

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: 00 PM.

The meeting was called to order by Council President McGuckin and opened with the Salute to the Flag.

Council President McGuckin read the following statement pursuant to the Open Public Meetings Act:

**OPEN PUBLIC MEETINGS ACT**

This meeting is convened in accordance with the provisions of the Open Public Meetings Act of New Jersey. Let the official Minutes reflect that adequate notice of this meeting has been provided by publishing a notice in the and Asbury Park Press on **Friday, January 8, 2011** and also forwarding same to the Ocean County Gazette and 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 - Absent
- Council Member Kubiel - Present
- Council Member Maruca - Present
- Council Member Sevastakis - Present
- Council Member Wittmann - Absent
- Council President McGuckin - Present

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

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

**APPROVAL OF MINUTES**

A motion was made by Council Member Kubiel, seconded by Council Member Donohue-Appleby, and carried with Council Members Donohue-Appleby, Kubiel, Sevastakis, Maruca, and Council President McGuckin voting yes, and with Council Members Hill and Wittmann absent, to approve the Minutes of the **Regular Meeting of March 22, 2011**, and the **Special Meeting of March 29, 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 Kubiel, seconded by Council Member Donohue-Appleby, and carried with Council Members Donohue-Appleby, Kubiel, Maruca, Sevastakis, and Council President McGuckin voting yes, and with Council Members Hill and Wittmann absent, to make the following Resolutions a part of the Minutes:

Council President McGuckin presented proclamation to Isabella Villanueva.

**RESOLUTION PROCLAIMING APRIL  
AS “AUTISM AWARENESS MONTH”**

WHEREAS, autism is a pervasive developmental disorder affecting the social, learning and behavioral skills of those affected by it; and

WHEREAS, autism was once thought to be a relatively rare disorder, affecting only one in 10,000 people; and

WHEREAS, as more and more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autistic spectrum, resulting in rates as high as one in 150 children; and

WHEREAS, while there is no cure for autism, it is well-documented that if individuals with autism receive treatment early in their lives, it often is possible for those individuals to lead significantly improved lives; and

WHEREAS, The New Jersey Center for Outreach and Services for the Autism Community (COSAC), and Autism Speaks is spearheading an awareness effort in order to educate parents, professionals and the general public about autism and its effects;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Toms River, in the County of Ocean, State of New Jersey, that we hereby proclaim April as Autism Awareness Month and urge all Ocean County municipalities to participate in Autism Awareness Month, in order to become better educated on the subject of autistic spectrum disorders.

BE IT FURTHER RESOLVED, that a certified copy shall be sent to Alex Gianelos, 713 Northhampton Blvd., Toms River, New Jersey, 08757, and

BE IT FURTHER RESOLVED, that the Township Clerk shall forward certified copies to:

- a. Mayor
- b. Council
- c. Health and Human Services

Council President McGuckin presented proclamation to Susan Quinn, Director of Ocean County Library.

**Township of Toms River  
Proclamation**

**April 12, 2011**

WHEREAS, Ocean County Library, like libraries around the country, provides free access to all – from books and online resources for families to library business centers that help support entrepreneurship and retraining; and

WHEREAS, our nation’s school, academic, public and special libraries make a difference in the lives of millions of Americans today, more than ever; and

WHEREAS, Ocean County Library staff are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy; and

WHEREAS, Ocean County Library helps level the playing field for job seekers, as 88% of public libraries nationwide providing access to job databases and other online resources; and

WHEREAS, Ocean County Library is a place of opportunity providing programs that teach all forms of literacy, promoting continuing education and encouraging lifelong learning; and

WHEREAS, in times of economic hardship, Americans turn to- and depend on- their libraries; and

WHEREAS, Toms River encourages all residents to visit the Ocean County Library this week and take advantage of the wonderful library resources available at your library, especially on Tuesday, April 12<sup>th</sup>, when staff and the public are all welcome to celebrate National Library Workers Day; and

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week.

NOW, THEREFORE, We, Mayor Thomas F. Kelaher and Council President Gregory P. McGuckin of the Township of Toms River, the County of Ocean and State of New Jersey, with the full concurrence of the Township Council hereby proclaim *April 10-16, 2011 as National Library Week*,

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Mayor Thomas F. Kelaher

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Gregory P. McGuckin  
Council President

George P. Wittmann, Jr.    Melanie S. Donohue    Maurice B. Hill Jr.  
Brian S. Kubiel            Maria L. Maruca            John C. Sevastakis

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 Kubiel, and carried that an Ordinance entitled:

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 287 (FEES) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, TO INCREASE THE FEE FOR THE EIGHT WEEK YOUTH SERVICES SUMMER PROGRAM TO \$385.00 PER CHILD IN 2011 AND SUBSEQUENT YEARS FOR RESIDENTS OF THE TOWNSHIP OF TOMS RIVER**

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

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

Council Member Sevastakis offered the following resolution and moved its adoption, Council Member Kubiel seconded the motion:

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

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

The foregoing 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	Absent
Council Member Donohue-Appleby	Yes
Council Member Wittmann	Absent
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:

**CALENDAR YEAR 2011  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO  
N.J.S.A. 40A: 4-45.1 ET SEQ.**

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 Maruca 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	Absent
Council Member Donohue-Appleby	Yes
Council Member Wittmann	Absent
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 Maruca, and carried with Council Members Kubiell, Donohue-Appleby, Maruca, Sevastakis, and Council President McGuckin voting yes, and with Council Members Hill and Wittmann absent, to approve all the following items listed on the Consent Agenda, except items **D** and **G**, which were done separately.

