

March 8, 2011

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: 11 PM.

Council President McGuckin requested a moment of silence for Leonard G. "Bud" Lomell, Toms River, who died on March 1, 2011.

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 Hill, and carried with Council Members Hill, Kubiell, Sevastakis, Donohue-Appleby, Wittmann, and Council President McGuckin voting yes, and with Council Member Maruca abstaining as she was absent from the February 22, 2011 meeting, to approve the Minutes of the Regular Meeting of **February 22, 2011**. The reading of this Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATION

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

Mayor Kelaher presented a Resolution to contest winner Paula Cunada.

Township of Toms River

Office of the Mayor and Township Council

Congratulates

Paula Cunada

on winning the

*Toms River Mayor's American With
Disability Act Compliance
Art Competition*

March 8, 2011

*Thomas F. Kelaher
Mayor*

*Gregory P. McGuckin
Council President*

*George E. Wittmann, Jr.
Brian S. Kubiel*

*Melanie S. Donohue-Appleby
Maria L. Maruca*

*Maurice B. Hill Jr.
John C. Sevastakis*

Mayor Kelaher, Council and Police Chief Mastronardy, presented a **retirement** plaque to the following Officers, and thanked them for their years of dedicated service to the community:

Lieutenant Brian E. Nesta
Officer Anthony Potter
Officer Charles Dallago
Officer Craig Rucki
Officer Edward Spahr
Officer Vincent J. Speziale
Officer Herman Walter
Officer Hazel Benjamin
Officer Robert Fielding
Officer Guy Murray
Detective Michael Malachefski
Officer Richard M. Duriske

Mayor Kelaher presented a **retirement** plaque to the following employees and thanked them for their years of dedicated service to the community:

Regina Ann Pevonis
Patricia Spicacci
Lorraine Kuchera
Arlene Keenan
Annmarie Carter
K9 Clancy

The Oath of Office was administered by Mayor Kelaher to the following **new** police officers and a **promotion** for Lieutenant James Harris:

Lieutenant James Harris
Police Officer Matthew M. Broderick
Police Officer Michael P. Cassady Jr.
Police Officer Pascal M Gambardella Jr.
Police Officer Michael S. MacDonald
Police Officer Frank A. Moschella
Police Officer Travis E. Seaman
Police Officer Victor P. Tamaro III

A short recess conducted to allow guests to depart who were present for the retirement and swearing-in ceremony.

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 Donohue-Appleby, and carried that an Ordinance entitled:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 147 (SALARIES AND COMPENSATION) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, TO ESTABLISH THE COMPENSATION OF TOWNSHIP EMPLOYEES

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 Donohue-Appleby 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 Ordinance 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	Yes
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 Sevastakis seconded by Council Member Hill, and carried that an Ordinance entitled:

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 325 (GOLF COURSES) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President McGuckin announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

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

Council Member Sevastakis 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 Ordinance 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	Yes
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 Donohue-Appleby, and carried that an Ordinance entitled:

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 175-10 OF CHAPTER 175 (BATHING BEACHES, SWIM CLUBS AND SWIMMING POOLS, MUNICIPAL) OF

THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, TO ESTABLISH BEACH BADGE FEES

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.

Pat Klaslo, Ortley Beach, questioned this Ordinance.

Ken Langdon, Ortley Beach, spoke regarding this Ordinance.

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 Donohue-Appleby 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 Ordinance 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	Yes
Council Member Wittmann	Yes
Council President McGuckin	Yes

A motion was made by Council Member Wittmann, seconded by Council Member Maruca and carried, to adopt the following Resolution.

RESOLUTION PROVIDING FOR EMERGENCY TEMPORARY APPROPRIATIONS

MARCH 8, 2011

WHEREAS, the Township Council of the Township of Toms River passed a 2011 Temporary Budget Resolution on January 5, 2011; and,

WHEREAS, N.J.S.A. 40A:4-20 authorizes the Township Council by resolution adopted by a two-thirds vote of the full membership thereof to make emergency temporary appropriations.

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, that the attached list of 2011 emergency temporary appropriations are hereby approved.

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
- b) Administrator
- c) Township Attorney
- d) Township Auditor
- e) Chief Financial Officer
- f) Affected Department Heads

Approved as to Content

Account Number	Description	1/5/2011 Temp Bdgt	3/8/11 - 6/30/11 Temp Bdgt
1-01- -A04-100	ADMIN SALARY & WAGES		
	Control Total	84,005.00	124,005.00
1-01- -A04-200	ADMIN. DEPT EXPENSES		
1-01- -A04-205	Public Defender O/E	11,660.00	22,000.00
1-01- -A04-209	Prosecutor - Other Expense	19,875.00	39,000.00
1-01- -A04-500	ADMINISTRATION O/E		
	Control Total	2,895.00	5,750.00
1-01- -A09-100	PURCHASINGSALARY & WAGES		
	Control Total	43,990.00	73,990.00
1-01- -A09-500	PURCHASING O/E		
	Control Total	4,755.69	8,500.00
1-01- -A11-300	VETERANS COMMISSION		
	Control Total	238.50	450.00
1-01- -A12-100	Off. Of MAYOR SALARIES & WAGES		
	Control Total	37,895.00	60,895.00
1-01- -A12-500	OFFICE OF THE MAYOR O/E		
	Control Total	6,308.33	11,942.50
1-01- -A14-100	COUNCIL OFF. SALARIES & WAGES		
	Control Total	40,280.00	48,280.00
1-01- -A14-500	OFFICE OF THE COUNCIL-O/E		
	Control Total	2,332.00	4,400.00
1-01- -A17-100	IT SALARY & WAGES		
	Control Total	41,340.00	71,340.00
1-01- -A17-500	IT DEPT O/E		
	Control Total	56,047.50	100,000.00
1-01- -A58-100	EMG MGMT SALARY & WAGES		
	Control Total	23,320.00	43,320.00
1-01- -A58-500	EMERGENCY MGMT O/E		
	Control Total	3,774.28	7,000.00
1-01- -A59-100	EMERGENCY MGMT GRANT		
	Control Total	2,650.00	10,000.00
1-01- -A59-104	Cty of Ocean- 966 Reimb Program	1,091.54	1,094.51
1-01- -A68-500	MASS TRANSPORTATION		
	Control Total	1,325.00	5,000.00
1-01- -C54-500	Shared Svcs-Brick-Construction Svcs		
	Control Total	127,200.00	240,000.00
1-01- -C55-100	CONST/INSPECT SALARY & WAGES		
	Control Total	262,650.00	482,650.00
1-01- -C55-200	CONS & INSP SVCS EXPENSES		
	Control Total	2,915.00	5,915.00
1-01- -C55-500	CONSTRUCTION & INSPECTION SVCS		
	Control Total	16,907.00	45,000.00
1-01- -C56-100	CODE ENFORCEMENT SALARIES		
	Control Total	87,450.00	127,450.00
1-01- -C56-500	Code Enforcement Other Expense		
	Control Total	500.85	900.00
1-01- -C57-100	HSG/PROP MAINT SALARY & WAGES		
	Control Total	0.27	0.50
1-01- -C57-500	HSG/PROP MAINTENANCE O/E		
	Control Total	1,325.00	2,500.00
1-01- -C67-100	DEMOL SALARY & WAGES		
	Control Total	106.00	200.00
1-01- -C67-500	DEMOLITION OF BLDS O/E		
	Control Total	3,710.00	7,000.00
1-01- -D86-441	PAYMENT OF BOND PRINCIPAL	4,225,000.00	4,225,000.00
1-01- -D86-442	INTEREST ON BONDS	1,645,000.00	1,645,000.00

