

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: 09 PM.

Council President McGuckin requested a moment of silence for Lakewood Police Officer Matolsz who was murdered earlier this month while on duty.

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 and Asbury Park Press on **Friday, January 8, 2011** and also forwarding same to the Ocean County Gazette and the Toms River Times on **Monday, January 10, 2011**, and thereafter posting same on the Town Hall Bulletin Board for such notices, and filing same with the Township Clerk, pursuant to a resolution adopted by the Township Council on **January 5, 2011**. Notice was also posted on the Township Web Page.

Roll Call:

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

APPROVAL OF MINUTES

A motion was made by Council Member Kubiell, seconded by Council Member Wittmann, and carried with Council Members Hill, Kubiell, Sevastakis, Donohue-Appleby, Maruca, Wittmann and McGuckin voting yes, to approve the Minutes of the Reorganization Meeting of **January 5, 2011**. The reading of this Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING PRESENTATION

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

Mayor Kelaher and Louis Amoruso, Director of Public Works presented a plaque to Joseph Ferrara for his 38 years of dedicated service on his retirement from Public Works.

Kevin Mizikar, Executive Director, Toms River Business Improvement District, made presentation of 2011 Budget.

The public hearing was opened. There was no response.

On motion by Council Member Kubiell, seconded by Council Member Maruca the public hearing was closed with all Members voting yes.

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

**RESOLUTION MEMORIALIZING APPROVAL OF THE
2011 BUDGET OF THE TOMS RIVER TOWNSHIP
SPECIAL IMPROVEMENT DISTRICT**

JANUARY 25, 2011

WHEREAS, the Toms River Township Special Improvement Budget was subject to a public hearing before the Township Council on January 25, 2011; and

WHEREAS, the public had opportunity to be heard; and

WHEREAS, the hearing was closed and thereafter the Council voted to approve of the budget on January 25, 2011;

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. It hereby memorializes its approval at the January 25, 2011 Council Meeting of the Special Improvement District Budget:

The Special Improvement District Budget for the period of January 1, 2011 through December 31, 2011 as follows is hereby approved:

S01 Ratables	\$176,251,500
S02 Ratables	\$ 59,247,000
Total	\$235,498,500

Total 2011 Revenue to be raised by taxation	\$225,000
S01 Budget Prorate (90%)	\$202,500
S02 Budget Prorate (10%)	\$ 22,500

S01 Proposed 2011 Tax Rate	0.115
S02 Proposed 2011 Tax Rate	0.038

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

- a) Chief Financial Officer
- b) Attorney
- c) New Jersey Division of Local Government Services
- d) Auditor
- e) Ocean County Board of Taxation
- f) Tax Assessor
- g) Tax Collector
- h) Toms River Business Improvement District
Toms River Business Development Corporation
218 Main Street
Toms River, N.J. 08753

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

RESOLUTION REQUESTING THE BUREAU OF THE CENSUS TO IDENTIFY TOMS RIVER TOWNSHIP AS A SINGLE ENTITY AND TO GIVE IT CREDIT FOR ITS FULL POPULATION IN CENSUS 2010

WHEREAS, the Bureau of the Census conducted a census for the year 2010 and this census will afford the opportunity for Census Designated Places to be named or revised; and

WHEREAS, the Township of Toms River would like a revision of the census designated places to be considered by Ocean County and the Bureau of the Census; and

WHEREAS, this request is being made to ensure that the Census Designated Place for the Township of Toms River accurately reflects the true population and characterization of our community as previous census designations have not adequately reflected our community and its population;

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 requests the Census Designation for our community to be amended and identified in a manner that reflects population and identify utilizing boundaries that are consistent with same.
2. It further authorizes appropriate Township personnel to pursue this matter with the appropriate Ocean County Officials and Bureau of Census as required.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Attorney
 - b) Ocean County Census Liaison
Joseph H. Vicari, Freeholder
Ocean County Board of Chosen Freeholders
P.O. Box 2191
Toms River, N.J. 08754-2191
 - c) Jay Lynch, Township Planner
 - d) Mayor
 - e) Council
 - f) Business Administrator

CONSENT AGENDA

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

A motion was made by Council Member Hill, seconded by Council Member Kubiell, and carried with Council Members Kubiell, Hill, Donohue-Appleby, Maruca, Sevastakis, Wittmann, and with Council President McGuckin voting yes, to approve all the following items listed on the Consent Agenda, except item **CC**, which was done separately.

RESOLUTION

January 25, 2011

WHEREAS, the Township Council of the Township of Toms River, adopted resolutions approving the transfer of monies to overpayment for the purpose of refund; and,

WHEREAS, said resolution contained an erroneous block and lot.

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 following resolutions be and the same are hereby corrected as follows:

RESO	NAME	BLOCK	LOT	YEAR	AMOUNT
1102610	Giambona@Vespasiano.	232.09	25	09/4	\$3310.05

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

Approved as to content:

R E S O L U T I O N

JANUARY 25, 2011

WHEREAS, an overpayment of taxes has appeared on the following properties for the year indicated, as a result of a DAV EXEMPTION, and in the amount indicated.

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

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

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

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

NAME	BLOCK	LOT	QUAL. YEAR	AMOUNT
KACIUBA, PAUL	192.12	17	2010/1	233.06
			2010/2	448.14
			2010/3	574.31
COMPARATO, CHARLES	192.27	23	2010/3	524.21
GUADAGNO, PHILIP	192.45	39	2010/1	784.84
			2010/2	784.84
			2010/3	776.48

ROBINSON, ROLAND H.	232.19	30	2010/1	286.17
			2010/2	1008.81
			2010/3	1258.06
			2010/4	1194.95
BRONNER, DENNIS R.	690	9.01	2010/3	477.04
			2010/4	1019.15

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

Approved as to content:

RESOLUTION

JANUARY 25, 2011

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

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>QUAL.YEAR</i>	<i>AMOUNT</i>
<i>GORDON, LUCYA.</i>	<i>159</i>	<i>12.11</i>	<i>2010/4</i>	<i>1747.16</i>
<i>VILLANUEVA ,RONALD</i>	<i>165</i>	<i>1.03</i>	<i>2010/3</i>	<i>3010.55</i>
			<i>2010/4</i>	<i>2859.56</i>
<i>BILLINGSLEY, BENJAMIN & PONGSIM</i>	<i>135.31</i>	<i>15</i>	<i>2010/4</i>	<i>601.10</i>
<i>GIAMBONA @ VESPASIANO, MICHAEL E.</i>	<i>232.09</i>	<i>25</i>	<i>2010/4</i>	<i>4378.53</i>
<i>DALESIO, DONALD E.</i>	<i>442.07</i>	<i>63</i>	<i>2010/4</i>	<i>1492.10</i>
<i>FIRST HORIZON HOME LOANS</i>	<i>442.57</i>	<i>6</i>	<i>2010/4</i>	<i>405.79</i>
<i>CITTA, LILLIAN R. TRUST</i>	<i>443.25</i>	<i>1</i>	<i>2010/1</i>	<i>611.75</i>
			<i>2010/2</i>	<i>615.35</i>
			<i>2010/3</i>	<i>1251.93</i>
<i>CITTA, LILLIAN R. TRUST</i>	<i>442</i>	<i>21</i>	<i>2010/2</i>	<i>31.87</i>
			<i>2010/3</i>	<i>38.76</i>
<i>909 ROUTE 37 WEST</i>	<i>506.03</i>	<i>34</i>	<i>2009/4</i>	<i>63537.29</i>