**RESOLUTION**

**APRIL 12, 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>TABOADA, ALEJANDRO &amp; OLGA</i>	<i>192.15</i>	<i>1</i>	<i>2011/1</i>	<i>125.05</i>
<i>MCCURRIN, KEITH &amp; ELIZABETH</i>	<i>364.05</i>	<i>41</i>	<i>2011/1</i>	<i>1380.87</i>
<i>RUTHERFORD HOMEOWNERS@REDMOND</i>	<i>943</i>	<i>5</i>	<i>2011/1</i>	<i>14993.75</i>
			<i>2011/3</i>	<i>2618.75</i>
			<i>2011/4</i>	<i>12328.75</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**

**April 12, 2011**

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

<b>(MASSAGE) LICENSE #01-11</b>	<b>Mei Lan Allen Sunny Days Massage</b>
<b>(MASSAGE BUSINESS) #02-11</b>	<b>Sunny Days Massage 1594 Lakewood Rd Toms River, NJ 08753</b>
<b>((MASSAGE) LICENSE #03-11</b>	<b>Chun Yu Yin Harmony Massage Center</b>
<b>(MASSAGE BUSINESS) #04-11</b>	<b>Harmony Massage Center 708 Fischer Blvd Toms River, NJ 08753</b>
<b>(MASSAGE BUSINESS) #05-11</b>	<b>Shining Body Works 2205 Highway 37 East Toms River, NJ 08753</b>
<b>(MASSAGE) LICENSE #06-11</b>	<b>Li Yan Wang Shining Body Works</b>
<b>(MASSAGE) LICENSE #07-11</b>	<b>Li Rung Pei Oriental Therapy</b>
<b>(MASSAGE LICENSE) #08-11</b>	<b>Yu Pei Oriental Therapy</b>
<b>(MASSAGE BUSINESS) #09-11</b>	<b>Oriental Therapy 1201 Hooper Ave Toms River, NJ 08753</b>
<b>(MASSAGE LICENSE) #10-11</b>	<b>Helen Zhao Oriental Therapy</b>

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

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

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

- 1. The Township Clerk is herby authorized to issue the licenses listed in the preamble hereof.**
- 2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:**
  - a. Attorney**
  - b. Chief of Police**
  - c. Code Enforcement**
  - d. Applicants listed above**

RESOLUTION AUTHORIZING PLACE TO PLACE TRANSFER FOR  
EXPANSION PURPOSES OF A PLENARY RETAIL COMSUMPTION  
LICENSE #1507-33-006-010 ISSUED TO CAYARD, INC.

April 12, 2011

WHEREAS, an application has been filed for a Place to Place transfer for the purpose of expanding the licensed premise of Plenary Retail Consumption License #1507-33-006-010 previously issued to Cayard, Inc.; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant seeks to transfer, for expansion purposes, the existing licensed premises of a Office Lounge Restaurant to expand the area of the licensed premise to include the Villa; and

WHEREAS, the area into which the licensee wishes to expand is contiguous to and adjoins the currently licensed premises; and

WHEREAS, such application is authorized pursuant to the Division of Alcoholic Beverage Control handbook, page 11, and N.J.A.C. 13:2-7.2; and

WHEREAS, the Toms River Township Departments or Divisions of Police, Engineering, and Community Development, Planning, Building, Township Clerk, Law and Bureau of Fire Prevention have reviewed the transfer application and have no objection to the proposed expansion;

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 application of Cayard, Inc., for a Place to Place transfer for the purpose of expanding the area of Plenary Retail Consumption License #1507-33-006-010 located at 820 Main Street and 10 Highland Parkway, Toms River, New Jersey, to cover the existing Office Lounge Restaurant and the proposed Villa as shown on the diagram submitted with application, which is on file in the Office of the Township Clerk, is approved.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a. Police Department
  - b. Chief Financial Officer
  - c. Township Attorney
  - d. State of New Jersey  
Division of Alcoholic Beverage Control  
140 East Front Street  
P.O. Box 087  
5<sup>th</sup> Floor  
Trenton, NJ 08625-0087
  - e. Cayard, Inc.  
820 Main Street and 10 Highland Parkway  
Toms River, NJ 08753



Per Hour Rate for Additional Repairs and Service: \$95.00 (Year One)  
\$95.50 (Year Two)  
\$96.00 (Year Three)

Percentage discount off Manufacturer's list price on additional parts: . . . . . List Minus 20%

Bricktown Electrical Contracting, LLC  
1103B Industrial Parkway  
Brick, N.J. 08724 . . . . . \$19,320.00 (3 Year Preventative Maintenance)

Per Hour Rate for Additional Repairs and Service: \$85.00 (Year One)  
\$85.00 (Year Two)  
\$85.00 (Year Three)

Percentage discount off Manufacturer's list price on additional parts: . . . . . 2%

WHEREAS, said bids have been reviewed by Craig Ambrosio, Director of Parks, Buildings & Grounds and he has recommended that the award of contract be made to FM Generator, Inc., as lowest bidder, for Emergency Power Generator Systems Maintenance and Repair Services, for an estimated maximum amount of \$25,000.00 over three (3) years, which includes \$10,500.00 preventative maintenance;

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 to FM Generator, Inc., as lowest bidder, for Emergency Power Generator Systems Maintenance and Repair Services, for an estimated maximum amount of \$25,000.00 over three (3) years, which includes \$10,500.00 preventative maintenance. Funds are available in Account No. 1-01- -R20-531 in the amount of \$875.00 with the balance of \$24,125.00 contingent upon the approval and adoption of future municipal budgets. 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. This contract award shall be effective retroactive to April 1, 2011 through March 31, 2014.

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) Craig Ambrosio, Director, Department of Parks, Buildings and Grounds
- e) Aforementioned bidders

### CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the contract awarded to FM Generator, Inc., in the estimated maximum amount of \$25,000.00 over three (3) years, which includes \$10,500.00 preventative maintenance, are available in Account No. 1-01- -R20-531 in the amount of \$875.00 with the balance of \$24,125.00 contingent upon the approval and adoption of future municipal budgets.

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



CHRISTINE J. MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: April 12, 2011

**RESOLUTION AUTHORIZING AWARD OF CONTRACT TO  
GRANTURK EQUIPMENT COMPANY, INC., AS LOWEST, RESPONSIBLE  
BIDDER, FOR THE PURCHASE OF ONE (1)  
FRONT LOAD SANITATION TRUCK FOR THE DEPARTMENT  
OF PUBLIC WORKS, IN THE MAXIMUM AMOUNT OF \$211,663.98**

**APRIL 12, 2011**

WHEREAS, bids were invited on March 22, 2011 for the Purchase of a minimum of one (1) up to a maximum of two (2), new and unused, 2010 or current production model, Autocar Xpeditor ACX-64 (or equivalent) Cab/Chassis with a Heil (or equivalent) 40-Yard, Front Loading Refuse Collection System Body for the Department of Public Works; and

WHEREAS, bids were received, as follows:

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

Item #1. Cab/Chassis Only: No Bid  
Item #2. Body Only: No Bid  
Item #3. Complete Unit: \$213,802.00 each X 2 = \$427,604.00

Item #3 Bid: 2012 Peterbilt 320 LH Drive Cab/Chassis with 2011 Wittke 40 Yard Super Duty Body.  
Prompt Payment Discount: 1%  
Delivery: 180 to 200 Days after receipt of order.

