE RENEWAL OF POCKET LIQUOR LICENSE 1507-33-001-006
ISSUED TO OUTBACK MID ATLANTIC I LIMITED PARTNERSHIP, PURSUANT TO NJABC SPECIAL
RULING**

JULY 27, 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 1507-33-001-006 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:

**1507-33-001-006
Outback Mid Atlantic I Limited Partnership
2202 N. West Shore Dr, Ste 500
Tampa Florida, 33607
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 July 27, 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) Frank Rivellini
661 Main Street
Hackensack, NJ 07601

RESOLUTION

July 27, 2010

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>
57-10 Tracy L. Devine	Taxi Driver	Walter's Taxi

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

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF 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 (TEXT AND TITLE) FOR MATCHING FUNDS FOR THE STATE OF NEW JERSEY, DIVISION OF YOUTH AND FAMILY SERVICES GRANT

July 27, 2010

WHEREAS, N.J.S. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-85, the Township of Toms River hereby requests the Director of the Division of Local Finance to make the following corrections in the budget of the year CY10;

Reduce line item "For Future Grants" \$12,579.00 from \$140,516.00 to \$127,937.00 and create a line item entitled "Operations - Excluded from "CAPS" Public and Private Programs Offset by Revenues: State of New Jersey, Division of Youth and Family Services Grant - Township Match in the amount of \$12,579.00, and;

BE IT FURTHER RESOLVED that the foregoing corrections are, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the municipality for the reasons hereinafter set forth:

The Township has received a notice of grant awarded under the State of New Jersey, Division of Youth and Family Services Grant which requires Township matching funds in the amount of \$12,579.00, and the appropriation "For Future Grants" was provided for in anticipation of the required needs.

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

- A. Division of Local Government Services (2 copies)
- B. Chief Financial Officer
- C. Township Auditor
- D. Health and Human Services Department

Approved as to Content

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

RESOLUTION AUTHORIZING THE SECOND AND FINAL YEAR EXTENSION OF THE CONTRACT FOR LICENSED ELECTRICIAN SERVICES WITH GILLIGAN & NARDINI ELECTRICAL CONTRACTORS, INC., IN THE AMOUNT OF \$150,000.00,

JULY 27, 2010

WHEREAS, resolution of the Township Council dated August 12, 2008 authorized award of a contract for Licensed Electrician Services to Gilligan & Nardini Electrical Contractors, Inc., for Licensed Electrician Services, for a maximum amount of \$150,000.00 over two (2) years, effective August 12, 2008 through August 11, 2010; and

WHEREAS, the terms of the original contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15, which allows for the contract to be extended for up to two (2) additional one (1) year terms upon expiration of the original contract, subject to the current "Index Rate" as set by the State of New Jersey, Division of Local Government Services. This index rate is currently set at 0%; and,

WHEREAS, due to the Township's utilization of this contract for multiple projects, a resolution was adopted on August 25, 2009, pursuant to the Local Public Contracts Law, authorizing a one (1) year extension to this contract with an increase to the original contract award amount of \$150,000.00, for a revised maximum amount of \$300,000.00; and

WHEREAS, as the first contract extension is reaching its maximum amount of \$300,000.00, and as it is in the best interest of the Township of Toms River to continue this contract for Licensed Electrician Services with Gilligan & Nardini Electrical Contractors, Inc., for the second and final extension of the existing contract with Gilligan & Nardini Electrical Contractors, Inc., for an additional \$150,000.00 up to a new maximum amount of \$450,000.00 over the next twelve (12) consecutive months, effective upon authorization by resolution of the Township Council through July 26, 2011, pursuant to the Local Public Contracts Law; and

WHEREAS, the Township wishes to extend the contract with Gilligan & Nardini Electrical Contractors, Inc., for Licensed Electrician Services for the second and final extension of the existing contract with Gilligan & Nardini Electrical Contractor's, Inc., commencing upon authorization by resolution of the Township Council through twelve (12) consecutive months, through July 26, 2011, for an additional amount of \$150,000.00, up to a revised maximum amount of \$450,000.00 over the next twelve (12) consecutive months;

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

1. It hereby authorizes the second and final extension of the existing contract with Gilligan & Nardini Electrical Contractors, Inc., for Licensed Electrician Services, effective upon authorization by resolution of the Township Council through July 26, 2011 for twelve (12) consecutive months, for an additional amount of \$150,000.00, up to a revised maximum amount of \$450,000.00

2. The extended contract will be an open-ended contract with funds being encumbered each time a request for service is placed, contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract extension is subject to all the terms and conditions of the original contract award, with the hourly rate for Journeyman/Electrician at \$85.00 per hour, and the hourly rate for Apprentice at \$55.00 per hour.

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) Parks, Buildings & Grounds
- e) Gilligan & Nardini Electrical Contractors,
Inc.
888 Derry Drive
Toms River, N.J. 08753

CERTIFICATION

THIS IS TO CERTIFY that the funds for the second and final extension of the contract with Gilligan & Nardini Electrical Contractors Inc., in the additional amount of \$150,000.00, up to a revised maximum amount of \$450,000.00, are available contingent upon the availability of funds in the appropriate municipal budget.

More specifically, the actual encumbrance of the funds will be based upon the approval of 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: July 27, 2010

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

RESOLUTION REFUNDING OVERPAYMENT OF TAXES, VARIOUS PROPERTIES

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

RESOLUTION AUTHORIZING THE DIVISION OF PURCHASING TO ADVERTISE AND RECEIVE PROPOSALS FOR SPECIAL LEGAL COUNSEL SERVICES FOR THE PERIOD FROM JULY 1, 2010 THROUGH DECEMBER 31, 2011.