			2010/4	7045.00
<i>FIX, KATLIN</i>	528.03	21	2010/4	882.72
<i>BINDEROFF, JOEL & DIANE</i>	572	6.14C12H 5	2010/4	1049.89
<i>FMS PROP @ VESPIANO, MICHAEL</i>	609	5	2010/4	3034.99
<i>37 CLIFTON CORP @ PAUL BUTOW</i>	646	15	2010/4	520.81
<i>37 CLIFTON CORP @ PAUL BUTOW</i>	646	38	2010/4	749.57
<i>PETRO, JONATHAN Z.</i>	694.07	57	2010/3	1066.24
<i>FRANCIS, GRASSO</i>	819	9	2010/4	360.70
<i>NOONAN, EDWARD, F.</i>	843	27	2010/1	59.02
			2010/2	584.34
			2010/3	729.62
<i>ZOCCO, MICHAEL</i>	1001	174C01E	2010/4	926.87
<i>CIAK, FLORENCE</i>	1056.02	8	2010/4	1811.97
<i>BURLAZZI, G. FRED & LUCILLE</i>	1076.12	99	2010/4	824.14
<i>ALBANESE, CARLEEN M.</i>	1076.13	18	2010/4	1225.83
<i>FERRARA , JOHN & MARIA</i>	1079.02	14.02	2010/4	960.40
<i>CONNORS, JOHN & ANNE</i>	1095.02	1	2010/4	1579.49
<i>YOBBI, JOSEPH</i>	1097.01	84C02	2010/4	1059.57
<i>CORELOGIC</i>	1111	3	2010/3	4007.07
<i>JONES, THOMAS & KELLY B.</i>	1462.14	6	2010/4	822.86

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

approved as to content:

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT

TO GENERAL CODE, LLC, FOR CODIFICATION SERVICES FOR MUNICIPAL CODE REVISIONS FOR CALENDAR YEAR 2011

JANUARY 25, 2011

WHEREAS, the Township of Toms River has a need to acquire codification services for municipal code revisions for calendar year 2011; and

WHEREAS, the anticipated term of this contract is for one year; and

WHEREAS, General Code, LLC, 72 Hinchey Road, Rochester, N.Y. 14624 has provided professional and responsive services to the Township for past codification services; and

WHEREAS, the Toms River Township Clerk has determined that the value of the services will not exceed \$17,500.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Toms River approves the proposed contract award and authorizes the Mayor to enter into a contract with General Code, LLC. at the following rates:

Content Specialist

1. File Prep, Work Processing, Proof Reading, Quality Check, Data Transfer (Range of \$90.00 to \$130.00)
Hourly Rates for all other job titles.
2. Edit Analysis, Project Management: (Range of \$150.00 to \$190.00)

Materials and Handling

1. Order Processing: \$60.00 per event
2. Binders: (approximately \$20.00/binder)
3. Printing, sorting, packaging and distribution: (approximately \$.10/page)

BE IT FURTHER RESOLVED that all costs, fees, and compensation are subject to the execution of a contract, the availability of funds and the adoption of the CY'11 budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk;

BE IT FURTHER RESOLVED a notice of this action shall be advertised once by the Clerk in the Asbury Park Press.

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

- a) Mayor Kelaher
- b) Township Attorney
- c) Purchasing
- d) Chief Financial Officer
- e) Township Clerk
- f) General Code, LLC
72 Hinchey Road
Rochester, New York 14624
Attention: Earl Babb, Solutions Account Executive

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with General Code, LLC, is at the following rates:

Content Specialist

1. File Prep, Work Processing, Proof Reading, Quality Check, Data Transfer

(Range of \$90.00 to \$130.00)
Hourly Rates for all other job titles.

2. Edit Analysis, Project Management:
(Range of \$150.00 to \$190.00)

Materials and Handling

1. Order Processing: \$60.00 per event
2. Binders: (approximately \$20.00/binder)
3. Printing, sorting, packaging and distribution:
(approximately \$.10/page)

All costs, fees and compensation are subject to the execution of a contract, the availability of funds and the adoption of the CY'11 budget.

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

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: January 25, 2011

**RESOLUTION APPOINTING MEMBERS OF THE
TOWNSHIP OF TOMS RIVER MUNICIPAL ALLIANCE**

January 25, 2011

WHEREAS, the Mayor has recommended appointments to the Township of Toms River Municipal Alliance Committee and the Council has reviewed and consents to same;

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

1. The following persons are hereby appointed as members of the Township of Toms River Municipal Alliance for the year 2011:

Helen McGovern
Coordinator
337 Edgewood Drive
Toms River, NJ 08755

Carolyn Hadge
8 Chamberlain Drive
Toms River, NJ 08757

Jacqueline M. Masterson
1471 Randolph Street
Toms River, NJ 08753

Louis Tomsick
204 Dewey Street
Toms River, NJ 08753

Haley Dampf
337 Edgewood Drive
Toms River, NJ 08755

Walt Peters
1263 Coulter Street
Toms River, NJ 08755

Martin Fotusky
436 Colleen Ct.
Toms River, NJ 08753

Phil Pagano
2477 Polehemus Rd.
Toms River, NJ 08753

Helene Long
711 Opatut Ct.
Toms River, NJ 08753

Chris Malinowski
1093 Dove Street
Toms River, NJ 08753

Mary LeRoy
2112 Waters Edge Dr
Toms River, NJ 08753

John Wisniewski
597 Deer Lane
Toms River, NJ 08753

Officer Hazel Perez
Toms River Police Dept.
P.O. Box 876
Toms River, NJ 08753

Officer Ralph Stocco
TR Police Dept.
P.O. Box 876
Toms River, NJ 08753

Leslie Terjesen
424 Washington St.
Toms River, NJ 08753

Robert Petruski
1188 Windham Court
Toms River, NJ 08755

Heidi Hartmann
c/o Ocean's Harbor House
3445 Windsor Avenue
P.O. Box 622
Toms River, NJ 08753

Frank Roselli
Supt. of TR Schools
1144 Hooper Avenue
Toms River, NJ 08753

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

- a. Attorney
- b. Township Council
- c. Appointed Members
c/o Helen McGovern
- d. Chief Financial Officer
- e. Joanne Schuh, County Coordinator
Alcoholism and Drug Abuse Division
175 Sunset Avenue
PO Box 2191
Toms River, NJ 08754
- f. Mayor
- g. Police Department

RESOLUTION APPOINTING ALFONSO MANFORTI AS A REGULAR MEMBER TO THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

JANUARY 25, 2011

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. ALFONSO MANFORTI, 541 Lakehurst Road, Toms River, New Jersey 08755, is hereby appointed as a regular member of the Toms River Municipal Utilities Authority for a term of five (5) years, from February 1, 2011 to January 31, 2015.

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

- a. Appointees listed above who shall present themselves before the Township Clerk to take and subscribe to the Oath of Office
- b. Toms River Municipal Utilities Authority
- c. Township Attorney
- d. Township Council
- e. Secretary of State, State of New Jersey
P.O. Box 308
Trenton, NJ 08625
- f. New Jersey Dept. of Treasury
Div. of Commercial Recording
Along with a Toms River township voucher to cover the filing fees
820 Bear Tavern Road
West Trenton, NJ 08625
- g. Office of the Mayor

RESOLUTION APPOINTING DAMIAN G. MURRAY, ESQ. AS MUNICIPAL JUDGE OF THE COURT OF THE TOWNSHIP OF TOMS RIVER

JANUARY 25, 2011

WHEREAS, Chapter 60-4 of the Township of Toms River Administrative Code provides that each judge of the Municipal Court shall serve for a term of three (3) years from the date of his appointment and until his successor is appointed and qualified; and

WHEREAS, Chapter 60-4 of the Administrative Code provides further that the Judge of the Municipal Court shall be appointed by the Mayor with the advice and consent of the Township Council; and

WHEREAS, the term of Judge DAMIAN MURRAY of the Municipal Court expired on January 14, 2011; and

WHEREAS, Chapter 8 of Title 2A of the New Jersey Statutes has been amended to permit two Municipal Court Judges positions for a municipality such as the Township of Toms River and Chapter 60-4 of the Administrative Code of the Township provides for two Judges; and

WHEREAS, the Municipal Court has two judges;

WHEREAS, Mayor Kelaher has nominated Damian Murray as Municipal Court Judge and the Council has advised of its consent;

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

1. DAMIAN G. MURRAY, Esq., 837 Astoria Drive, Toms River, New Jersey 08753, is hereby appointed as Municipal Judge of the Court of the Township of Toms River, New Jersey, Part Two, said appointment shall be for a three year term commencing on January 14, 2011 and expiring on January 14, 2014 at a salary as provided in the "Code of the Township of Toms River, New Jersey."