1-01- -D86-443	INTEREST ON NOTES	130,000.00	130,000.00
1-01- -F12-100	FINANCE SALARY & WAGES		
	Control Total	151,845.00	236,845.00
1-01- -F12-200	ANNUAL AUDIT EXPENSE		
	Control Total	60,000.00	60,000.00
1-01- -F12-500	DIR OF FINANCE O/E		
	Control Total	12,580.13	18,000.00
1-01- -F18-100	DIV OF REV COLL SALARY & WAGES		
	Control Total	113,155.00	168,155.00
1-01- -F18-500	DIV OF REVENUE COLLECT-O/E		
	Control Total	18,656.01	60,000.00
1-01- -F41-400	INSURANCE		
1-01- -F41-401	EMP GROUP INSURANCE	3,500,000.00	7,500,000.00
1-01- -F41-402	OTHER INSURANCE	650,000.00	1,100,000.00
1-01- -F41-403	WORKERS COMPENSATION INSURANCE	1,200,000.00	1,980,000.00
1-01- -F41-404	HEALTH BENEFIT WAIVER		200,000.00
1-01- -F41-406	UNEMPLOYMENT INSURANCE	76,850.00	200,000.00
1-01- -F41-408	USE OF SURPLUS-LFB-EMPLOYEE GROUP HLTH	339,842.89	1,000,000.00
1-01- -F57-200	FIRST AID SQUADS		
	Control Total	162,000.00	162,000.00
1-01- -F61-219	CONDO SERVICES ACT	10,000.00	800,000.00
1-01- -F61-220	SOLID WASTE COLL-APARTMENT CMP	10,000.00	100,000.00
1-01- -F81-222	CONTINGENT FUND	1,325.00	1,325.00
1-01- -G76-500	CULTURAL AFFAIRS O/E		
	Control Total	2,684.45	10,130.00
1-01- -G77-100	BEACHFRONT SALARY & WAGES		
	Control Total	5,000.00	100,000.00
1-01- -G77-500	BEACHFRONT O/E		
	Control Total	36,683.00	45,000.00
1-01- -G78-100	PRKS/PLYGRDS SALARY & WAGES		
	Control Total	37,365.00	100,000.00
1-01- -G78-500	PARKS & PLAYGROUNDS		
	Control Total	7,491.55	20,000.00
1-01- -G79-100	RECREATION SALARIES & WAGES		
	Control Total	82,445.00	132,445.00
1-01- -G79-500	RECREATION O/E		
	Control Total	3,074.00	6,000.00
1-01- -H03-100	PERSONNEL SALARIES & WAGES		
	Control Total	46,905.00	97,905.00
1-01- -H03-500	PERSONNEL O/E		
	Control Total	10,792.13	20,000.00
1-01- -H46-301	MUNICIPAL ALLIANCE GRANT	48,000.00	48,000.00
1-01- -H46-302	MUN ALLIANCE GRT-MATCH	12,000.00	12,000.00
1-01- -H47-100	MUNICIPAL ALLIANCE SALARIES		
	Control Total	3,975.00	5,975.00
1-01- -H56-100	HEALTH DEPT SALARY & WAGES		
	Control Total	795.00	1,995.00
1-01- -H56-500	HEALTH DEPT O/E		
	Control Total	103,764.99	203,764.99
1-01- -H68-302	UHC HEROES GRANT		500.00
1-01- -H69-100	YOUTH ADVS SALARY & WAGES		
	Control Total	50,800.00	70,800.00
1-01- -H69-500	YOUTH ADV.OTHER EXP.		
	Control Total	2,887.18	8,887.18
1-01- -H70-100	SENIOR CENTER GRANTS		
1-01- -H70-101	SENIOR CENTER S & W	76,160.00	76,160.00
1-01- -H70-102	SEN CTR MTH - SALARIES	175,752.00	175,752.00
1-01- -H70-105	OCN CTY SEN CTR-CAREGIVERS	58,912.00	58,912.00
1-01- -H70-301	SEN CTR MTH - FRINGE	75,993.00	75,993.00
1-01- -H70-302	SEN CTR MTH - OTHER EXPENSE	60,600.00	60,600.00
1-01- -H70-303	SEN CTR-PARTICIPANT O/E	2,500.00	2,500.00
1-01- -H70-305	OC SEN CTR GRT-CAREGIVERS O/E	17,863.00	17,863.00
1-01- -H70-306	OC SNR CTR CAREGIVER PARTCPTN	400.00	400.00
1-01- -K01-100	MUN CLERK SALARIES & WAGES		
	Control Total	111,000.00	241,000.00
1-01- -K01-500	MUNICIPAL CLERK O/E		
	Control Total	15,242.82	30,000.00
1-01- -K07-100	ELECTIONS SALARIES		