REPORTS

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

1. In-Season Beach Badge Weekly Report- week #2- \$43,320.00
2. In-Season Beach Badge Weekly Report- week #3- \$21,335.00
3. In-Season Pool Badge Weekly Report- week #2- \$14,565.00
4. In-Season Pool Badge Weekly Report- week #3- \$4,181.00
5. Youth Center- June 2010- \$33,331.66

APPROVAL OF BILLS

Council President McGuckin asked for a report on the bills.

The Bill List, dated **July 23, 2010**, was approved on motion by Council Member Kubiell, seconded by Council Member Maruca, and carried with Council Members Kubiell, Maruca, Sevastakis, Hill, Wittmann and with Council President McGuckin voting yes, and with Council Member Donohue-Appleby 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 C0-02971, payable to Tempo Realty versus Toms River in the amount of \$2,079.56.

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

Purchase Order C0-03043, payable to Board of Education-Toms River Schools in the amount of \$9,597,742.89.

Purchase Order C0-02964, payable to Owen, Little and Associates in the amount of \$4,799.85.

Purchase Order C0-03234, payable to Saint Luke's Church in the amount of \$630.00.

Purchase Order C0-03234, payable to Toms River Schools in the amount of \$4,278.00.

Purchase Order C0-02946, payable to Michael Lamana in the amount of \$78.00.

Purchase Order C0-03237, payable to Saint Luke's Church in the amount of \$70.00.

Purchase Order C0-03237, payable to Toms River Schools in the amount of \$479.00.

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

Purchase Order C0-02776, payable to Gilligan & Nardini Electrical in the amount of \$584.69.

Purchase Order C0-02778, payable to Gilligan & Nardini Electrical in the amount of \$262.34

Purchase Order C0-02966, payable to Monsignor Donovan School in the amount of \$450.00.

Purchase Order C0-03041, payable to Special Duty Administrator Fee in the amount of \$3,073.00.

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

Purchase Order C0-03043, payable to Board of Education-Toms River Schools in the amount of \$9,597,742.89.

Purchase Order C0-03234, payable to Toms River Schools in the amount of \$4,278.00.

Purchase Order C0-03237, payable to Saint Luke's Church in the amount of \$70.00.

Purchase Order C0-03237, payable to Toms River Schools in the amount of \$479.00.

ELECTED OFFICIALS COMMENTS

Mayor Kelaher spoke regarding environmental bill on August 12, 2010; water quality and lawn fertilizer ordinance.

Councilman Wittmann spoke regarding the Bond Ordinances earlier on the agenda.

Councilman Hill spoke regarding American Disability Act 20th Anniversary, and Major James Weis, Toms River, death in Afghanistan.

Councilman Kubiel spoke regarding the death of Chief Forte.

Councilwoman Maruca spoke regarding Major Weis' death, and Ortley Beach Lifeguard Tournament.

Councilman Sevastakis had no comments.

Council President McGuckin spoke regarding Senior Tax Freeze deadline on August 2nd and once a week garbage collection and cost savings.

PUBLIC COMMENTS

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

Willie DeCamp, "Save Barnegat Bay", spoke regarding August 12, 2010 hearing and pending environmental bill.

Michael Yurecko, Ocean Beach Unit 2, spoke regarding traffic conditions between Monterey Beach and Ocean Beach.

Pat Claszo, Ortley beach, spoke regarding garbage collection and public health conditions.

Ken Langdon, Ortley Beach, spoke regarding land acquisitions, and beach badges.

No further comments from the public appearing, Council Members Kubiell, Hill, Maruca, Sevastakis, Wittmann and Council President McGuckin present, and with Council Member Donohue-Appleby absent, moved to enter into a private Executive Session at 7:47 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 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. Matters in Litigation
3. Attorney Client Privilege

3. The following specific topics were announced.

1. Personnel
2. July 13, 2010 Executive Session Minutes
3. Subpoena-Status
4. Ocean County Memorial Park Pauper's Section status
5. Open Space and Recreation Space
6. OCUA Barrier Island Parking
7. Shogun Expansion
8. Certified Valuation Litigation-status
9. Toms River Township versus Bettio Litigation status
10. Church Road Estates dumping
11. Possible clean-up condemnation sites
12. Ch. 185 Beach Fines

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	Absent
Council Member Hill	Yes
Council Member Kubiell	Yes
Council Member Maruca	Yes
Council Member Sevastakis	Yes
Council President McGuckin	Yes

The Council reconvened the public portion at 8:40 PM, all Council Members Hill, Kubiell, Maruca, Sevastakis, Wittmann and Council President McGuckin present, and with Council Member Donohue-Appleby absent.

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

RESOLUTION APPOINTING ACTING CLERK

JULY 27, 2010

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

1. In the event that J. Mark Mutter, Township Clerk to the Township of Toms River, or Alison Carlisle, Deputy Township Clerk to the Township of Toms River, shall be absent for any reason whatsoever; then in that event, **Alice Scivoletti** shall serve as Acting Clerk.

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

- a. Finance
- b. Law
- c. Alice Scivoletti
- d. Personnel
- e. All Department Heads

A motion was made by Council Member Kubiell, seconded by Council Member Wittmann, and carried with Council Members Hill, Kubiell, Maruca, Wittmann and Council President McGuckin voting yes, and Council Member Sevastakis abstaining, and with Council Member Donohue-Appleby 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, 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 13, 2010

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

No other business appearing, the meeting was adjourned at 8:41 P. M., with Council Members Hill, Maruca, Kubiell, Sevastakis, Wittmann and Council President McGuckin voting yes, and with Council Member Donohue-Appleby absent.

GREGORY P. MCGUCKIN, COUNCIL PRESIDENT

J. MARK MUTTER, TOWNSHIP CLERK