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

- a. Damian Murray Esq.
837 Astoria Drive
Toms River, New Jersey 08753
- b. Municipal Court Administrator
- c. Personnel
- d. Municipal Attorney
- e. Richard Prifold
Trial Court Administrator
Ocean County Justice Complex
120 Hooper Avenue
Toms River, NJ 08753
- f. Hon. James A. Liquori, J.M.C.
1021 Route 37 West
Toms River, NJ 08753
- g. Township Council
- h. Mayor Kelaher

AMENDMENT TO RESOLUTION AUTHORIZING THE AWARD OF NEGOTIATED CONTRACTS FOR SNOW PLOWING SERVICES, 2010-2011 WINTER SEASON, TO ADD ONE ADDITIONAL SNOW PLOW CONTRACTOR, COLONIAL TREE SERVICES, INC.

JANUARY 25, 2011

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

WHEREAS, only one bid was received; and

WHEREAS, resolution of the Township Council dated October 12, 2010 authorized the rejection of this bid as excessive and authorized the rebid of this service; and

WHEREAS, rebids were invited on October 29, 2010 with one rebid being received; and

WHEREAS, resolution of the Township Council dated November 23, 2010 authorized the rejection of this rebid as excessive, and authorized the negotiation of contracts for Snow Plowing Services for the 2010-2011 Winter Season; and

WHEREAS, resolution of the Township Council dated December 14, 2010 awarded negotiated contracts for Snow Plowing Services, for the 2010-2011 Winter Season; and

WHEREAS, resolution of the Township Council dated December 28, 2010 authorized the addition of seven (7) negotiated snow plow contractors; and

WHEREAS, this amended resolution will authorize one (1) additional negotiated snow plow contractor – Colonial Tree Services, Inc.;

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

1. It hereby amends the resolutions awarded on December 14, 2010, and December 28, 2010 for Negotiated Snow Plowing Services, Winter Season 2010-2011, to add one (1) additional snow plow contractor: Colonial Tree Services, Inc.

2. Additional negotiated terms for Colonial Tree Services, Inc.:

- a) Contractor, Colonial Tree Services, Inc. shall be guaranteed a minimum of twenty (20) hours of work per call out.
- b) Contractor, Colonial Tree Services, Inc. shall receive two (2) hours travel time per piece of equipment utilized.

c) Contractor, Colonial Tree Services, Inc. shall send one (1) utility tool truck with one (1) mechanic per call out at a cost not to exceed

\$3,500.00.

3. The complete list of snow plowing contractors, as of the meeting of the Township Council dated January 25, 2011, for snow plowing services for the Winter Season, 2010-2011, is as follows: A & G Carting, LLC; Ace Masonary Contractors, Inc.; American Coring & Supply, Inc.; BT Site Improvement LLC (formerly Earthworks); Best Paving, Inc.; Chappelle Mechanical, Inc.; Ann M. Clark; Complete Construction d/b/a Chris Niedziwski; JAK Construction d/b/a Diamond Construction; ERS Builders; Erin Asphalt Co., Inc.; Guzzi Masonry & Paving, Inc.; K.T. Lawn & Property Maintenance; Matt Monagas Decorative Stone, LLC; Nicholas Pools, Inc; R.G. Rieche, Inc.; S & S Snow Plowing, Inc.; Lee Santos Landscaping, Inc.; Matt Stern Excavating, Inc.; Toms River Tree Service; Total Building Services, LLC; Tri State Carting; Erbe Builders, Inc.; Hagman Landscaping, LLC; Safe Guard Fence, Inc.; Latz, Inc.; Titan Paving; NJ Advance Construction; Reliable Jim's, Inc., Remarkable Tree Service, and Colonial Tree Services, Inc.

4. The contracts awarded hereby shall be open-ended. The contracts shall include the following hourly rates for equipment and operator:

Graders, articulating, loaders, rubber tire loaders (644, 744, 844 & 944, 1.75 to 5 cu. yd. bucket):	\$ 154.00
Small Articulating Loaders:	\$ 143.00
Tandem Axle Trucks with Contractor's Own Plow:	\$ 137.50
Tandem Axle Trucks with Township's Snow Plow and Full-Size Backhoe:	\$ 132.00
Single Axle Dump Trucks with 5 cu. yd. or larger. Bodies with Contractor's Own Snow Plow. Minimum 26,000 GVW or larger:	\$ 104.50
Single Axle Dump Trucks with 5 cu. yd. or larger. Bodies with Township's Snow Plow.	

Minimum 26,000 GVW or larger:	\$ 99.00
Mason Dumps (under 5 cu. yds.), Small Rack and Utility Body Trucks with Contractor's Plow, 4x4, 1/2, 3/4, and 1 Ton Pick-ups with Contractor's Own Snow Plow:	\$ 93.50
Skid Loader/Bobcat:	\$ 80.00

Term of Contracts: Date of Award through June 30, 2011. These contracts shall be open-ended. The contract amounts shall be encumbered at the time an order is placed for snow removal services, and funds will be certified, contingent upon their availability. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. All plowing services are contingent upon execution of a contract with the Township of Toms River.

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

- a) Chief Financial Officer
- b) Purchasing
- c) Public Works
- d) Township Attorney
- e) Colonial Tree Services, Inc.
1855 Street Road
Southampton, PA 18966

AMENDED CERTIFICATION

THIS IS TO CERTIFY that the funds for the contracts awarded for snow plowing services will be open-ended, 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 J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: January 25, 2011

RESOLUTION AUTHORIZING ACCEPTANCE OF NAME CHANGE FROM ANN M. CLARK TO 2001 COOLIDGE AVENUE, INC. T/A BILL'S FAMOUS HOT DOGS

JANUARY 25, 2011

WHEREAS, resolution of the Township Council dated December 14, 2010 authorized the award of a negotiated contract with Ann M. Clark for Snow Plowing Services for the 2010-2011 Winter Season through June 30, 2011; and

WHEREAS, a formal request has been submitted to the Purchasing Department by the contractor, Ann M. Clark, for a change of name on the contract for Snow Plowing Services for the 2010-2011 Winter Season through June 30, 2011, to 2001 Coolidge Avenue, Inc. t/a Bills' Famous Hot Dogs, 225 Coolidge Avenue, Ortleigh Beach, N.J. 08751; and

WHEREAS, it is the wish of the Township Council to accept the name change from Ann M. Clark to 2001 Coolidge Avenue, Inc. t/a Bill's Famous Hot Dogs, for the balance of the contract with the Township of Toms River;

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

1. It hereby authorizes the acceptance of the name change from Ann M. Clark to 2001 Coolidge Avenue, Inc. t/a Bill's Famous Hot Dogs, for the balance of the contract with the Township of Toms River.

2. All other terms and conditions of the contract remain unchanged and in full force and effect, as originally awarded, for the term of the contract through June 30, 2011.

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

- a) Township Attorney
- b) Chief Financial Officer
- c) Purchasing
- d) Public Works
- e) 2001 Coolidge Avenue, Inc.
t/a Bill's Famous Hot Dogs
225 Coolidge Avenue
Ortley Beach, N.J. 08751

**RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO EDWARDS TIRE COMPANY, INC., AS LOWEST RESPONSIBLE BIDDER, FOR THE
PROCUREMENT OF GOODYEAR (OR EQUIVALENT) HEAVY DUTY TRUCK TIRES, FOR THE
DEPARTMENT OF PUBLIC WORKS, IN THE TOTAL MAXIMUM AMOUNT OF \$106,456.12**

JANUARY 25, 2011

WHEREAS, bids were invited on December 29, 2010 for the Procurement of Goodyear (or equivalent) Heavy Duty Truck Tires for the Department of Public Works; and

WHEREAS, bids were received, as follows:

Edwards Tire Company, Inc.
1640 Wyckoff Road
Wall, N.J. 07719 \$106,456.12

Custom Bandag, Inc.
401 E. Linden Avenue
Linden, N.J. 07036 \$106,922.92

WHEREAS, said bids have been reviewed by Louis Amoruso, Director, Department of Public Works, and it is his recommendation that a contract be awarded to Edwards Tire Company, Inc., as lowest responsible bidder, for a total maximum amount of \$106,456.12;

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

1. It hereby awards the contract for the Procurement of Goodyear (or equivalent) Heavy Duty Truck Tires for the Department of Public Works to Edwards Tire Company, Inc., as lowest responsible bidder, for a total maximum amount of \$106,456.12. Term of Contract: One (1) year, effective from date of award by resolution of the Township Council through twelve (12) consecutive months. 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. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all terms and conditions of the bid specifications.