	Control Total	2,252.50	4,000.00
1-01- -K07-500	ELECTIONS O/E		
	Control Total	5,432.50	10,000.00
1-01- -K12-100	REGISTRAR SALARIES		
	Control Total	28,620.00	50,000.00
1-01- -K12-500	REGISTRAR O/E		
	Control Total	2,385.00	4,500.00
1-01- -L08-100	RENT LVL BD SALARIES		
	Control Total	2,199.50	4,500.00
1-01- -L08-500	RENT LEVELING BD O/E		
	Control Total	1,298.50	2,500.00
1-01- -L21-200	Labor Counsel		
	Control Total	4,770.00	6,770.00
1-01- -L21-500	LEGAL SERVICES O/E		
	Control Total	52,453.10	85,000.00
1-01- -L22-100	LAW DEPT SALARIES		
	Control Total	107,000.00	225,000.00
1-01- -L22-500	LAW DEPARTMENT O/E		
	Control Total	7,658.50	15,000.00
1-01- -L23-100	ENGINEERING-SALARIES		
	Control Total	116,530.00	206,530.00
1-01- -L23-200	ENGINEERING DEPT EXP		
	Control Total	7,155.00	7,155.00
1-01- -L23-500	ENGINEERING O/E		
	Control Total	10,600.01	15,600.01
1-01- -L25-100	Mand. Storm Water Management Salaries		
	Control Total	53,000.00	103,000.00
1-01- -L25-500	Mand. Storm Water Mgmt-Other Expenses		
	Control Total	7,950.00	30,000.00
1-01- -L30-100	PLANNING BOARD SALARIES		
	Control Total	21,465.00	42,000.00
1-01- -L30-500	PLANNING BOARD O/E		
	Control Total	13,117.50	25,000.00
1-01- -L33-100	SALARIES & WAGES		
	Control Total	20,405.00	40,000.00
1-01- -L33-500	BOARD OF ADJUSTMENT O/E		
	Control Total	12,390.08	24,000.00
1-01- -L34-100	DIV ECONOMIC DVLPMNT SALARIES		
	Control Total	40,000.00	60,000.00
1-01- -L34-500	DIV ECONOMIC DEVELOPMENT O/E		
	Control Total	2,385.00	9,385.00
1-01- -L35-100	LAND USE REG SALARIES		
	Control Total	33,125.00	60,000.00
1-01- -L35-500	LAND USE REGULATION O/E		
	Control Total	95.40	180.00
1-01- -M52-100	SALARY & WAGES		
	Control Total	181,260.00	350,000.00
1-01- -M52-500	MUNICIPAL COURT O/E		
	Control Total	10,398.60	19,000.00
1-01- -P40-100	CSO - SALARIES & WAGES		
	Control Total	290,100.00	585,000.00
1-01- -P40-500	CSO - O/E		
	Control Total	39,153.75	75,000.00
1-01- -P44-500	Shared Svcs-Fire Commissioners-Spillman		
	Control Total	7,952.62	15,000.00
1-01- -P45-100	SALARY & WAGES		
	Control Total	5,669,495.00	12,000,000.00
1-01- -P45-500	POLICE DEPT O/E		
	Control Total	124,894.50	230,000.00
1-01- -R20-100	ENV HLTH SVCS SALARIES		
	Control Total	207,050.00	450,000.00
1-01- -R20-500	ENVIRONMENTAL HLTH SVCS O/E		
	Control Total	81,721.77	152,000.00
1-01- -R25-100	TOMS RIVER BID-BLDGS & GRDS SALARIES		
	Control Total	6,625.00	13,250.00
1-01- -R35-100	PUBLIC LANDS SALARIES		
	Control Total	112,445.00	250,000.00
1-01- -R35-500	PUBLIC LANDS O/E		
	Control Total	12,196.11	23,000.00
1-01- -S75-200	CAPITAL		
1-01- -S75-241	CAPITAL IMPROVEMENT	200,000.00	400,000.00
1-01- -S75-242	PURCHASE POLICE CARS	50,000.00	100,000.00
1-01- -S75-243	FAIR SHARE HOUSING	25,000.00	50,000.00

1-01- -S75-245	LANDFILL REMEDIATION	50,000.00	100,000.00
1-01- -S80-421	DCRP	530.00	1,030.00
1-01- -S80-425	SOCIAL SECURITY SYST	821,500.00	1,621,500.00
1-01- -S80-427	FIREMEN'S WIDOW PENS	1,250.00	3,750.00
1-01- -S81-421	PERS SYSTEM	10,000.00	2,055,839.00
1-01- -S81-422	POLICE/FIRE PENSION	10,000.00	4,191,117.00
1-01- -S84-400	DEFERRED CHARGES		0.00
1-01- -S84-430	SPECIAL EMERGENCY		
1-01- -S84-435	RES FOR TAX APPEALS	26,500.00	50,000.00
1-01- -S84-436	FOR FUTURE GRANTS	50,000.00	100,000.00
1-01- -T15-100	TAX ASSESSOR SALARIES		
	Control Total	139,000.00	285,000.00
1-01- -T15-500	TAX ASSESSOR O/E		
	Control Total	21,720.60	23,000.00
1-01- -U24-400	UTILITY/MISC.OTHER		
1-01- -U24-403	TELEPHONE	63,600.00	113,600.00
1-01- -U24-404	ELECTRIC	254,400.00	474,400.00
1-01- -U24-405	NATURAL GAS	60,950.00	90,950.00
1-01- -U24-406	HEATING OIL	3,975.00	10,975.00
1-01- -U24-407	SEWER	10,600.00	25,600.00
1-01- -U24-408	WATER	10,600.00	22,600.00
1-01- -U24-409	STREET LIGHTING	397,500.00	797,500.00
1-01- -U24-411	TIPPING FEES/GARBAGE	536,625.00	991,424.04
1-01- -U24-412	TIP FEES/PAINT/STUMP	15,900.00	15,900.00
1-01- -U24-413	LNDFIL-PL 1981,C2781	19,875.00	34,099.10
1-01- -U24-414	RECYCLING TAX	39,750.00	68,198.20
1-01- -U24-416	HOST COMMUNITY TAX	64,925.00	111,390.40
1-01- -U24-417	LANDFILL CLOSURE ESC	232,537.50	432,337.46
1-01- -U74-100			
1-01- -U74-200	GASOLINE OTHER EXPENSE		
	Control Total	278,250.00	678,250.00
1-01- -V01-600	Vehicle Maintenance Salaries & Wages		
	Control Total	247,295.00	377,295.00
1-01- -V10-610	Vehicle Maintenance Other Expenses		
	Control Total	222,162.50	362,162.50
1-01- -W60-100	ROAD DEPT SALARIES		
	Control Total	647,000.00	1,100,000.00
1-01- -W60-500	ROAD DEPARTMENT O/E		
	Control Total	452,345.75	782,345.75
1-01- -W61-535	TR Bd of Ed S.S. - Trash Removal	55,000.00	110,000.00
	Control Total		
1-01- -W65-100	SALARY & WAGES		
	Control Total	665,000.00	1,200,000.00
1-01- -W65-500	GARBAGE COLLECTION OTHER EXP		
	Control Total	14,535.25	25,000.00
1-01- -W66-100	SALARY & WAGES		
	Control Total	613,753.50	1,100,000.00
1-01- -W66-500	RECYCLING O/E		
	Control Total	19,742.50	37,742.50
1-01- -W67-100	RECYCLING GRANTS		
	Control Total	164,349.99	164,349.99
	Final Totals	28,033,638.64	56,221,565.62

Bey Lea Golf Course

B91-100	Bey Lea Salaries and Wages	168,545.00	390,000.00
B91-400	Golf Course Dept Expense	412,656.00	503,300.00

B91-500	Golf Course Other Expense	47,173.98	75,000.00
	Final Totals	628,374.98	968,300.00

Winding River Ice Rink

147-100	Winding River Salaries and Wages	129,413.00	260,000.00
147-241	Capital Improvement Fund	500.00	500.00
147-425	Social Security	10,136.25	20,000.00
	Winding River Other Expenses	158,897.50	284,500.00
	Final Totals	298,946.75	565,000.00

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

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

CONSENT AGENDA

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

A motion was made by Council Member Kubiell, seconded by Council Member Hill, 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 **Q**, which was done separately.