R.J. Twitchell & Company, Inc.  
1198 Markkress Road  
Cherry Hill, NJ 08003

Item #1. Cab/Chassis Only: No Bid  
Item #2. Body Only: \$82,597.00 each X 2 = \$165,194.00  
Item #3. Complete Unit: No Bid

Item #2 Bid: 2011 EZ Pack Manufacturing LLC Model FL0080J40SE Body.  
Prompt Payment Discount: 0%  
Delivery: 60 Days after receipt of suitable truck chassis.

Cambria Automotive Companies, Inc.  
116 Talmadge Road

Edison, NJ 08817  
Item #1. Cab/Chassis Only: \$157,960.00 each X 2 = \$315,920.00  
Item #2. Body Only: No Bid  
Item #3. Complete Unit: \$241,310.00 each X 2 = \$482,620.00

Item #1 Bid: 2011 Autocar ACX 64 Cab/Chassis.  
Item #3 Bid: 2012 Autocar ACX64 Cab/Chassis with 2011 Heil Half Pack Body.  
Prompt Payment Discount: 0%  
Delivery: (Item #1) 90 Days chassis to body company upon award with receipt of Voucher.  
(Item #3) 180 Days chassis and body upon award with receipt of Voucher.

Detachable Container & Compactor Corporation  
d/b/a Detcon  
5039 Industrial Road  
Farmingdale, NJ 07727

Item #1. Cab & Chassis Only: No Bid  
Item #2. Body Only: \$ 96,888.00 each X 2 = \$193,776.00  
Item #3. Complete Unit: \$254,848.00 each X 2 = \$509,696.00

Item #2 Bid: 2011 Bridgeport Manufacturing, Frontier HD – Front Loader 40YD Body.  
Item #3 Bid: 2012 Autocar Xpeditor ACX-64 Cab/Chassis with 2011 Bridgeport Manufacturing Frontier  
HD-Front Loader, 40YD.  
Prompt Payment Discount: 0%

Delivery: Body delivery is 90 days from receipt of chassis; Chassis is 90 days from award; Delivery is a total of 180 days from award.

H.A. DeHart & Son, Inc.

311 Crown Point Road

Thorofare, NJ 08086

Item #1. Cab & Chassis Only: No Bid

Item #2. Body Only: .....\$ 71,895.00 each X 2 = \$143,790.00

Item #3. Complete Unit: \$299,855.00 each X 2 = \$599,710.00

Item #2 Bid: 2011 New Way Mammoth Series Front Loader, 40 Yard Full Eject Body.

Item #3 Bid: 2012 Autocar Xpeditor ACX-64 Cab/Chassis with 2011 New Way Mammoth Series Front Loader, 40 Yard Full Eject Body.

Prompt Payment Discount: 0%, Net 30 Days

Delivery: (Item #2) Approximately 60-75 days after receipt of chassis.

(Item #3) Approximately 150-170 days after receipt of purchase order.

WHEREAS, said bids have been reviewed by Louis Amoruso, Director, Department of Public Works, and he has recommended that the award of contract be made to GranTurk Equipment Company, Inc., for One (1) Front Load Sanitation Truck, for the Department of Public Works, for a maximum amount of \$211,663.98, which includes the 1% prompt payment discount bid, as stipulated 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 awards the contract for One (1) Front Load Sanitation Truck, for the Department of Public Works, for a maximum amount of \$211,663.98, which includes the 1% prompt payment discount bid, as stipulated above, to GranTurk Equipment Company, Inc.
2. Funds for the initial purchase of one (1) truck are available in Account No. X-04- -200-002 in the amount of \$211,663.98, with the purchase of one (1) additional truck contingent upon the future availability of funds in a lawful manner during the contract term. 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 successful bid as submitted and accepted.
3. The contract term is for one (1) year (12 consecutive months) from date of award by resolution of the Township Council.
4. The unit pricing shall remain firm for the balance of the contract period for the remaining truck.
5. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Purchasing
  - b) Chief Financial Officer
  - c) Township Attorney
  - d) Public Works Department
  - e) Aforementioned bidders

## CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the contract awarded to GranTurk Equipment Company, Inc., for the initial purchase of one (1) truck in the total maximum amount of \$211,663.98, which includes the 1% prompt payment discount bid, are available in Account No. X-04- -200-002, with the purchase of one (1) additional truck contingent upon the future availability of funds in a lawful manner during the contract term. The unit pricing shall remain firm for the balance of the contract period for the remaining truck.

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: April 12, 2011

RESOLUTION AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS TO APPLY FOR A GRANT FROM THE OCEAN COUNTY RECYCLING GRANT PROGRAM – 2011, ADMINISTERED BY THE OCEAN COUNTY DEPARTMENT OF SOLID WASTE MANAGEMENT

APRIL 12, 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. It hereby authorizes the appropriate Township Officials of the Township of Toms River to apply for a grant from the Ocean County Recycling Grant Program– 2011 administered by the Ocean County Department of Solid Waste Management.

2. It further authorizes the appropriate officials to file whatever documents and take whatever action is necessary in order to process that application.

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 Department
- d) Ocean County Department of Solid Waste Management  
Ocean County Recycling Grant Program  
129 Hooper Avenue  
P.O. Box 2191  
Toms River, N.J. 08754-2191  
Attn: Mr. Oren Solon, Senior Planner
- e) OC Department of Solid Waste Management  
Ocean County Recycling Grant Program  
129 Hooper Avenue  
P.O. Box 2191  
Toms River, N.J. 08754-2191  
Attn: John A. Haas, District Recycling Coordinator

AMENDMENT TO RESOLUTION DATED DECEMBER 14, 2010 AUTHORIZING PAYMENT OF IN-HOUSE HOCKEY LEAGUE REFEREES ON AN EUS (EXTRAORDINARY UNSPECIFIABLE SERVICES) BASIS, IN THE TOTAL MAXIMUM AMOUNT OF \$7,500.00/\$25.00 PER GAME, TO ADD FIVE ADDITIONAL REFEREES TO THE LIST OF REFEREES

APRIL 12, 2011

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

WHEREAS, resolution of the Township Council dated December 14, 2010 retained the extraordinary unspecifiable services of referees for in-house ice skating hockey league games; and

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

WHEREAS, it is necessary to **add five (5)** additional referees to the list of referees for the in-house ice skating hockey league games program; and

WHEREAS, the total amount of the contracts awarded under this resolution is not to exceed \$7,500.00, at the rate of \$25.00 per game, and funds are available in Account No. 1-31- -I47-534, contingent upon funds being available and the adoption of the CY2011 budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk; and

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

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

1. The resolution of the Township Council dated December 14, 2010 retaining the Extraordinary Unspecifiable Services of referees, is amended to add five (5) additional referees to the list of referees, Gary Manfredi, Eric Brenner, Connor Pizzulo, William Mayer and Justin Mayer, for the in-house ice skating hockey league games, at the rate of \$25.00 per game, for a total contract amount not to exceed \$7,500.00 for all referees.