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

- a) Purchasing
- b) Chief Financial Officer

- c) Township Attorney
- d) Public Works
- e) Aforementioned Bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Edwards Tire Company, Inc., in the amount of \$106,456.12, 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.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: January 25, 2011

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

JANUARY 25, 2011

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

VARIOUS GOODS AND SERVICES:

- 1) Alarm Monitoring, Testing, Repairs and Maintenance
- 2) OEM Auto Parts & Accessories
- 3) Car Wash Services
- 4) Copy Paper, Parchment Paper, Certificate/Proclamation Holders
- 5) Elevator – Preventative Maintenance & Repairs
- 6) Licensed Electrician Services
- 7) Emergency Power Generator Systems Maintenance/ Repairs
- 8) Fire Extinguishers/Fire Suppression Systems
- 9) Fire Sprinkler Systems Testing/Repair & Maintenance
- 10) Grass Seed, Fertilizer, Herbicides, Fungicides, Insecticides, Top Dressing, Bunker Sand and Disposable Insecticide Spray Suits
- 11) Heating, Ventilating & Air Conditioning (HVAC) Preventative Maintenance Repair Services
- 12) Inkjet Cartridges/Toners & Ribbons for Computer Printers, Receipt Validators Microfiche & Fax Machines
- 13) Janitorial Supplies/Pool Chemicals
- 14) Janitorial Services (Youth, Senior, Recreation & Public Works)
- 15) Lumber and Nails
- 16) Printed Flat Forms, Envelopes & Letterhead
- 17) Plumber Services
- 18) Roofing/Roof Consultation Services
- 19) Sand Grits/Crushed Sand Grits
- 20) Sporting Goods
- 21) Toro Repair Parts
- 22) Uniform & Specialty Items for School Crossing Guards,

- Bicycle Police, Auxiliary Police Dispatchers, Booking Officers,
Motorcycle Police, Communication Officers, Community Service
Officer (CSO's) and Animal Control Officers
- 23) Vehicle Collision Repair
 - 24) Work, Sport & Lifeguard Clothing

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/projects.
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/projects.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing
 - b) Chief Financial Officer
 - c) Township Attorney

RESOLUTION AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIAL(S)/CRAIG AMBROSIO, DIRECTOR, DEPARTMENT OF PARKS, BUILDINGS AND GROUNDS, TO ENTER INTO A COOPERATIVE SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS) WILDLIFE SERVICES (WS), IN THE AMOUNT OF \$11,045.00, FOR GEESE CONTROL/REMOVAL FROM TOWNSHIP PUBLIC LANDS, AND EXECUTE THE NECESSARY DOCUMENTATION

JANUARY 25, 2011

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

1. The appropriate Township Official(s)/Craig Ambrosio, Director, Department of Parks, Buildings and Grounds of the Township of Toms River, are hereby authorized to enter into a Cooperative Service Agreement between the Township of Toms River and the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) Wildlife Services (WS) for geese control/removal on Township public lands, in the amount not to exceed \$11,045.00, and execute the necessary documentation in connection with this Agreement. Funds in the amount of \$11,045.00, are available in Account Nos. 1-01-R20-534 - \$7,645.00 and 1-26- B91-534 - \$3,400.00, contingent upon availability of funds, execution of an agreement, and adoption of CY11 budget. The certification of funds availability statement with respect to this resolution is on file in the Office of the Township Clerk. A copy of the Agreement will be kept on file in the Office of the Township Clerk upon execution.

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

- a) Mayor Thomas Kelaher
- b) Paul Shives, Business Administrator
- c) Township Attorney
- d) Chief Financial Officer
- e) Recreation
- f) Craig Ambrosio, Director, Department of Parks, Buildings & Grounds
- g) United States Department of Agriculture
Animal and Plant Health Inspection
Service Wildlife Services

Attn: Wendy Anderson, State Director NJ
140-C Locust Grove Road
Pittstown, N.J. 08867-4049
h) USDA APHIS Wildlife Services
Attn: Nicole Rein
Atlantic City Airport
Suite 106
Egg Harbor Twp., N.J. 08234

CERTIFICATION

THIS IS TO CERTIFY that the funds for the Cooperative Service Agreement with the United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services, for geese control/removal from Township public lands, in the amount of \$11,045.00, are available in Account Nos. 1-01- -R20-534 - \$7,645.00 and 1-26- -B91-534 - \$3,400.00, contingent upon availability of funds, execution of an agreement, and adoption of CY11 budget.

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

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: January 25, 2011

RESOLUTION AUTHORIZING AWARD OF NEGOTIATED CONTRACT TO GOCHENOUR SECURITY, INC., FOR THE SUPPLY AND INSTALLATION OF ALL MATERIALS NECESSARY FOR THE EXPANSION OF THE EXISTING GUARDALL ACCESS CONTROL SYSTEM, FOR THE DEPARTMENT OF PARKS, BUILDINGS AND GROUNDS, IN THE AMOUNT OF \$268,000.00

JANUARY 25, 2011

WHEREAS, bids were invited on December 9, 2010 for the Supply and Installation of all Materials Necessary for the Expansion of the Existing Guardall Access Control System for the Department of Parks, Buildings and Grounds; and

WHEREAS, resolution of the Township Council dated December 14, 2010 rejected the only bid received as non-conforming and authorized the rebid of this project; and

WHEREAS, rebids were invited on December 28, 2010 with no rebids being received; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(3), the Department of Parks, Buildings and Grounds has negotiated a contract with the following contractor:

Gochenour Security, Inc.
164 Clinton Street
Hightstown, N.J. 08520 \$268,000.00

WHEREAS, based upon the negotiation of this contract by Craig Ambrosio, Director, Department of Parks, Buildings & Grounds, he has recommended that a contract be awarded to Gochenour Security, Inc., in the maximum amount of \$268,000.00;

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

1. It hereby awards a negotiated contract for the Supply and Installation of All Materials Necessary for the Expansion of the Existing Guardall Access Control System for the Department of Parks, Buildings and Grounds to Gochenour Security, Inc., for a total maximum amount of \$268,000.00, and funds are available in the following Account Nos:

X-04- -179-012 - \$111,502.67

X-04- -193-001 - \$ 63,497.33

X-04- -177-001 - \$ 41,000.00

X-04- -181-010 - \$ 31,000.00

X-27- -129-005 - \$ 21,000.00

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 negotiated contract terms, as stipulated above.

2. Completion time: All work activities are to commence within three (3) weeks of contract execution and be totally completed within ninety (90) days of the start date. 3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Purchasing
- b) Chief Financial Officer
- c) Township Attorney
- d) Department of Parks, Buildings & Grounds
- e) Department of Police
- f) Department of Recreation
- g) Department of Public Works
- h) Department of Human Services
- i) Aforementioned Contractor

CERTIFICATION

THIS IS TO CERTIFY that the funds for the negotiated contract with Gochenour Security, Inc., in the total maximum amount of \$268,000.00, are available in the following Account Numbers:

X-04- -179-012 - \$111,502.67

X-04- -193-001 - \$ 63,497.33

X-04- -177-001 - \$ 41,000.00

X-04- -181-010 - \$ 31,000.00

X-27- -129-005 - \$ 21,000.00

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

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: January 25, 2010

RESOLUTION REJECTING BIDS RECEIVED AS NON-CONFORMING, FOR THE PROCUREMENT OF NEW JERSEY ELECTRONIC CITATION (E-CITATION) SOFTWARE AND HARDWARE FOR THE DEPARTMENT OF POLICE, AND AUTHORIZING THE REBID/REPROCUREMENT OF THIS PROJECT

JANUARY 25, 2011

WHEREAS, bids were invited on December 15, 2010 for the Procurement of New Jersey Electronic Citation (E-Citation) Software and Hardware for the Department of Police; and

WHEREAS, bids were received, as follows:

Gold Type Business Machines, Inc.
351 Paterson Avenue
East Rutherford, N.J. 07073. Non-Conforming