RESOLUTION

MARCH 8, 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 AMOUNT</i>
-------------	--------------	------------	-------------------------

<i>WAINWRIGHT, JOSEPH & CYNTHIA</i>	<i>13.02</i>	<i>37</i>	<i>2010/4</i>	<i>1874.69</i>
<i>BAC TAX SERVICES CORPORATION</i>	<i>787</i>	<i>91</i>	<i>2011/1</i>	<i>1252.57</i>
<i>BAC TAX SERVICES CORPORATION</i>	<i>444.18</i>	<i>18</i>	<i>2010/4</i>	<i>1119.63</i>
<i>BRUM, KELLY</i>	<i>706.07</i>	<i>13</i>	<i>2011/1</i>	<i>1069.59</i>

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

March 8, 2011

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>
01-11 John MacDonald	Taxi Driver (Renewal)	TR Taxi
02-11 Joseph A. Galletto	Taxi Driver (Renewal)	A Team Taxi
05-11 Carmine Sauchelli	Taxi Driver (Renewal)	AA-1 Taxi
09-11 Ranjit Singh	Taxi Driver (Renewal)	All Star Taxi
10-11 Thomas J. Lynn	Taxi Driver (Renewal)	AA-1 Taxi
11-11 Herbert Butler	Taxi Driver (Renewal)	A Absolutely the Best
12-11 Thomas Fry	Taxi Driver (Renewal)	AA-1 Taxi
13-11 Ahmet Ugur	Taxi Driver (Renewal)	LA& Taxi LLC
14-11 Mohamed Dahab	Taxi Driver (Renewal)	Nora Taxi
15-11 Robert Maurer	Taxi Driver (Renewal)	Walter's Taxi
16-11 Lizbeth Fry	Taxi Driver (Renewal)	AA-1 Taxi
17-11 Austin Ross	Taxi Driver (Renewal)	Beach Taxi
18-11 Christine Smith	Taxi Driver (Renewal)	A Absolutely the Best
19-11 Carol Smith	Taxi Driver (Renewal)	A Absolutely the Best
20-11 Tracey Devine	Taxi Driver (Renewal)	Walter's Taxi
21-11 Joseph Venidis	Taxi Driver (Renewal)	T.R. Taxi

22-11	Linda Lanphere	Taxi Driver (Renewal)	AA-1 Taxi
23-11	Michael Hock	Taxi Driver (Renewal)	Beach Taxi
24-11	John Edgar	Taxi Driver (Renewal)	All American Cab
25-11	Linda Ambrose	Taxi Driver (Renewal)	All American Cab
26-11	Debra Sangemino	Taxi Driver (Renewal)	All American Cab
27-11	Frank Westcott	Taxi Driver (Renewal)	All American Cab
29-11	Nicole Komenda	Taxi Driver (Renewal)	Walter's Taxi
30-11	Waler Powell	Taxi Driver (Renewal)	Walter's Taxi
32-11	Basilisco Burgos	Taxi Driver (Renewal)	A&L Taxi
33-11	Richard DeGraff	Taxi Driver (Renewal)	Ace Livery Svc.
34-11	Robin Rossi	Taxi Driver (Renewal)	A Ruby's Transport
35-11	Jason Rossi	Taxi Driver (Renewal)	A Ruby's Transport
38-11	Thomas Clerico	Taxi Driver (Renewal)	AA-1 Taxi
40-11	Martin Wink	Taxi Driver (Renewal)	Beach Taxi
41-11	Adam Mateo	Taxi Driver (Renewal)	Beach Taxi
42-11	Arlene Mateo	Taxi Driver (Renewal)	Beach 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

March 8, 2011

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>
45-11 John Hock	Taxi Driver (New)	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

March 8, 2011

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>
44-11 Jason Davila	Taxi Driver (New)	A Team Taxi

WHEREAS, said application has been reviewed by the Departments of Law and Police, and it is their recommendation that the application be **denied** based upon an adverse criminal history report;

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 application of Jason Davila is hereby denied for the reasons set fourth above.
2. 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 AUTHORIZING THE TOWNSHIP OF TOMS RIVER TO ACCEPT A GRANT FROM THE STATE OF NEW JERSEY, OFFICE OF HOMELAND SECURITY AND PREPAREDNESS IN THE AMOUNT OF \$83,311.95, FOR THE PURCHASE OF EQUIPMENT, AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN IN CONNECTION WITH THIS GRANT

MARCH 8, 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 Township of Toms River is authorized to accept a FY2010 Homeland Security Grant from the State of New Jersey, Office of Homeland Security and Preparedness for the purchase of equipment in the amount of \$83,311.95.

2. The FY2010 Homeland Security Grant is a program run by the Ocean County Sheriff's Department.

3. The Mayor is authorized to execute and the Township Clerk to attest to a Shared Services Agreement between the County of Ocean and the Township of Toms River in connection with this grant.

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

- a) Township Attorney
- b) Chief Financial Officer
- c) Police Department
- d) Police Department, Attention: Paul Daly
Office of Emergency Management
- e) Office of the Ocean County Sheriff
Ocean County Justice Complex
120 Hooper Avenue
P.O. Box 2191
Toms River, NJ 08754-2191
Attention: Chief Michael G. Osborn
- f) Ocean County Board of Chosen Freeholders

RESOLUTION AUTHORIZING THE EXECUTION OF AN 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 BEA LEA ROAD (COUNTY ROAD #27) AND INTERMEDIATE WAY NORTH-GARDEN STATE PARKWAY INTERCHANGE 83 CONNECTOR ROAD IN THE TOWNSHIP OF TOMS RIVER

MARCH 8, 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:

Bea Lea Road (County Road #27)

Intermediate Way North-The Garden State Parkway Interchange 83 Connector Road

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 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:

Bea Lea Road (County Road #27)

Intermediate Way North-The Garden State Parkway Interchange 83 Connector Road

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
P.O. Box 2191
Toms River, N.J. 08754

RESOLUTION AUTHORIZING THE EXECUTION OF AN 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 THE GARDEN STATE PARKWAY INTERCHANGE 83 CONNECTOR ROAD AND RAMP D1/E IN THE TOWNSHIP OF TOMS RIVER

MARCH 8, 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:

The Garden State Parkway Interchange 83 Connector Road

Ramp D1/E; 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 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:

The Garden State Parkway Interchange 83 Connector Road
Ramp D1/E; and

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
P.O. Box 2191
Toms River, N.J. 08754

RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 – FINAL (REDUCTION OF \$29,427.05), ACCEPTANCE OF MAINTENANCE BOND, AND AUTHORIZING FINAL PAYMENT TO CONTRACTOR, C. J. HESSE, INC., IN THE AMOUNT OF \$182,878.77 FOR THE CLOSEOUT OF THE 2009 OVERLAY/DRAINAGE PROJECT

MARCH 8, 2011

WHEREAS, the contractor retained for the 2009 Overlay/Drainage 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) Final Payment Invoice in the amount of \$182,878.77.
- b) Change Order No. 2 - Final, executed by the contractor for a reduction in the amount of \$29,427.05.
- c) Original Maintenance Bond No. 6626236M, with C. J. Hesse, Inc., as Principal and Safeco Insurance Company of America, as Surety; and

WHEREAS, Resolution of the Township Council dated October 13, 2009 awarded a contract to C. J. Hesse, Inc., as low bidder, for the 2009 Overlay/Drainage Project in the amount of \$2,692,702.50.