2. The complete list of referees for the Extraordinary Unspecifiable Services for the in-house ice skating hockey league games are at the rate of \$25.00 per game, for a total contract amount not to exceed \$7,500.00:

- |   |   |
|---|---|
| a) Jimmy Gouse<br>54 Maple Street<br>Beachwood, N.J. 08722            | n) John Woytanowski<br>1241 Sylvania Place<br>Forked River, N.J. 08731  |
| b) Paul Daly<br>1967 Bricksburg Court<br>Toms River, N.J. 08755       | o) Liam Coffey<br>1613 Raccoon Drive<br>Toms River, N.J. 08755          |
| c) Andy Dill<br>1093 Hawser Avenue<br>Manahawkin, N.J. 08050          | p) Mitch Crenshaw<br>213 Smokerise Lane<br>Toms River, N.J. 08755       |
| d) Bruce Kocenski<br>2149 Rainbow Way<br>Toms River, N.J. 08755       | q) Rob Kulesa<br>3433 Bergen Avenue<br>Toms River, N.J. 08753           |
| e) Ryan Gouse<br>131 Seward Avenue<br>Toms River, N.J. 08753          | r) Joe Maroukis<br>1406 Summit Avenue<br>Toms River, N.J. 08753         |
| f) Marc Panzitta<br>816 Bartlett Circle<br>Toms River, N.J. 08753     | s) Robbie Burr<br>162 Stevens Road<br>Toms River, N.J. 08753            |
| g) Arielle Mazolla<br>3 Clarissa Drive<br>Middletown, N.J. 07748      | t) Luke McCann<br>572 Leesville Road<br>Jackson, N.J. 08527             |
| h) Eddie Casler<br>956 Meredith Drive<br>Toms River, N.J. 08753       | u) Joel Mazzola<br>3 Clarissa Drive<br>Middletown, N.J. 07748           |
| i) David Murtha<br>806 Donegal Court<br>Toms River, N.J. 08753        | v) Ralph Gargaloni<br>1086 Lake Placid Drive<br>Toms River, N.J. 08753  |
| j) Kevin Lapsley<br>419 Stuyvesant Street<br>Forked River, N.J. 08731 | w) Robert DiBenedetto<br>6 Secret Cove Court<br>Barnegat, N.J. 08005    |
| k) Larry Clayton<br>520 Terrace Avenue<br>Toms River, N.J. 08753      | x) Andrew Gargaloni<br>1086 Lake Placid Drive<br>Toms River, N.J. 08753 |
| l) Chris Cierniak<br>249 Chestnut Lane<br>Forked River, N.J. 08731    | y) Greg Bonte<br>1860 Eileen Way<br>Pt. Pleasant, N.J. 08742            |
| m) Dan Crenshaw<br>213 Smokerise Lane                                 | z) Gordon Jamieson<br>16 Tracey Court                                   |

- |     |   |     |   |
|-----|---|-----|---|
|     | Toms River, N.J. 08755  |     | Howell, N.J. 07731  |
| aa) | Jerry Lastella<br>27 Partridge Lane<br>Bayville, N.J. 08721   | bb) | Ken Hop<br>308 McCabe Avenue<br>Bradley Beach, N.J. 07720       |
| cc) | Ryan Swain<br>3 Scottsdale Court<br>Jackson, N.J. 08527       | dd) | Dennis Smith<br>6 Joni Avenue<br>Hamilton Square, N.J. 08690    |
| ee) | Ryan Burr<br>162 Stevens Road<br>Toms River, N.J. 08753       | ff) | Gary Manfredi<br>3301B River Road<br>Point Pleasant, N.J. 08742 |
| gg) | Eric Brenner<br>901 Capstan Drive<br>Forked River, N.J. 08731 | hh) | Connor Pizzulo<br>1016 Surf Avenue<br>Beachwood, N.J. 08722     |
| ii) | William Mayer<br>206 Grant Lane<br>Jackson, N.J. 08527        | jj) | Justin Mayer<br>206 Grant Lane<br>Jackson, N.J. 08527           |

Funds in the amount not to exceed \$7,500.00 are available in Account No. 1-31- -147-534, contingent on funds being available and the adoption of the CY2011 budget.

Term of contract: commencing on January 1, 2011 through December 31, 2011.

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

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

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
- e) Craig Lyons, Ice Rink Manager
- f) Gary Manfredi  
3301B River Road  
Point Pleasant, N.J. 08742
- g) Eric Brenner  
901 Capstan Drive  
Forked River, N.J. 08731
- h) Connor Pizzulo  
1016 Surf Avenue  
Beachwood, N.J. 08722
- i) William Mayer  
206 Grant Lane  
Jackson, N.J. 08527
- j) Justin Mayer  
206 Grant Lane  
Jackson, N.J. 08527

#### **AMENDED CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for payment of in-house hockey league referees on an EUS (extraordinary unspecifiable services) basis, for a total maximum amount not to exceed \$7,500.00/\$25.00 per game, are available in Account No.

1-31- -147-534 contingent upon funds being available and the 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.

The resolution dated December 10, 2010 is being amended to add five (5) additional referees, Gary Manfredi, Eric Brenner, Connor Pizzulo, William Mayer, and Justin Mayer, to the list of referees for the in-house hockey league game program.

CHRISTINE J. MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: April 12, 2011

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO AN EASEMENT AND RIGHT-OF-WAY AGREEMENT WITH NEW JERSEY NATURAL GAS COMPANY, OVER BLOCK 409, LOT 10 (WINDING RIVER PARK) IN THE TOWNSHIP OF TOMS RIVER**

**APRIL 12, 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 an Easement and Right-of-Way Agreement with New Jersey Natural Gas Company, over Block 409, Lot 10 (Winding River Park) in the Township of Toms River, for the installation of New Jersey Natural Gas Company facilities on Block 409, Lot 10 (Winding River Park).