Spillman Technologies, Inc.
4625 Lake Park Boulevard
Salt Lake City, Utah 84120 Non-Conforming

WHEREAS, said bids have been reviewed by the Department of Police, and recommendation has been made to reject these bids as non-conforming and authorize the rebid/reprocurement of this project;

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 rejects the above-mentioned bids as non-conforming.
2. It hereby authorizes the appropriate Township Official(s) to advertise for rebid/reprocurement of this project.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing
 - b) Chief Financial Officer
 - c) Township Attorney
 - d) Department of Police
 - e) Aforementioned bidders

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 – FINAL,
ACCEPTANCE OF MAINTENANCE BOND, AND AUTHORIZING PAYMENT TO
CONTRACTOR, EARLE ASPHALT COMPANY, IN THE AMOUNT OF \$42,673.29 FOR THE
CLOSEOUT OF THE MIZZEN ROAD RECONSTRUCTION PROJECT**

JANUARY 25, 2011

WHEREAS, the contractor retained for the Mizzen Road Reconstruction Project has submitted the required documents in connection with the closeout of this project; and

WHEREAS, it is necessary to take certain action with respect to documents that are required to be completed before the project can be closed out and payment processed, as follows:

- a) Payment in the amount of \$42,673.29.
- b) Change Order No. 1 - Final, executed by the contractor for a reduction in the amount of \$19,339.84.
- c) Original Maintenance Bond No. 82063316M, with Earle Asphalt Company, as Principal and Federal Insurance Company, Inc., as Surety.

WHEREAS, Resolution of the Township Council dated April 12, 2010 awarded a contract to Earle Asphalt Company, as lowest bidder, for the Mizzen Road Reconstruction Project, in the amount of \$62,013.13.

WHEREAS, Change Order 1 – Final – to the contract with Earle Asphalt Company, to wit:

DESCRIPTION OF CHANGE:
Reduction:

Reducing original contract amount due to the full de-watering not required due to work at low tide. Quantities adjusted to reflect as-built conditions

TOTAL REDUCTION: \$19,339.84

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	\$19,339.84
Total Extras This C.O.	X	X
Total Supplementary This C.O.	X	X
Total This C.O.	X	\$19,339.84
Previous Change Orders	X	X
Total Change Orders to Date:	X	\$19,339.84
Total Change in Contract	X	\$19,339.84
ORIGINAL CONTRACT BID PRICE:	\$62,013.13	
NEW CONTRACT PRICE:	\$42,673.29	

be and the same is hereby ratified and confirmed;

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

1. It hereby authorizes the appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation, to close out the Mizzen Road Reconstruction Project, approval of Change Order No. 1 – Final, acceptance of Maintenance Bond, and authorize payment to Earle Asphalt Company, in the amount of \$42,673.29. Funds for final payment to Earle Asphalt Company, in the amount of \$42,673.29, are available in Account No. X-04- -178-061. 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) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing
- e) Earle Asphalt Company
P.O. Box Drawer 757
Farmingdale, N.J. 07727

CERTIFICATION

THIS IS TO CERTIFY that the funds for payment to Earle Asphalt Company, in the amount of \$42,673.29, are available in Account No X-04- -178-061.

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: January 25, 2011

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 – FINAL,
ACCEPTANCE OF MAINTENANCE BOND, AND AUTHORIZING FINAL PAYMENT OF
RETAINAGE TO CONTRACTOR, R. KREMER & SON MARINE CONTRACTORS, LLC, IN THE
AMOUNT OF \$5,647.65 FOR THE CLOSEOUT OF THE ORTLEY BEACH ADA RAMP PROJECT**

JANUARY 25, 2011

WHEREAS, the contractor retained for the Ortley Beach ADA Ramp Project has submitted the required documents in connection with the closeout of this project; and

WHEREAS, it is necessary to take certain action with respect to documents that are required to be completed before the project can be closed out and final payment processed, as follows:

- a) Payment Application in the amount of \$5,647.65.
- b) Change Order No. 1 - Final, executed by the contractor for a reduction in the amount of \$3,443.50.
- c) Original Maintenance Bond No. 26483, with R. Kremer & Son Marine Contractor, LLC, as Principal and The Service Insurance Company, Inc., as Surety; and

WHEREAS, Resolution of the Township Council dated August 25, 2009 awarded a contract to R. Kremer & Son Marine Contractors, LLC, as lowest bidder, for the Ortley Beach ADA Ramp Project, in the amount of \$59,920.00.

WHEREAS, Change Order 1 – Final – to the contract with R. Kremer & Son Marine Contractors, LLC, to wit:

DESCRIPTION OF CHANGE:

Reduction:

Reducing Contract Item 5 – furnish and install composite decking on existing boardwalk areas from 3,500 s.f. to 475 s.f.

TOTAL REDUCTION: \$3,443.50

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	\$3,443.50
Total Extras This C.O.	X	X
Total Supplementary This C.O.	X	X
 Total This C.O.	 X	 \$3,443.50
 Previous Change Orders	 X	 X
Total Change Orders to Date:	X	\$3,443.50
Total Change in Contract	X	\$3,443.50
 ORIGINAL CONTRACT BID PRICE:	 \$59,920.00	
NEW CONTRACT PRICE:	\$56,476.50	

be and the same is hereby ratified and confirmed;

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

1. It hereby authorizes the appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation, to close out the Ortley Beach ADA Ramp Project, approval of Change Order No. 1 – Final, acceptance of Maintenance Bond, and authorize final payment of retainage to R. Kremer & Son Marine Contractors, LLC, in the amount of \$5,647.65. Funds for final payment to R. Kremer & Son Marine Contractors, LLC, in the amount of \$5,647.65, are available in Account Nos. X-04- -188-001 - \$3,761.00 and X-04- -170-007 - \$1,886.65. 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) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing
- e) R. Kremer & Son Marine Contractors, LLC
87 Mantoloking Road
Brick, N.J. 08723

CERTIFICATION

THIS IS TO CERTIFY that the funds for payment of retainage to R. Kremer & Son Marine Contractors, LLC, in the amount of \$5,647.65, are available in Account Nos. X-04- -188-001 - \$3,761.00, and X-04- -170-007 - \$1,886.65.

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: January 25, 2011

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDED AGREEMENT WITH THE COUNTY OF OCEAN, FOR ELECTRIC CURRENT AND BATTERY BACKUP SYSTEM TO BE PROVIDED TO OPERATE THE TRAFFIC SIGNAL AT THE INTERSECTION OF CHURCH ROAD (COUNTY ROAD #14) AND NORTH BAY AVENUE (COUNTY ROAD #18) IN THE TOWNSHIP OF TOMS RIVER

JANUARY 25, 2011

WHEREAS, the Ocean County Board of Chosen Freeholders and the Township of Toms River previously executed electrical agreements for the traffic light at the following intersection:

Church Road (County Road #14) and North Bay Avenue
(County Road #18); and

WHEREAS, due to the reconstruction at the above intersection, the County of Ocean plans to provide for battery backup at the traffic signal; and

WHEREAS, it is necessary to amend the agreement with the County of Ocean to provide for the modification of a battery backup system, at the above-described location;

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 Mayor to execute and the Township Clerk to attest to an amended agreement between the County of Ocean and the Township of Toms River, whereby the Township will provide through the utility company for the necessary electric current, and pay for electric current and battery replacement to be used in the operation of traffic signal, at the following location:

Church Road (County Road #14) and North Bay Avenue
(County Road #18)

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

- a) Mayor Thomas Kelaher
- b) Township Attorney
- c) Township Engineer
- d) Chief Financial Officer
- e) Frank S. Scarantino, P.E.P.P.
Ocean County Engineer
129 Hooper Avenue
P.O. Box 2191
Toms River, N.J. 08754-2191
- f) Clerk of the Board
County of Ocean

RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE COUNTY OF OCEAN FOR POLICE SERVICES - CHILD RESTRAINT GROUP

JANUARY 25, 2011

WHEREAS, the Township of Toms River wishes to enter into an Agreement with the County of Ocean for the purpose of setting forth the terms and conditions regarding the assignment of police officers employed by the Township to the Child Restraint Group; and

WHEREAS, the Child Restraint Checkpoints is a program run by the Ocean County Engineer's Office for the purpose of inspecting and installing child restraints in vehicles; and WHEREAS, the Child Restraint Group receives funding from the State of New Jersey and the County of Ocean;

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 the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq., it hereby authorizes the Township of Toms River to enter into a Shared Services Agreement with the County of Ocean for the purpose of setting forth the terms and conditions regarding the assignment of police officers employed by the Township to the Child Restraint Group.