WHEREAS, Change Order 2 – Final – to the contract with C. J. Hesse, Inc., to wit:

DESCRIPTION OF CHANGE:
Reduction:

Decrease in contract due to adjusted quantities.

TOTAL REDUCTION: \$29,427.05

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	\$29,427.05
Total Extras This C.O.	X	X
Total Supplementary This C.O.	X	X

Total This C.O.	X	\$29,427.05
Previous Change Orders	\$400,000.00	X
Total Change Orders to Date:	\$400,000.00	\$29,427.05
Total Change in Contract	\$370,572.95	X
ORIGINAL CONTRACT BID PRICE:	\$2,696,702.50	
NEW CONTRACT PRICE:	\$3,067,275.45	

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 2009 Overlay/Drainage Project, approval of Change Order No. 2 – Final, acceptance of Maintenance Bond, and authorize final payment to C. J. Hesse, Inc., in the amount of \$182,878.77. Funds for final payment to C. J. Hesse, Inc., in the amount of \$132,425.19, are available in Account No. X-04- -198-001; in the amount of \$2,040.26, are available in Account No. X-12- -227-002 and in the amount of \$48,413.32, are available in Account No. X-12-222-037. 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) C. J. Hesse, Inc.
P.O. Box 207
Belford, N.J. 07718

CERTIFICATION

THIS IS TO CERTIFY that the funds for final payment to C. J. Hesse, Inc., 2009 Overlay/Drainage Project in the amount of \$182,878.77 are available in following:

Account No. X-04- - 198-001:	\$132,425.19
Account No. X-12- - 227-002:	\$ 2,040.26
Account No. X-12 - - 222-037:	\$ 48,413.32

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: March 8, 2011

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

MARCH 8, 2011

WHEREAS, Ordinance No. 3108-95, authorizes the Township to enter into agreements with various beach associations providing for the use of Township beach

cleaning equipment and personnel in exchange for the Township being given the right to utilize those beaches for environmental and other educational programs; and

WHEREAS, the Township Council has determined that such an exchange, coupled with an obligation by the owners of such private beaches to pay for the salaries of the Township employees while providing these services, constitutes an exchange of equivalent value and that the exchange will benefit the Township;

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to agreements between the Township of Toms River and the following:

- a) Silver Beach Association
- b) Normandy Shores Beach Club
- c) Ocean Beach & Yacht Club
- d) Rustic Dunes
- e) Vision Beach Assn. & Surf Cottages Homeowners Assn.
- f) Ocean Beach Surf Club
- g) Seacrest Beach Club
- h) Normandy Beach Improvement Association
- i) Monterey Beach Club Association
- j) Ocean Beach & Bay Club-OB III
- k) Ocean Beach Shores Club
- l) Tri-Beach,

which provide for the utilization of Township personnel and beach cleaning equipment to clean their beaches in exchange for a grant of the right of the Township to utilize those beaches for environmental or other educational programs, provided that the Silver Beach Association, Normandy Shores Beach Club, Ocean Beach & Yacht Club, Rustic Dunes, Vision Beach Assn. & Surf Cottages Homeowners Assn, Ocean Beach Surf Club, Seacrest Beach Club, Normandy Beach Improvement Association, Monterey Beach Club Association, Ocean Beach & Bay Club-OB III, Ocean Beach Shores Club, and Tri-Beach, bear the cost of the salaries of the Township personnel associated with such beach cleanings.

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

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

- a) Township Attorney
- b) Chief Financial Officer
- c) Public Works
- d) Recreation
- e) **Ocean Beach & Yacht Club**
Attn: Pat Daley
P.O. Box 92
Lavallette, N.J. 08735
- f) **Rustic Dunes**
Attn: John Mamone, Sr.
740 Somerset Street
Franklin Lakes, N.J. 07417
- g) **Normandy Shores Beach Club**
Attn: Gary Webb
PO Box 844
Normandy Beach, N.J. 08739
- h) **Vision Beach Assn. & Surf Cottages Homeowners Assn.**
Attn: Richard Bishop
616 Bernita Dr.
River Vale, N.J. 07675
- i) **Ocean Beach Surf Club**
Ocean Beach Unit #1
Attn: David Finter

- P.O. Box 213
Lavallette, N.J. 08735
- j) **Seacrest Beach Club**
Attn: Tom Craig
P.O. Box 1032
Lavallette, N.J. 08735
- k) **Silver Beach Association**
Attn: Richard Milligan
P.O. Box 3
Normandy Beach, N.J. 08739
- l) **Normandy Beach Improvement Association**
ATTN: Jeff Davies
305 Parkway
Pt. Pleasant Beach, N.J. 08742
- m) **Monterey Beach Club Association**
ATTN: Steve Nicholas
P.O. Box 288
Lavallette, N.J. 08735
- n) **Ocean Beach & Bay Club-OB III**
ATTN: James Martino
P.O. Box 245
Lavallette, N.J. 08735
- o) **Ocean Beach Shores Club**
ATTN: Ben Mitchell, Beach Chairman
P.O. Box 292
Lavallette, N.J. 08735
- p) **Tri-Beach**
Attn: Richard Mechler
P.O. Box 1025
Lavallette, N.J. 08735

AMENDED RESOLUTION AUTHORIZING CHANGE ORDER NO. 1- FINAL (REDUCTION OF \$83.50), ACCEPTANCE OF MAINTENANCE BOND, AND AUTHORIZING FINAL PAYMENT TO CONTRACTOR, C. J. HESSE, INC., IN THE AMOUNT OF \$6,488.77 FOR THE CLOSEOUT OF THE RECONSTRUCTION OF WEST WHITTY ROAD (ROUTE 9 TO OLD FREEHOLD ROAD) PROJECT

MARCH 8, 2011

WHEREAS, the contractor retained for the Reconstruction of West Whitty Road (Route 9 to Old Freehold Road) 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) Final Payment Invoice in the amount of \$6,488.77.
- b) Change Order No. 1 - Final, executed by the contractor for a reduction in the amount of \$83.50.
- c) Original Maintenance Bond No. 6626236M, with C. J. Hesse, Inc., as Principal and Safeco Insurance Company of America, as Surety; and

WHEREAS, Resolution of the Township Council dated March 9, 2010 awarded a contract to C. J. Hesse, Inc., as low bidder, for the Reconstruction of West Whitty Road (Route 9 to Old Freehold Road) Project, in the amount of \$324,522.18.

WHEREAS, Change Order 1 – Final – to the contract with C. J. Hesse, Inc., to wit:

DESCRIPTION OF CHANGE:

Reduction:

Decrease in contract due to adjusted quantities.