2. 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) Engineering Division
- d) Recreation
- e) New Jersey Natural Gas Company  
1415 Wyckoff Road  
P.O. Box 1468  
Wall, N.J. 07719  
Attn: Eileen F. Quinn, Esq.  
Assistant General Counsel

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 – FINAL,  
(REDUCTION OF \$1,215.00), ACCEPTANCE OF MAINTENANCE BOND, AND  
AUTHORIZING FINAL PAYMENT TO CONTRACTOR, JAK CONSTRUCTION CORPORATION  
T/A DIAMOND CONSTRUCTION, IN THE AMOUNT OF \$3,798.50, FOR THE CLOSEOUT OF  
THE 2009-2010 STORM CURB DAMAGE REPAIR PROJECT**

**APRIL 12, 2011**

WHEREAS, the contractor retained for the 2009-2010 Storm Curb Damage Repair 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 to contractor in the amount of \$3,798.50.
- b) Change Order No. 1 - Final, executed by the contractor for a reduction in the amount of \$1,215.00.
- c) Original Maintenance Bond No. 2744MB, with JAK Construction Corporation t/a Diamond Construction, as Principal and Bondex Insurance Company, as Surety.

WHEREAS, Resolution of the Township Council dated August 10, 2010 awarded a contract to JAK Construction Corporation t/a Diamond Construction, as lowest responsible bidder, for the 2009-2010 Storm Curb Damage Repair Project, in the amount of \$39,200.00; and

WHEREAS, Change Order 1 – Final – to the contract with JAK Construction Corporation t/a Diamond Construction, to wit:

**DESCRIPTION OF CHANGE:**

**Reduction:**

Contract reduced due to elimination of one location – Washington Street – vicinity of Toms River County Club.

**TOTAL REDUCTION: . . . . . \$1,215.00**

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	\$1,215.00
Total Extras This C.O.	X	X
Total Supplementary This C.O.	X	X
<b>Total This C.O.</b>	<b>X</b>	<b>\$1,215.00</b>
Previous Change Orders	X	X
Total Change Orders to Date:	X	\$1,215.00
Total Change in Contract	X	\$1,215.00
ORIGINAL CONTRACT BID PRICE:	\$39,200.00	
NEW CONTRACT PRICE:	\$37,985.00	

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 thereby 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 2009-2010 Storm Curb Damage Repair Project, approval of Change Order No. 1 – Final, acceptance of Maintenance Bond, and authorize payment to JAK Construction Corporation t/a Diamond Construction, in the amount of \$3,798.50. Funds for final payment to JAK Construction Corporation t/a Diamond Construction, in the amount of \$3,798.50, are available in Account No. X-04- -192-001. 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) JAK Construction Corporation t/a Diamond Construction  
35 Beaverson Boulevard  
Brick, N.J. 08723

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for payment to JAK Construction Corporation t/a Diamond Construction, in the amount of \$3,798.50, are available in Account No X-04- -192-001.

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: April 12, 2011

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY PROHIBITING THE SOLICITATION OF MONETARY  
DONATIONS FROM MOTORISTS ON PUBLIC ROADWAYS WITHIN THE TOWNSHIP**

**APRIL 12, 2011**

**WHEREAS**, various civic, charitable, and religious organizations commonly solicit funds from, or dispense material to, motorists stopped at heavily-trafficked intersections, a practice commonly known as “coin tossing;” and

**WHEREAS**, the Township Council finds that this practice is extremely distracting and unsafe, and creates traffic hazards, especially during the heavily-traveled summer months; and

**WHEREAS**, the Township Council finds that these public safety concerns necessitate a complete ban of this practice;

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

1. It is the policy of the Township of Toms River to prohibit individuals and organizations from soliciting any donations from, or dispensing any other literature or material to, anyone operating or traveling in a motor vehicle stopped at any public roadway within the Township.

2. This policy shall take effect immediately and shall remain in force unless or until amended or repealed by resolution of the Township Council.

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

- a. Mayor Thomas Kelaher
- b. Township Council
- c. Township Administrator
- d. Township Attorney
- e. Michael Mastronardy, Chief of Police
- f. Director of Recreation
- g. Board of Fire Commissioners
- h. All Fire Departments
- i. All First Aid Squads

**RESOLUTION APPOINTING BERNARD M. MACKLE, AS HEARING OFFICER, PURSUANT TO  
CHAPTER 228 (BUILDINGS, UNFIT AND UNSAFE) OF THE CODE OF THE TOWNSHIP OF  
TOMS RIVER, OCEAN COUNTY, NEW JERSEY**

**APRIL 12, 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. Bernard M. Mackle is hereby appointed as Hearing Officer for the Township of Toms River, pursuant to Chapter 228 (Buildings, Unfit and Unsafe) of the Code of the Township of Toms River, Ocean County, New Jersey, to conduct all hearings and issue findings and determinations of unfitness prescribed by

Chapter 228-1 et. seq., and N.J.S.A. 40:48-2.4 et seq., at no additional remuneration.

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) Business Administrator
- d) Personnel
- e) Purchasing
- f) Bernard M. Mackle
- g) Building Department

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, NAMING CONNER STRONG COMPANIES, INC., AS TOWNSHIP AGENT OF RECORD FOR THE PROVISION OF EMPLOYEE BENEFITS BROKERAGE SERVICES FOR MEDICAL, PRESCRIPTION, DENTAL AND VISION COVERAGES FOR THE TOWNSHIP OF TOMS RIVER**

**APRIL 12, 2011**

WHEREAS, the Township solicited Request for Qualifications (RFQ's) on February 16, 2011 from qualified brokers for the provision of employee benefits brokerage services for medical, prescription, dental and vision coverage for the Township of Toms River; and

WHEREAS, the Township received only one response to the RFQ's, from Conner Strong Companies, Inc.; and

WHEREAS, the Township desires to authorize the Business Administrator to award a contract naming Conner Strong Companies, Inc., as Township Agent of Record for the Provision of Employee Benefits Brokerage Services for Medical, Prescription, Dental, and Vision Coverages for the Township of Toms River insurances; and

WHEREAS, N.J.S.A. 40A:11-5 (1)(m) permits a municipality to award a contract for Insurance Brokerage Services without competitive 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. The Business Administrator is authorized to enter into a contract with Conner Strong Companies, Inc. to provide Agent of Record services for Township Medical, Prescription, Dental, and Vision Coverage Insurance, at no cost to the Township.