2. The Mayor is hereby authorized to execute and the Township Clerk to attest to a Shared Services Agreement between the Township of Toms River and the County of Ocean for Police Services – Child Restraint Group, and any related documentation in connection with this Agreement. A copy of the Agreement will be kept on file in the Office of the Township Clerk upon execution for public inspection.

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 Kelaher
- b) Business Administrator
- c) Township Attorney
- d) Chief Financial Officer
- e) Chief of Police, Michael Mastronardy
- f) Roden S. Lightbody
Traffic Engineer
Office of the Ocean County Engineer
129 Hooper Avenue
P.O. Box 2191
Toms River, N.J. 08754-2191
- g) Ocean County Board of Chosen Freeholders
P.O. Box 2191
Toms River, N.J. 08754-2191

RESOLUTION AUTHORIZING THE RENEWAL OF A LEASE AGREEMENT WITH THE GILFORD PARK YACHT CLUB, INC.

JANUARY 25, 2011

WHEREAS, in 1992, pursuant to Ordinance No. 2920-92, the Township Committee of Dover Township determined that it was in the best interest of the Township of Dover to enter into an agreement whereby the Gilford Park Yacht Club would agree to pay the sum of \$1.00 per year to lease Block 845 Lot 41 (formerly known as Block 845-40, Lot 41) on the Tax Map to serve as a parking lot; and

WHEREAS, the Yacht Club was required to maintain a six foot chain link fence separating the courts from the ball field and, in addition, maintain a cantilever gate for easy access for fire equipment and Township maintenance equipment, all at its own expense; and

WHEREAS, the public purpose is to provide off-street parking to both Township residents and visitors who use the local riverfront facilities; and

WHEREAS, the lease may be extended on an annual basis with the sole option to renew by the Township Council upon the submission of an annual report by the Gilford Park Yacht Club, indicating the use of which the leasehold was put during the previous year, the activities of the lease undertaken in furtherance of said purpose; and an affirmation of its continued tax exempt status pursuant to both state and federal law; and

WHEREAS, such a report has been presented to the Township Council meeting the criteria put forth above;

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 Mayor to execute and the Township Clerk to attest to the renewal of the lease agreement between the Township of Toms River and the Gilford Park Yacht Club, Inc., for the leasing of the premises known as Block 845, Lot 41 on the Tax Map of Toms River Township, to serve as a parking facility, at a cost of \$1.00 per year, with the sole option to renew for additional one year periods, by resolution of the Township Council.

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

- a) Paul J. Shives, Business Administrator
- b) Kenneth B. Fitzsimmons, Township Attorney
- c) Christine Manolio, Chief Financial Officer
- d) Pamela Applegate-Roche, Purchasing Agent
- e) Eric Schubiger, Director of Recreation
- f) Gilford Park Yacht Club
700 Riverside Drive
Toms River, N.J. 08753
Attn: Andrew Chencharik, Treasurer

RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE OFFICE OF THE OCEAN COUNTY PROSECUTOR, FOR POLICE SERVICES, FOR THE DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM (D.W.I.E.P)

JANUARY 25, 2011

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to a Shared Services Agreement between the Township of Toms River and the Office of the Ocean County Prosecutor for the Driving While Intoxicated Enforcement Program (D.W.I.E.P.), for the term commencing retroactive to January 1, 2011 through December 31, 2011. A copy of this Agreement will be kept on file in the Office of the Township Clerk upon execution.

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

- a) Mayor Kelaher
- b) Township Council
- c) Business Administrator
- d) Chief Financial Officer
- e) Township Attorney
- f) Police Department, Attn: Chief Michael Mastronardy
- g) Ocean County Board of Freeholders
P.O. Box 2191

h) Toms River, N.J. 08754-2191
Ocean County Prosecutor's Office
Attn: Sgt. Elliot Morgan,
Major Crime Unit
119 Hooper Avenue
P.O. Box 2191
Toms River, N.J. 08754-2191

**RESOLUTION AUTHORIZING PAYMENT TO MUSIC
MANAGEMENT ASSOCIATES C/O FRANK HUGHES FOR SUMMER CONCERT SERIES -
2011 IN THE MAXIMUM AMOUNT NOT TO EXCEED \$8,881.00**

JANUARY 25, 2011

WHEREAS, the Township of Toms River sponsors a Summer Concert Series; and

WHEREAS, in order to sponsor the aforesaid it is necessary to retain the extraordinary unspecifiable services of musicians and various support personnel; and

WHEREAS, the total amount of the contracts awarded under this resolution is \$8,881.00, for Music Management Associates c/o Frank Hughes; and

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

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

1. It hereby retains the Extraordinary Unspecifiable Services of the following in the following amount:

- a) Music Management Associates
c/o Frank Hughes \$ 8,881.00

TOTAL MAXIMUM AMOUNT DUE \$ 8,881.00

Funds for this purpose are available in Account No. 1-01- -G76-535, contingent upon adoption of the CY2011 budget.

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

3. This contract is awarded without competitive bidding as "Extraordinary Unspecifiable Services" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law of New Jersey.

4. A notice of this action shall be advertised once by the Clerk in the Asbury Park Press.

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

- a) Chief Financial Officer
- b) Township Attorney
- c) Purchasing
- d) Recreation, Attn: Eric Schubiger, Director
- e) Recreation, Attn: Patty Kerr
- f) Music Management Associates
c/o Frank Hughes
1135 Lakewood Road
Toms River, N.J. 08755

CERTIFICATION

THIS IS TO CERTIFY that the funds for the EUS contract with Music Management Associates, c/o Frank Hughes, in the maximum amount of \$8,881.00, are available in Account No. 1-01- -G76-535, contingent upon adoption of the CY2011 budget.

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

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: January 25, 2011

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO ATB SERVICES, LLC, AS SOLE BIDDER, FOR ALARM REGISTRATION AND MANAGEMENT SERVICES UNDER THE DIRECTION OF THE TOMS RIVER TOWNSHIP POLICE DEPARTMENT

JANUARY 25, 2011

WHEREAS, bids were invited on December 17, 2010 for Alarm Registration and Management Services under the direction of the Toms River Township Police Department; and

WHEREAS, only one bid was received, as follows:

ATB Services, LLC
2930 Austin Bluffs parkway
Suite 301
Colorado Springs, CO. 80918

1. Percentage Bid to be retained by the Bidder: 22.5%
2. Percentage (balance) to be remitted to the Township 77.5%

WHEREAS, said bid has been reviewed by Captain Mitchell Little, Department of Police, and it is his recommendation that the contract be awarded to ATB Services, LLC, at the percentages bid;

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 Alarm Registration and Management Services under the direction of the Toms River Township Police Department to ATB Services, LLC, at the percentages bid. The Contract Term shall be for two (2) years, twenty-four (24) consecutive months, beginning upon award of contract by resolution of the Township Council, and the proper execution of the contract documents by the successful bidder. This contract award shall include the option for two (2) additional one (1) year extensions, pursuant to N.J.S.A. 40A:11-15. The award of this contract is subject to all terms and conditions of the bid specifications.