TOTAL REDUCTION: \$83.50

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	\$83.50
Total Extras This C.O.	X	X
Total Supplementary This C.O.	X	X
Total This C.O.	X	\$83.50
Previous Change Orders	X	X
Total Change Orders to Date:	X	\$83.50
Total Change in Contract	X	\$83.50
ORIGINAL CONTRACT BID PRICE:	\$324,522.18	
NEW CONTRACT PRICE:	\$324,438.68	

be and the same is hereby ratified and confirmed; and

WHEREAS, a similar resolution was approved by this Council on February 22, 2011 and it is desirous that different accounts for payment be applied in this matter:

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 Reconstruction of West Whitty Road (Route 9 to Old Freehold Road) Project, approval of Change Order No. 1 – Final, acceptance of Maintenance Bond, and authorize final payment to C. J. Hesse, Inc., in the amount of \$6,488.77. Funds for final payment to C. J. Hesse, Inc., in the amount of \$4,137.56, are available in Account No. X-99- -907-379 and in the amount of \$2,351.21, are available in Account No. X-04- -198-001. 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) C. J. Hesse, Inc.
P.O. Box 207
Belford, N.J. 07718

CERTIFICATION

THIS IS TO CERTIFY that the funds for final payment to C. J. Hesse, Inc., Reconstruction of Whitty Road (Route 9 to Old Freehold Road) in the amount of \$6,488.77 are available in following Accounts:

Account No. X-99- -907-379:	\$4,137.56
Account No. X-04- -198-001:	\$2,351.56

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: March 8, 2011

**RESOLUTION AUTHORIZING CONTRACT TO VENDOR WITH STATE CONTRACT -
EAGLE POINT GUN SHOP C/O T.J. MORRIS & SON FOR THE PURCHASE OF
AMMUNITION FOR THE DEPARTMENT OF POLICE, IN THE AMOUNT OF \$34,083.30**

MARCH 8, 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. In accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State contract are hereby approved.
2. Contract for the Purchase of Ammunition for the Department of Police.

Description of Items:

Item #AE40R1, Federal .40 S&W 180GR FMJ.	0 cases @ \$185.58/case.....	\$11,134.80
Item #AE308D, Federal 150GR, FMJ .308.	10 cases @ \$230.31/case.....	\$ 2,303.10
Item #F127 00, Federal 00 Buckshot.	10 cases @ \$85.59/case.....	\$ 855.90
Item #LE127RS, Federal 1 oz. Rifled Slugs.	10 cases @ \$92.17/case.....	\$ 921.70
Item #XM193, Federal .223 (5.56x45) 55GR FMJ.	120 cases @ \$147.91/case.....	\$17,749.20
Item #AE357S2, Federal 125GR, .357SIG, FMJ	2 cases @ \$229.35/case.....	\$458.70
Item #IALEFI-QCB, Speedwell Cardboard Targets	1,000 @ \$0.6604 each.....	\$660.40
GRAND TOTAL:.....		\$34,083.80

Contract Awarded to: Eagle Point Gun Shop
c/o T.J. Morris & Son
1707 Third Street
Thorofare, N.J. 08086

State Contract No.: A75931

Funds for this purchase are available in Account Nos.:

X-19-	-600-021	\$15,215.50
0-01-	-P45-508	\$18,868.30

Maximum Amount: \$34,083.80

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

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

- a) Purchasing
- b) Chief Financial Officer
- c) Attorney
- d) Police Department
- e) Eagle Point Gun Shop
c/o T.J. Morris & Son
1707 Third Street
Thorofare, N.J. 08086

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of ammunition for the Department of Police are available in Account Nos.:

X19- -600-021:	\$15,215.50
0-01- -P45-508	\$18,868.30

In the total amount of \$34,083.80.

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: March 8, 2011

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING ACCEPTANCE OF A SUBGRANT FROM
THE DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT FEDERAL
FISCAL YEAR 2011 PERFORMANCE GRANT PROGRAM FUNDING**

MARCH 8, 2011

WHEREAS, the Office of Emergency Management of the Township of Toms River has been awarded State Homeland Security Grant Program Subgrant CFDA #97,042, Award #2011 P120-1507, from the Office of Emergency Management of the New Jersey State Police ("Subgrant"); and

WHEREAS, the amount of funds is pending, which consists of a federal Award not to exceed \$10,000.00, with Local Matching Funds for the same amount, for the purpose of enhancing Toms River Township's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the subgrant award will incorporate all conditions and representations contained or made in application and notice of award #2011-P120-1507; and

WHEREAS, the Office of Emergency Management of Toms River Township has submitted an Application for Subgrant Award to the Office of Emergency Management of the New Jersey State Police; and

WHEREAS, the application for Subgrant Award requires a match in an amount not to exceed \$10,000 which the Office of Emergency Management of the Township of Toms River has funding through the 2011 Toms River Township budget:

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

1. The Township of Toms River hereby accepts the award of the FFY11 Homeland Security Emergency Management Performance Grant Program Subgrant in the amount not to exceed \$10,000.00 of federal funds from the Office of Emergency Management of the New Jersey State Police.

2. The Director of the Division of Local Government Services is requested to approve the insertion of an item of revenue in the budget of the year 2011 for a sum not to exceed \$10,000.00.

3. A sum not to exceed \$10,000.00 is hereby appropriated under the caption FFY11 Homeland Security Emergency Management Performance Grant.

4. The Business Administrator, Chief Financial Officer, and the Township Director of Emergency Management are hereby authorized to sign the all subgrant documents.

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

- a. Business Administrator
- b. Chief Financial Officer
- c. Director of Emergency Management
- d. Township Attorney

CERTIFICATION

THIS IS TO CERTIFY that the local matching funds for a subgrant from the Office of Emergency Management of the New Jersey State Police and Department of Homeland Security Emergency Management Performance Grant Program, are available as follows:

Account No. 1-01- - A59-101: not to exceed \$10,000.00

The encumbrance of funds will be based upon the approval of the amount of the subgrant provided by the Office of Emergency Management of the New Jersey State Police and subject to the adoption of the 2011 budget.

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: March 8, 2011

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE DOVER-BRICK BEACH FIRST AID SQUAD FOR USE BY THE OCEAN BEACH SENIOR CITIZENS CLUB, INC., AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$500.00

MARCH 8, 2011

WHEREAS, the Township of Toms River is desirous of continuing to provide for and expand municipal services, and activities, on the Barrier Island section of the municipality; and

WHEREAS, over the previous years, the Township has leased the Dover-Brick Beach First Aid Squad building for use by the Toms River Township Department of Senior Services and its activities to be used solely by the Ocean Beach Senior Citizens Club for activities sponsored by the Toms River Township Department of Senior Services; and

WHEREAS, the Township wishes to lease the Dover-Brick Beach First Aid Squad Building for use by the Toms River Township Department of Senior Services and its activities to be used solely by the Ocean Beach Senior Citizens Club for activities sponsored by the Toms River Township Department of Senior Services; and

WHEREAS, due to the success of the program, the Township wishes to lease the Dover-Brick Beach First Squad Building for a period of one year; and

WHEREAS, the Dover-Brick Beach First Aid Squad has agreed to permit the Township of Toms River to lease its building for a period of one year in furtherance of the heretofore noted Township goal; and

WHEREAS, the maximum amount to be paid under this lease is \$500.00 per annum;

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 a lease agreement between the Township of Toms River and the Dover-Brick Beach First Aid Squad, for one year commencing retroactive to March 1, 2011 and terminating on February 28, 2012. A copy of the lease agreement will be kept on file in the Office of the Township Clerk upon execution. Funds for this lease agreement in the amount of \$500.00 have been certified by the Chief Financial Officer in Account No. X-99- - 0-7-485. 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) Township Attorney
- c) Purchasing
- d) Human Services, Attn: Joann Benson, Director
- e) Dover-Brick Beach First Aid Squad
P.O. Box 163
Lavallette, N.J. 08735

CERTIFICATION

THIS IS TO CERTIFY that the funds for the Dover-Brick Beach First Aid Squad, for the use of their facilities for the Ocean Beach Senior Citizen Club activities, in the total maximum amount of \$500.00, are available in Account No. X-99- -907-485.