2. This is not subject to the provisions contained in Toms River Township Ordinance Code, Chapter 84, Section 1 (Contracts, Public).

3. A notice of this action shall be published in the Asbury Park Press.

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

- a) Mayor Thomas Kelaher
- b) Township Council
- c) Business Administrator

- d) Township Attorney
- e) Department of Human Services
- f) Chief Financial Officer
- g) Scott Davenport, Consultant  
Conner Strong Companies, Inc.  
231 Main Street  
P.O. Box 2017  
Toms River, N.J. 08754
- h) Scott Davenport, Consultant  
Conner Strong Companies, Inc.  
40 Lake Center Executive Park  
401 Route 73 North  
Marlton, N.J. 08053

**RESOLUTION ACCEPTING MAINTENANCE GUARANTEES AND RELEASING  
PERFORMANCE GUARANTEES FOR MAJOR SITE PLAN KNOWN AS BLUE SKY, INC.  
B404, LOT 60 (952 LAKEWOOD ROAD)**

**APRIL 12, 2011**

WHEREAS, Blue Sky Inc., Developer of a Major Site Plan entitled Blue Sky Inc., Block 404, Lot 60 (952 Lakewood Road) has presented the following:

(1) Maintenance Cash Bond in the amount of \$4600.00. This amount is currently on deposit in #X-19- -601-684 and will be retained to represent the required maintenance amount;

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

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

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

- 1) Previously posted Cash Performance Bond in the amount of \$4600.00. This amount will be retained to represent the Maintenance Cash Bond;
- 2) Surety Bond in the amount of \$41,400.00 is to be released;
- 3) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby accepted;

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

- a. Engineer
- b. Finance Department
- c. Township Attorney
- d. Blue Sky Inc.  
952 Lakewood Road  
Toms River, N.J. 08753

**RESOLUTION ACCEPTING MAINTENANCE GUARANTEES FOR MAJOR SITE PLAN  
KNOWN AS TOMS RIVER KAWASAKI, BLOCK 794.10, LOT 7 (3117 ROUTE 37 EAST)**

**APRIL 12, 2011**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan entitled Toms River Kawasaki, Block 794.10, Lot 7 (3117 Route 37 East) which received Toms River Planning Board approval on December 1, 2010.

A. Performance Bonds have been posted as follows:

- 1) Cash Bond in the amount of \$550.00 with this amount posted in the form of a check which represents the 10% cash portion of the performance quarantees;
- 2) Check in the amount of \$250.00 which represents the required initial escrow amount for inspection fees;
- 3) Surety Bond in the amount of \$4,950.00;

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 Mobile Marine Technicians, 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:
  - e. Engineer
  - f. Finance Department
  - g. Township Attorney  
Mobile Marine Technicians  
3117 Route 37 East  
Toms River, N.J. 08753

**RESOLUTION AUTHORIZING AWARD OF CONTRACT TO JADS CONSTRUCTION COMPANY INC. OF NEW JERSEY, AS LOWEST, RESPONSIBLE BIDDER, FOR THE WINDING RIVER PARKING LOT IMPROVEMENTS PROJECT, IN THE MAXIMUM AMOUNT OF \$464,772.25**

**APRIL 12, 2011**

WHEREAS, bids were invited on March 30, 2011 for the Winding River Parking Lot Improvements Project; and

WHEREAS, bids were received, as follows:

JADS Construction Company Inc. of New Jersey			
P.O. Box 513			
South River, NJ 08882 .....	Option #1:		\$464,772.25
	Option #2:		\$557,382.25
D & S Land Development, Inc.			
13 Alida Place,			
P.O. Box 344			
Ramsey, NJ 07446 .....	Option #1:		\$484,588.00
	Option #2:		\$571,808.00
Earle Asphalt Company			
P.O. Box 556			
Farmingdale, NJ 07727 .....	Option #1:		\$493,441.13
	Option #2:		\$578,113.13
Mixalia Enterprises, LLC			
700 Ocean Avenue, #14			
Long Branch, NJ 07740 .....	Option #1:		\$507,019.65
	Option #2:		\$611,095.65
Meco, Inc.			
37 Prodelin Way			
Millstone, NJ 08535 .....	Option #1:		\$509,000.00
	Option #2:		\$611,410.00
Seminole Construction, LLC			
P.O. Box 16			

Ship Bottom, NJ 08008 .....	Option #1:	\$519,445.50
	Option #2:	\$623,815.50
Crossroad Construction Corporation 312 Emmet Street Newark, NJ 07114 .....		
	Option #1:	\$530,795.00
	Option #2:	\$624,875.00
Black Rock Enterprises, LLC P.O. Box 235 Spotswood, NJ 08884 .....		
	Option #1:	\$543,840.09
	Option #2:	\$626,454.09
C.J. Hesse, Inc. P.O. Box 207 Belford, NJ 07718 .....		
	Option #1:	\$560,113.60
	Option #2:	\$655,173.60
James R. Ientile, Inc. 28 Vanderburg Road Madison, NJ 07746 .....		
	Option #1:	\$578,973.00
	Option #2:	\$682,363.00
Precise Construction, Inc. 1016 Highway 33 Freehold, NJ 07728 .....		
	Option #1:	\$586,870.00
	Option #2:	\$696,140.00
Eagle Paving Corporation 242 Dover Road South Toms River, NJ 08757 .....		
	Option #1:	\$597,966.10
	Option #2:	\$716,086.10
S. Brothers, Inc. 16 Sobechko Road Manalapan, NJ 07726 .....		
	Option #1:	\$648,620.00
	Option #2:	\$734,860.00
F & P Contractors, Inc. 659 Washington Avenue South Amboy, NJ 08879 .....		
	Option #1:	\$712,581.00
	Option #2:	\$805,681.00

WHEREAS, said bids have been reviewed by Robert J. Chankalian, Township Engineer, and he has recommended that the award of contract be made to JADS Construction Company Inc. of New Jersey, for Option #1, at a maximum amount of \$464,772.25;