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

- a) Purchasing
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) Aforementioned Bidder

**RESOLUTION AUTHORIZING AWARD OF CONTRACT TO
HOFFMAN SERVICES, INC., AS SOLE BIDDER, FOR THE PROCUREMENT OF SIX (6) MOBILE
ELECTRO-HYDRAULIC WHEEL ENGAGING COLUMN LIFTS AND TWO (2) TWELVE TON
JACK STANDS, FOR THE DEPARTMENT OF PUBLIC WORKS, IN THE AMOUNT OF \$68,000.00**

JANUARY 25, 2011

WHEREAS, bids were invited on January 6, 2011 for the Procurement of Up to Six (6) Mobile Electro-Hydraulic Wheel Engaging Column Lifts for the Department of Public Works; and

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

Hoffman Services, Inc.
55 East Bigelow Street
Newark, N.J. 07114

- 1) Bid: Stertil-Koni Mobile Electro-Hydraulic Wheel Engaging Column Lifts,
Model # ST1082RWA: \$11,000.00 each X 6 = \$66,000.00

- 2) Option: Stertil-Koni 12 Ton Jack Stands,
Model #3658-12 \$ 1,000.00 each X 4 = \$ 4,000.00

GRAND TOTAL BID: \$70,000.00

WHEREAS, said bid has been reviewed by Louis Amoruso, Director, Department of Public Works, and he has recommended that the award of contract be made to Hoffman Services, Inc., for Six (6) Mobile Electro-Hydraulic Wheel-Engaging Column Lifts, at a cost of \$66,000.00, and Two (2) Twelve Ton Jack Stands at a cost of \$2,000.00, for a grand total maximum amount of \$68,000.00;

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

1. It hereby awards the contract for Six (6) Mobile Electro-Hydraulic Wheel-Engaging Column Lifts, at a cost of \$66,000.00, and Two (2) Twelve Ton Jack Stands, at a cost of \$2,000.00, for a grand total maximum amount of \$68,000.00, as stipulated above, to Hoffman Services, Inc. Funds are available in Account No. 0-01- -W60-518 - \$68,000.00 for these items. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all terms and conditions of the bid specifications.

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

- a) Purchasing
- b) Chief Financial Officer
- c) Township Attorney
- d) Public Works Department
- e) Aforementioned bidder

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Hoffman Services, Inc., in the total maximum amount of \$68,000.00, are available in Account No. 0-01- -W60-518, as follows:

Six (6) Mobile Electro-Hydraulic Wheel-Engaging Column Lifts, at a cost of \$66,000.00, and

Two (2) Twelve Ton Jack Stands, at a cost of \$2,000.00,

for a grand total maximum amount of \$68,000.00.

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: January 25, 2011

RESOLUTION AUTHORIZING THE PURCHASING DIVISION TO ADVERTISE FOR AND RECEIVE BIDS FOR MICROFILM SERVICES FOR THE OFFICE OF CONSTRUCTION & INSPECTION SERVICES

JANUARY 25, 2011

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

MICROFILM SERVICES FOR THE OFFICE OF CONSTRUCTION & INSPECTION SERVICES

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

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

RESOLUTION AUTHORIZING THE PURCHASING DIVISION TO ADVERTISE FOR AND RECEIVE BIDS FOR THE PURCHASE OF TWO (2) FRONT LOADING SANITATION TRUCKS FOR THE DEPARTMENT OF PUBLIC WORKS

JANUARY 25, 2011

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

TWO (2) FRONT LOADING SANITATION TRUCKS FOR THE DEPARTMENT OF PUBLIC WORKS

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

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

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

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

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

**RESOLUTION FORMALLY APPOINTING PAMELA APPLGATE ROCHE, RPPO, QPA,
AS THE QUALIFIED PURCHASING AGENT (QPA) FOR THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY AND INCREASING THE BID THRESHOLD TO \$36,000.00**

JANUARY 25, 2011

WHEREAS, the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to \$36,000.00; and

WHEREAS, N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.S.A. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Pamela Applegate Roche, RPPO, QPA, possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, the Township of Toms River desires to take advantage of the increased bid threshold;

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, hereby increases its bid threshold to \$36,000.00; and

BE IT FURTHER RESOLVED that the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, hereby appoints Pamela Applegate Roche, RPPO, QPA, as the Qualified Purchasing Agent, retroactive to January 1, 2011, to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and

BE IT FURTHER RESOLVED that in accordance with N.J.A.C. 5:34-5.2, the local unit Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Pamela Applegate Roche's certification to the Director of the Division of Local Government Services.

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

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Pamela Applegate-Roche, Purchasing
- g) Mr. Thomas Neff, Director
Division of Local Government Services
101 S. Broad Street
P.O. Box 803
Trenton, N.J. 08625-0803

**RESOLUTION ACCEPTING REDUCTION OF PERFORMANCE GUARANTEES,
RELEASING A PORTION OF EXISTING PERFORMANCE GUARANTEES FOR MAJOR
SUBDIVISION KNOWN AS JORDAN ESTATES, BLOCK 644.08, LOTS 2.01-2.09 (DAYTON
TERRACE)**

JANUARY 25, 2011

WHEREAS, performance guarantees for a Major Subdivision entitled Jordan Estates, Block 644.08, Lots 2.01-2.09 (Dayton Terrace) had been posted with the Township of Toms River and accepted by way of Resolution dated September 11, 2007;

WHEREAS, THE Township Council approved the reduction of the performance guarantees for the above mentioned Major Subdivision by way of Resolution dated November 9, 2010;

WHEREAS, the applicant has submitted the required reduced performance guarantees as follows:

- 1) Cash Bond in the amount of \$3685.00 with this amount currently on deposit in #1-14- -902-101 as a portion of the originally posted amount of \$7370.00;
- 2) Surety Rider reducing existing Surety Bond from \$66,330.00 to \$33,165.00;

WHEREAS, a portion of the existing performance guarantees will be released as follows:

- 3) Cash Bond in the amount of \$7370.00 with a portion of this amount to be retained (\$3685.00) and the difference, \$3,685.00 to be released with applicable interest to date from #1-14- -902-101;

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) Said approval is conditioned upon compliance by Jordan Estates, LLC, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Engineer
- b. Finance Department
- c. Township Attorney
- d. Jordan Estates LLC
10 Route 37 East
Rear Suite 1
PO Box 4680
Toms River, N.J. 08754

R E S O L U T I O N

JANUARY 25, 2011

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan entitled Catholic Charities Providence House, Block 364, Lots 25 and 74 (1623 Whitesville Road)

A. New Performance Bonds have been posted as follows:

- 1) Check in the amount of \$2764.80 which represents the entire performance guarantee amount;
- 2) Check in the amount of 500.00 which represents the required escrow amount for inspection fees;

3) Cash Bond form in the amount of \$2764.80;

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Catholic Charities Providence House, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.
- 3) Township Clerk shall send a certified copy hereof to each of the Following:

- a) Engineer
- b) Finance Department
- c) Township Attorney
- d) Catholic Charities
PO Box 1423
383 West State Street
Trenton, N.J. 08607-1423

R E S O L U T I O N

JANUARY 25, 2011

WHEREAS, the Township engineer has reported to the Township Council with respect to a Major Site Plan entitled Silverton Shopping Center, Block 232, Lots 2 and 14 (1769 Hooper Avenue)

A. Performance Bonds have been posted as follows:

- 1) Check in the amount of \$23,190.00 which represents the 10% cash portion of the performance guarantee amount;
- 2) Check in the amount of 4830.58 which represents the Required escrow amount for inspection fees;
- 3) Letter of Credit in the amount of \$208,710.00 which Represents the 90% portion of the performance guarantees;
- 4) Cash Bond form in the amount of \$231,900.00;

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Silverton Shopping Center, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.
- 3) Township Clerk shall send a certified copy hereof to each of the Following:

- a) Engineer
- b) Finance Department
- c) Township Attorney
- d) Rocco Berardi

RESOLUTION OF THE TOWNSHIP OF TOMS RIVER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SCHEDULE "C" AGREEMENT WITH THE COUNTY OF OCEAN FOR 2011

JANUARY 25, 2011

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8a-1 et seq. authorized the Township of Toms River to enter into a contract for the provision of certain governmental services with the County of Ocean; and

WHEREAS, N.J.S.A. 40:8 requires such a contract to be authorized by resolution or ordinance; and

WHEREAS, it is the desire of the governing body to authorize the execution of a contract with the County of Ocean for the provision of services, materials and equipment as set forth in Schedule "C" attached hereto;

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. Thomas F. Kelaher, Mayor of the Township of Toms River, is hereby authorized to execute a Schedule "C" agreement with the County of Ocean in accordance with the provisions of the law to include \$27,000.00 for Street Sweepings, and \$6,500.00 for Truck Washing Services, for a total maximum amount not to exceed \$33,500.00, and funds are available in Account No. 1-01- -L25-547 (\$33,500.00), contingent upon availability of funds and the adoption of the CY11 budget. The certification of funds available statement is on file in the Office of the Township Clerk. A copy of the said agreement is attached hereto and made part hereof as Schedule "C"

2. This agreement is for the period retroactive to January 1, 2011 through December 31, 2011.

3. That a copy of this agreement referenced herein shall be kept on file and made available for public inspection in the Municipal Clerk's office during normal business hours.