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: September 8, 2011

**RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) REAR LOAD
SANITATION TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS FROM ROBERT
HUNTER, JEFFREY HUNTER, WILLIAM HUNTER AND DAVID HUNTER D/B/A
HUNTER JERSEY PETERBILT IN THE AMOUNT OF \$186,793.20**

MARCH 8, 2011

WHEREAS, resolution of the Township Council dated August 10, 2010 awarded a contract to Robert Hunter, Jeffrey Hunter, William Hunter and David Hunter d/b/a Hunter Jersey Peterbilt, 524 Monmouth Road, P.O. Box 729, Clarksburg, NJ 08510 as low bidder, for the purchase of a minimum of two (2) up to a maximum of four (4) new and unused, 2010 or current model year, cab over design, left hand drive trucks equipped with rear-loading refuse bodies; and

WHEREAS, the contract term is one year through August 10, 2011 with the unit pricing being held firm for the duration of the contract; and

WHEREAS, upon award of this contract, the Township purchased two (2) trucks with the option to purchase the remaining two (2) trucks contingent upon the availability of funds during the contract term; and

WHEREAS, The Department of Public Works is now requesting authorization to exercise their option to purchase one (1) additional truck under this contract; and

WHEREAS, this purchase would include one (1) 2011 Peterbilt 320 Cab and Chassis with Leach 2R111 packer body per the contract at a unit price of \$180,700.00. The purchase shall also include Option #3.1 Cart Tippers at a unit price of \$7,980.00. The total cost for this truck shall be \$188,680.00 less 1% prompt payment discount (\$1,886.80) resulting in a final price of \$186,793.20.

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

1. It hereby authorizes the purchase of one (1) 2011 Peterbilt 320 Cab and Chassis with Leach 2R111 packer body with Option # 3.1 Cart Tippers for a combined amount of \$188,680.00 less 1% prompt payment discount (\$1,886.80) resulting in a final price of \$186,793.20, from Robert Hunter, Jeffrey Hunter, William Hunter and David Hunter d/b/a Hunter Jersey Peterbilt. Funds for this purchase in the amount of \$186,793.20 are available in Account No. X-04- -200-002. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. All other terms and conditions of the original contract award shall apply.

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) Hunter Jersey Peterbilt
524 Monmouth Road
P.O. Box 729
Clarksburg, NJ 08510

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of one (1) Rear Load Sanitation Truck for the Department of Public Works are available in Account No. X04- -200-002 in the total amount of \$186,793.20

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: March 9, 2011

**RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO TURF EQUIPMENT & SUPPLY COMPANY, LLC., AS SOLE BIDDER, FOR THE
SUPPLY OF TORO REPAIR PARTS AND ACCESSORIES, FOR A TOTAL
MAXIMUM AMOUNT OF \$25,000.00 OVER TWO (2) YEARS**

MARCH 8, 2011

WHEREAS, bids were invited on February 9, 2011 for the Supply of Toro Repair Parts and Accessories; and

WHEREAS, only one bid was received, as follows:

Turf Equipment & Supply Company, LLC

8015 Dorsey Run Road
Jessup, Maryland 20794

1. Toro Equipment Repair Parts Price List Discount 5%
2. Toro Irrigation Repair Parts Price List Discount 5%
3. "After Market" Repair Parts Price List Discount 0%
4. Prompt Payment 0%
5. Availability of Parts, ARO 45 Days

WHEREAS, said bid has been reviewed by Joe Kinlin, Superintendent, Bey Lea Golf Course, and it is his recommendation that a contract be awarded to Turf Equipment & Supply Company, LLC, as sole bidder, for a total maximum amount of \$25,000.00 over two (2) years;

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

1. It hereby awards the contract for the Supply of Toro Repair Parts and Accessories to Turf Equipment & Supply Company, LLC, as sole bidder, for a total maximum amount of \$25,000.00 over two (2) years. Term of Contract: Two (2) years, effective from date of award by resolution of the Township Council through twenty-four (24) 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) Bey Lea Golf Course Maintenance
- e) Recreation
- f) Aforementioned Bidder

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Turf Equipment & Supply Company, LLC, in the amount of \$25,000.00 over two (2) years, 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: March 8, 2011

**RESOLUTION AUTHORIZING THE TOWNSHIP OF TOMS RIVER
TO ADVERTISE FOR AND RECEIVE BIDS FOR THE
GLOUCESTER & PIONEER DRIVE DRAINAGE
IMPROVEMENT PROJECT**

MARCH 8, 2011

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

**GLOUCESTER & PIONEER DRIVE
DRAINAGE IMPROVEMENT 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. The appropriate Township Official(s) of the Township of Toms River is hereby authorized to advertise for the receipt of bids for the above-mentioned project.

2. The appropriate Township Official(s) is hereby authorized to prepare bid specifications for the above-mentioned 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) Attorney
- d) Engineering
- e) Administrator
- f) Mayor
- g) Township Council

Carol Benson questioned the following Resolution:

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY RESCINDING THE FEBRUARY 22, 2011, AWARD OF A CONTRACT TO GAUDELLI BROTHERS, INC., FOR RENOVATIONS TO THE TOWNSHIP MUNICIPAL COMPLEX, AND AWARDED THE CONTRACT TO BRIAN PATTERSON MECHANICAL CONTRACTING, INC., AS THE SECOND LOWEST RESPONSIBLE BIDDER, IN THE AMOUNT OF \$1,136,000.00

MARCH 8, 2011

WHEREAS, on February 22, 2011, the Township Council adopted a resolution awarding a contract in the amount of \$1,132,000 to Gaudelli Brothers, Inc., as lowest responsible bidder, for renovations to the Township Municipal Complex; and

WHEREAS, by correspondence dated February 28, 2011, Gaudelli Brothers, Inc., informed the Township that it could not complete the contract for the stated price and refused to execute a contract for this project; and

WHEREAS, as a result of the default by Gaudelli Brothers, Inc., the Township is authorized under the Local Public Contracts Law to award the contract to the second lowest responsible bidder; and

WHEREAS, the second lowest responsible bidder for this project is Brian Patterson Mechanical Contracting, Inc. ("Brian Patterson"), whose bid totaled \$1,136,000; and

WHEREAS, Brian Patterson's bid has been reviewed by Township Engineer Robert J. Chankalian, who recommends that the contract be awarded to Brian Patterson:

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

1. Brian Patterson Mechanical Contracting, Inc., is hereby awarded, as second lowest responsible bidder, the contract for renovations to the Township Municipal Complex, in the total maximum amount of \$1,136,000. Funds for this project are available as follows:

- (a) Account No. X-04- -202-003 - \$1,004,000.00
- (b) Account No. X-04- -178-095 - \$10,000
- (c) Account No. X-04- -179-011 - \$101,137.44
- (d) Account No. X-04- -194-001 - \$20,862.56

2. The certification of funds available statement with respect to this resolution is on file in the Office of Township Clerk. The award of this contract is subject to all terms and conditions of the bid specifications.