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 Winding River Parking Lot Improvement Project to JADS Construction Company Inc. of New Jersey, for Option #1, at a maximum amount of \$464,772.25, as stipulated above.
2. Funds for this project in the amount of \$464,772.25 are available in Account Nos. X-04- -178-041 - \$23,538.00, X-04- -179-005 - \$377,692.62, and X-04- -180-006 - \$63,541.63. 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 successful bid as submitted and accepted.
3. Project Completion Time: The Contractor shall be required to complete the work under this contract within ninety (90) days of the date specified in the Notice to Proceed.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Purchasing
  - b) Chief Financial Officer
  - c) Township Attorney
  - d) Public Works Department
  - e) Winding River
  - f) Recreation
  - g) Aforementioned bidders

## CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the contract awarded to JADS Construction Company Inc. of New Jersey, for Option #1, in the maximum amount of \$464,772.25 are available, as follows:

Account Nos. X-04- -178-041 - \$ 23,538.00  
X-04- -179-005 - \$377,692.62  
X-04- -180-006 - \$ 63,541.63

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: April 12, 2011

**RESOLUTION APPOINTING JAMES A. LIGUORI, ESQUIRE AS MUNICIPAL JUDGE OF THE COURT OF THE TOWNSHIP OF TOMS RIVER AND DESIGNATING HIM AS THE PRESIDING JUDGE OF THAT COURT**

**APRIL 12, 2011**

WHEREAS, the Mayor has nominated James A. Liguori, Esquire as Municipal Court Judge, and Council has considered same and consents; and

WHEREAS, N.J.S.A. 2A:8-5 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, N.J.S.A. 2A:8-5 provides further that the judge of the Municipal Court shall be appointed by the governing body of the Municipality; and

WHEREAS, N.J.S.A. 2A:8-19 permits a governing body to designate a presiding judge when there are two or more judges of the Municipal Court, which court shall sit in parts; 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

WHEREAS, the Municipal Court has two judges;

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. James A. Liguori, Esquire, 1178 State Hwy. No. 37 West, Toms River, New Jersey 08755, is hereby retained as Presiding Municipal Court Judge of the Court of the Township of Toms River, New Jersey, for a three year term commencing retroactive to April 8, 2011 and expiring on April 7, 2014, pursuant to N.J.S.A. 2A:8-5, at a salary as provided for in the Code of the Township of Toms River, New Jersey.

2. It further designates James A. Liguori, Esquire as Presiding Judge of the Municipal Court of the Township of Toms River, New Jersey. Pursuant to N.J.S.A. 2A:8-19, the Municipal Court shall sit in Parts, namely, Part One and Part Two.

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) Township Council
- c) Business Administrator
- d) Honorable James A. Liguori, J.M.C.  
1178 State Hwy. No 37W  
Toms River, NJ 08755

- e) Municipal Attorney
- f) Richard D. Prifold  
Court Administrator  
Justice Complex  
120 Hooper Avenue  
Toms River, NJ 08754
- g) Municipal Court Clerk
- h) Human Resources
- i) Payroll Department

## RESOLUTION

April 12, 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>
48-11 Balkar Mola	Taxi Driver (New)	E-Z Taxi & Limo Svc

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

April 11, 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>
48-11 Ahmed Abdo	Taxi Driver (New)	Nora 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.

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**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RESCINDING THE MARCH 8, 2011 AWARD OF A CONTRACT TO BRIAN PATTERSON MECHANICAL CONTRACTING, INC., FOR RENOVATIONS TO THE TOWNSHIP MUNICIPAL COMPLEX, AND AWARDING THE CONTRACT TO KAPPA CONSTRUCTION CORP., AS THE THIRD LOWEST RESPONSIBLE BIDDER, IN THE AMOUNT OF \$1,137,000.00**

**APRIL 12, 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 (the "Project"); 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**, the Township Council adopted a resolution on March 8, 2011 rescinding the award of the contract to Gaudelli Brothers, Inc., and awarded a contract to Brian Patterson Mechanical Contracting, Inc., as the second lowest, responsible bidder, in the amount of \$1,136,000.00 for the Project; and

**WHEREAS**, Brian Patterson mechanical Contracting, Inc. has defaulted in its agreement with the Township by not providing a signed contract, performance bond, and other material items, pursuant to N.J.S.A. 40A:11-24(b); and

**WHEREAS**, as a result of the default of Brian Patterson Mechanical Contracting, Inc., the Township is authorized under the Local Public Contracts Law to award the contract to the third lowest responsible bidder; and

**WHEREAS**, the third lowest responsible bidder for this project is Kappa Construction Corp., which bid the sum of \$1,137,000.00; and

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

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

1. Kappa Construction Corp. is hereby awarded, as third lowest responsible bidder, the contract for this Project, for the total amount of \$1,137,000.00.

2. Funds for this project are available as follows:

- (a) Account No. X-04- -202-003 - \$1,005,000.00
- (b) Account No. X-04- -178-095 - \$ 10,000.00
- (c) Account No. X-04- -179-011 - \$ 101,137.44
- (d) Account No. X-04- -104-001 - \$ 20,862.56

3. The certificate 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.

4. 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) Parks, Buildings & Grounds
- (f) Brian Patterson Mechanical Contracting, Inc.  
5 Cindy Lane  
Ocean, N.J. 07712
- (g) Kappa Construction Corp.  
3 Matilda Drive  
Ocean, N.J. 07712

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract awarded to Kappa Construction Corp., in the total maximum amount of \$1,137,000.00, are available, as follows:

Account No. X-04- -202-003 - \$1,005,000.00

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 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: April 12, 2011

**RESOLUTION AUTHORIZING AWARD OF CONTRACT TO COOPER FRIEDMAN ELECTRIC SUPPLY D/B/A COOPER ELECTRIC SUPPLY COMPANY, AS LOWEST RESPONSIBLE BIDDER, FOR THE SUPPLY OF ELECTRICAL MATERIALS FOR WINDING RIVER PARK SOFTBALL FIELD #6, IN THE TOTAL MAXIMUM AMOUNT OF \$29,254.90**

**APRIL 12, 2011**

WHEREAS, bids were invited on April 12, 2011 for the Supply of Electrical Materials for Winding River Park Softball Field #6; and

WHEREAS, bids were received, as follows:

Cooper Friedman Electric Supply  
d/b/a Cooper Electric Supply Company  
70 Apple Street  
Tinton Falls, N.J. 07724 . . . . . \$29,254.90

Delivery: 10 Days A.R.O.  
Prompt Payment Discount: 0%

Good Friend Electric Supplies, Inc.  
265 Route 37 East  
Toms River, N.J. 08753 . . . . . \$36,271.99

Delivery: 10 Days A.R.O.  
Prompt Payment Discount: 1%

WHEREAS, said bids have been reviewed by Craig Ambrosio, Director, Department of Parks, Buildings & Grounds, and he has recommended that the award of contract be made to Cooper Friedman Electric Supply d/b/a Cooper Electric Supply Company, as the lowest responsible bidder, in the total maximum amount of \$29,254.90;

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 Electrical Materials for Winding River Park Softball Field #6, to Cooper Friedman Electric Supply d/b/a Cooper Electric Supply Company, as lowest responsible bidder, for a total maximum amount of \$29,254.90, and funds are available in Account No. X-04- -153-032. 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 successful bid as submitted and accepted.