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) Business Administrator
- c) Township Attorney
- d) Chief Financial Officer
- e) Public Works Department
- f) Purchasing
- g) Clerk of the Ocean County Board of Chosen Freeholders
P.O. Box 2191
Toms River, N.J. 08754
- h) Ocean County Road Department
129 Hooper Avenue
P.O. Box 2191
Toms River, N.J. 08754-2191
- i) Ocean County Department of Finance

CERTIFICATION

THIS IS TO CERTIFY that the funds for agreement with the County of Ocean - Schedule C, for street sweepings in the amount of \$27,000.00, and truck washing services in the

amount of \$6,500.00, for a total maximum amount not to exceed \$33,500.00, are available in Account No. 1-01- -L25-547, contingent upon availability of funds and the adoption of the CY11 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 accounts at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: January 25, 2011

Carol Benson questioned the following Resolution.

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

RESOLUTION APPOINTING MEMBERS OF THE TOMS RIVER RECREATION COMMITTEE

JANUARY 25, 2011

WHEREAS, individuals were appointed to the Toms River Township Recreation Committee in 2006 and subsequent years; and

WHEREAS, the following individuals are hereby appointed for the 2011 term:

1. That the following people be appointed as members of the Toms River Township Recreation Committee for the year 2011; term to expire December 31, 2011:

Toms River Township Recreation Director:	Eric Schubiger
Toms River Supervisor of Senior Services:	JoAnn Benson
Toms River Regional Schools Designee:	
Representative from Mayor's Advisory Council on Behalf of Children and Young Adults with Developmental Disabilities:	Fay Wilson
Mayor's ADA Committee:	Regina Ferris
Toms River Little League:	George Gilmore
Toms River Little League East:	Mark Wade
Toms River Basketball Association:	Joseph Garvey
Toms River Soccer Association:	Brian Loehwing
Toms River Youth Soccer Club:	David Butz
Toms River Independent Club:	Mike Picchiello
Toms River Girls Softball:	John Maguire
Pop Warner Angels:	Dominick Cicala
Pop Warner Indians:	John Meehan
Pop Warner Raiders:	Chris Schremmer
Toms River Black Hawks Ice Hockey Club:	Tony Dineen
Open Space Committee:	John Reuther
Toms River Ice Committee:	Dennis Coffey
U.S. Tennis Association:	Joe Grippaldi
Toms River Lacrosse:	Douglas Quinn
Passive Recreation	Robert Amos

Council Recreation Committee or Designee: John Sevastakis Council
Recreation Committee or Designee: Mo Hill
Council Recreation Committee or Designee: Maria Maruca
Mayor Thomas Kelaher or Designee
YMCA Representative Rodger Koerber

2. JoAnn Benson is hereby appointed to serve as Recording Secretary for the year 2011; term to expire December 31, 2011; to be compensated at an amount not to exceed \$100.00 per meeting in accordance with Ordinance #3879-04.

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

- a. Mayor
- b. Township Attorney
- c. Township Council
- d. Administrator
- e. Recreation Director
- f. Each appointee who shall present themselves to the Township Clerk and take the oath of office before the appointment hereby shall become effective.
- g. JoAnn Benson
- h. Personnel

REPORTS

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

1. Permits & Inspections Dept. – December 2010 - \$137,163.13

APPROVAL OF BILLS

Council President McGuckin asked for a report on the bills.

The Bill List, dated **January 21, 2011**, was approved on motion by Council Member Donohue-Appleby, seconded by Council Member Kubiell, and carried with Council Members Kubiell, Maruca, Sevastakis, Donohue-Appleby, Hill, Wittmann, and with Council President McGuckin voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 11-00188, payable to Ocean County Municipal Joint Insurance Fund in the amount of \$1,651,790.52.

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

Purchase Order 11-00001 & 11-00067, payable to Board of Education-Toms River Schools in the amount of \$19,828,346.22.

Purchase Order 11-00022 & C0-05866, payable to Owen, Little and Associates in the amount of \$8,460.45.

Purchase Order C0-05314 & C0-05702, payable to Toms River Board of Education in the amount of \$767.00.

Purchase Order 11-00189 & 11-00354, payable to Saint Luke's Church in the amount of \$807.44.

Purchase Order 11-00189 & 11-00354, payable to Toms River Schools in the amount of \$2,068.00.

Purchase Order C0-01148, payable to Terry Brady, Esquire, in the amount of \$3,500.

Purchase Order C0-05603, payable to Michael Lamana in the amount of \$1,033.50.

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

Purchase Order C0-01679, payable to Dr. Robert Cimer, Veterinary, in the amount of \$1,421.00.

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

Purchase Order 11-00070, 11-00076, C0-04772, C0-05773, & C0-05774, payable to Gilligan and Nardini Electrical in the amount of \$1,747.89.

Council Member Wittmann abstained on all bills.

ELECTED OFFICIALS COMMENTS

Mayor Kelaher spoke regarding the recent killing of Lakewood Township Police Officer.

Council Member Wittmann had no comments.

Council Member Donohue-Appleby spoke regarding snow removal efforts; now can vote on Toms river Schools; and the Animal Shelter Challenge.

Council Member Hill spoke regarding the killing of Lakewood Township Police Officer; Silverton First Aid Squad Anniversary; and personal responsibility in our lives.

Council Member Kubiel had no comments.

Council Member Maruca had no comments.

Council Member Sevastakis spoke regarding Recreation Committee Projects.

Council President McGuckin spoke regarding Dover Mall construction moving ahead; New Jersey Legislative Re-Districting Public Hearing in Toms River.

PUBLIC COMMENTS

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

William McPhail spoke regarding the Township Budget, and the Animal Shelter.

Carol Benson spoke regarding the following issues:

1. Water treatment
2. Open Public Records Act
3. Snow Plowing Removal
4. Payment of various bills to Toms River Schools
5. Ciba Litigation
6. Sign issues

- 7. Ward Meeting
- 8. Tax Rebates

No further comments from the public appearing, a motion was made by Council Member Kubiell, seconded by Council Member Hill, and carried to enter into a private Executive Session at 7:00 p.m.

A motion was made by Council Member Kubiell, seconded by Council Member Hill 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. Contract Negotiations
- 3. Attorney Client Privilege

- 3. The following specific topics were announced.

- 1. Contract Negotiations – Carpet Recycling
- 2. Personnel
- 3. Executive Session Minutes
- 4. Liquor License-Tiffany's
- 5. 2011 Agenda Meeting Schedule
- 6. YMCA Smoking Gun
- 7. Waldorf Condominium Association License Agreement-Negotiations

- 4. It is anticipated that deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

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

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

The Council reconvened the public portion at 7:31 PM, all Council Members Donohue-Appleby, Hill, Kubiell, Sevastakis, Wittmann and Council President McGuckin present, and with Council Member Maruca absent.

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

RESOLUTION
Changing Grade of Laurie Knemoller,
Clerk – Typist
January 25, 2011

WHEREAS, Laurie Knemoller, is currently a Grade 3 employee, Clerk Typist/ Cashier, in the Municipal Clerk’s Office:

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

1. The Grade of Laurie Knemoller is hereby changed, effective this date, to Grade 4/ Step 4.
2. The Office of the Municipal Clerk shall provide Certified copies to each of the following:
 - a. Mayor
 - b. Council
 - c. Business Administrator
 - d. Human Resources
 - e. Laurie Knemoller

No other business appearing, the motion to adjourned at 7:32 P.M., was made by Councilman Wittmann, and seconded by Councilman Hill, and carried with Council Members Donohue-Appleby, Hill, Kubiell, Sevastakis, Wittmann, and Council President McGuckin voting yes, and with Council Member Maruca absent.

GREGORY P. MCGUCKIN, COUNCIL PRESIDENT

J. MARK MUTTER, TOWNSHIP CLERK