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

- (a) Division of Purchasing
- (b) Chief Financial Officer
- (c) Township Attorney
- (d) Township Engineer
- (e) All bidders listed identified in the resolution dated February 22, 2011.

CERTIFICATION

THIS IS TO CERTIFY that the funds for awarding a contract to Brian Patterson Mechanical Contracting, Inc for renovations to the municipal complex are available in following Accounts:

Account No. X-04- -202-003:	\$1,004,000.00
Account No. X-04- -178-095:	\$ 10,000.00
Account No. X-04- -179-011:	\$ 101,137.44
Account No. X-04- -194-001:	\$ 20,862.56

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: March 8, 2011

REPORTS

A motion was made by Council Member Hill, 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 Reports.

- 1. Clerk's Office – February 2011 - \$10,055.00
- 2. Department of Recreation – February 2011 - \$440.00
- 3. Winding River Skating Center – February 2011 - \$81,542.00

APPROVAL OF BILLS

Council President McGuckin asked for a report on the bills.

The Bill List, dated **March 8, 2011**, was approved on motion by Council Member Maruca, seconded by Council Member Kubiel, and carried with Council Members Kubiel, 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 President McGuckin abstained on all bills.

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

Purchase Order 11-01131, payable to Board of Education-Toms River Schools in the amount of \$4,800,000.00.

Purchase Order 11-00904 and 11-01055, payable to Saint Luke's Church in the amount of \$700.00.

Purchase Order 11-009-4, payable to Toms River Schools in the amount of \$5,030.25.

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

Purchase Order 11-00686, 11-00687, 11-00688 and 11-00711, payable to Gilligan and Nardini Electrical in the amount of \$4,531.90.

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

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

Purchase Order 11-01131, payable to Board of Education-Toms River Schools in the amount of \$4,800,000.00.

Purchase Order 11-00904 and 11-01055, payable to Monsignor Donovan High School in the amount of \$1,530.00.

Purchase Order 11-00904, payable to Toms River Schools in the amount of \$5,030.25.

Purchase Order 11-00904 and 11-01055, payable to Southern Regional Board of Education in the amount of \$270.00.

ELECTED OFFICIALS COMMENTS

Mayor Kelaher spoke regarding new Police Department hires, and Bud Lomell memorial services.

Council Member Wittmann spoke regarding Bud Lomell, and the Town Hall HVAC Project.

Council Member Donohue-Appleby spoke regarding new Police Department hires and promotions; new HVAC upgrade, and Bud Lomell's passing.

Council Member Hill spoke regarding Bud Lomell's passing.

Council Member Kubiel spoke regarding Bud Lomell's passing.

Council Member Maruca spoke regarding Bud Lomell's passing; Police Department hiring, promotion, retirements, and new HVAC system.

Council Member Sevastakis spoke regarding new Ordinance regarding golf course.

Council President McGuckin spoke regarding Bud Lomell passing.

PUBLIC COMMENTS

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

Carol Benson spoke regarding several issues:

- Jersey Central Power and Light services
- Parking Garage Safety
- Pop Warner Sports
- Lakehurst Road Village-office use
- School Tax

No further comments from the public appearing, a motion was made by Council Member Kubiell, seconded by Council Member Maruca, and carried to enter into a private Executive Session at 7:39p.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:

R E S O L U T I O N

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

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

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

1. The Township Council will now conduct a private Executive Session.
2. The general nature of the subject matter to be discussed and/or acted upon is as follows:
 1. Matters of Personnel
 2. Attorney Client Privilege
 3. Contract Negotiations
3. The following specific topics were announced.
 1. Personnel
 2. Executive Session February 22, 2011 Minutes
 3. Waldorf Condo Association – License Agreement
 4. Town and Country Restaurant
 5. Zoning Board, Board of Health, Rent Leveling Board – vacancies
 6. Landlord-Tenant Fee Survey
 7. Trenton Avenue – Jurisdiction – Snow Plowing
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 8:15 PM, all Council Members Hill, Kubiell, Maruca, Sevastakis, and Council Member Wittmann present, and with Council Members Donohue-Appleby and McGuckin absent.

A motion was made by Council Member Sevastakis, seconded by Council Member Hill, and carried with Council Members Hill, Kubiell, Sevastakis, and Council Member Wittmann voting yes, and Council Members Donohue-Appleby and McGuckin absent, and with Council Member Maruca abstaining as she was absent on February 22, 2011, 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:

February 22, 2011

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

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

RESOLUTION

March 8, 2011

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

1. The following individual is hereby appointed as a Clerk-Typist Part-Time, Office of the Township Clerk-Registrar's Office, with a salary of \$15.58 per hour (maximum of 19.5 hours per week), effective March 8, 2011.

Cathy Wolf
99 Thirteenth Street
Toms River, N.J. 08753

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

- a. Finance
- b. Attorney
- c. Clerk's Office
- d. Personnel
- e. Registrar
- f. Individual listed above
- g. Mayor

h. Council

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

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

MARCH 8, 2011

WHEREAS, **ALFONSO MANFORTI**, 541 Lakehurst Road, Toms River, New Jersey 08755 was appointed as a regular member of the Toms River Municipal Utilities Authority for a term of five (5) years, on January 25, 2011; and

WHEREAS, the Resolution incorrectly stated the term was to January 31, 2015; and

WHEREAS, the correct term is to January 31, 2016;

NOW, THEREFORE, be it Resolved that the appointment of **Alfonso Manforti**, regular member of the Toms River Municipal Utilities Authority, for a term of five (5) years, shall be to January 31, 2016.

1. 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

No other business appearing, the meeting was adjourned at 8:16 P. M., with Council Members Hill, Maruca, Kubiell, Sevastakis, and Council Member Wittmann voting yes, and with Council Members Donohue-Appleby and McGuckin absent.

GREGORY P. MCGUCKIN, COUNCIL PRESIDENT

BRIAN S. KUBIEL, VICE-PRESIDENT

J. MARK MUTTER, TOWNSHIP CLERK