2. Delivery of all materials bid shall be made in a single delivery within ten (10) working days of receipt of a Township purchase order. Delivery shall be FOB Destination.

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) Aforementioned bidders

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract awarded to Cooper Friedman Electric Supply d/b/a Cooper Electric Supply Company, in the total maximum amount of \$29,254.90, are available in Account No. X-04- -153-032.

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: April 12, 2011

Dennis Galante questioned the following Resolution.

Township Attorney Fitzsimmons explained the following Resolution.

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

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND THE  
TOWNSHIP CLERK TO ATTEST TO AN AMENDMENT TO THE  
INTERIM SETTLEMENT AGREEMENT BETWEEN UNION CARBIDE  
CORPORATION AND THE TOWNSHIP OF TOMS RIVER**

**APRIL 12, 2011**

WHEREAS, the Township Committee and Union Carbide Corporation entered into an Interim Settlement Agreement on June 12, 1997, whereby the parties thereto would cooperate in the investigation and remediation of the closed Dover Township Landfill; and

WHEREAS, the Township Committee and Union Carbide Corporation entered into an Amendment to Interim Settlement Agreement dated July 15, 1999 which postponed future litigation until January 31, 2001 and to toll the statute of limitations until June 11, 2001, or until 30 days written notice by either party; and

WHEREAS, the Township Committee and Union Carbide Corporation entered into a Second Amendment to Interim Settlement Agreement dated March 20, 2001, which postponed future litigation until February 1, 2002 and to toll the statute of limitations until May 1, 2002, or until 30 days written notice by either party; and

WHEREAS, the Township Committee and Union Carbide Corporation entered into a Third Amendment to Interim Settlement Agreement dated February 4, 2002 and March 12, 2002, which postponed future litigation until February 2, 2003 and to toll the statute of limitations until May 3, 2003, or until 30 days written notice by either party; and

WHEREAS, the Township Committee and Union Carbide Corporation entered into a Fourth Amendment to Interim Settlement Agreement dated February 27, 2003 and April 14, 2003, which postponed future litigation until February 2, 2004 and to toll the statute of limitations until May 3, 2004, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Fifth Amendment to Interim Settlement Agreement dated February 10, 2004 and March 18, 2004, which postponed future litigation until February 2, 2005 and to toll the statute of limitations until May 3, 2005, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Sixth Amendment to Interim Settlement Agreement dated April 12, 2005, which postponed future litigation until February 2, 2006 and tolled the statute of limitations until May 3, 2006, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Seventh Amendment to Interim Settlement Agreement dated April 25, 2006, which postponed

future litigation until February 5, 2007 and tolled the statute of limitations until May 3, 2007, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into an Eighth Amendment to Interim Settlement Agreement dated April 10, 2007, which postponed future litigation until February 5, 2008 and tolled the statute of limitations until May 6, 2008, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Ninth Amendment to Interim Settlement Agreement dated March 25, 2008, which postponed future litigation until February 5, 2009 and tolled the statute of limitations until May 6, 2009, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Tenth Amendment to Interim Settlement Agreement dated March 10, 2009, which postponed future litigation until February 5, 2010 and tolled the statute of limitations until May 6, 2010, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Eleventh Amendment to Interim Settlement Agreement dated March 10, 2010, which postponed future litigation until February 5, 2011 and tolled the statute of limitations until May 6, 2011, or until 30 days written notice by either party; and

WHEREAS, the parties wish to amend that agreement to postpone future litigation until February 6, 2012, to toll the statute of limitations until May 7, 2012, or until 30 days written notice by either party; and

WHEREAS, a copy of the Twelfth Amendment to Agreement will be kept on file in the Office of the Township Clerk upon execution;

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 a Twelfth Amendment to Interim Settlement Agreement with Union Carbide Corporation, which will postpone future litigation until February 6, 2012, to toll the statute of limitations until May 7, 2012, or until 30 days written notice by either party. 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 Thomas F. Kelaher
- b) Township Council
- c) Paul Shives, Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Engineering Division
- g) Thomas Trautner, Esq.  
Wolff & Samson, PC  
One Boland Drive  
West Orange, NJ 07052
- h) William L. Warren, Esq.  
Drinker, Biddle & Reath, LLP  
105 College Road East, Suite 300  
P.O. Box 627  
Princeton, N.J. 08542-0627
- i) Carol L. Dudnick, Esq.  
532 Bennetts Farm Road  
Ridgefield, CT. 06877
- j) Mary Draves  
Dow Chemical Company  
1790 Bldg.  
Midland, Michigan 48674

Dennis Galante questioned the following Resolution.

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

**RESOLUTION CORRECTING RESOLUTION DATED MARCH 22, 2011 AUTHORIZING AWARD OF CONTRACT FOR THE SUPPLY OF SPORTING GOODS TO METUCHEN CENTER, INC., AND LAWN & GOLF SUPPLY CO., INC., AS LOWEST BIDDERS PER LINE ITEM, IN THE COMBINED MAXIMUM AMOUNT OF \$72,267.06, TO CORRECTLY REFLECT BIDS RECEIVED FROM METUCHEN CENTER, INC., GARDEN STATE APPAREL TEAM SPORTS AND LAWN & GOLF SUPPLY CO., INC.**

**APRIL 12, 2011**

WHEREAS, bids were received on March 2, 2011 for the Supply of Sporting Goods; and

WHEREAS, bids were received, as follows:

Metuchen Center, Inc.  
Garden State Apparel Team Sports  
429 Joyce Kilmer Avenue  
New Brunswick, N.J. 08901 . . . . . \$59,150.10

Lawn & Golf Supply Co., Inc.  
647 Nutt Road  
Phoenixville, PA. 19460. . . . . \$21,729.96

WHEREAS, said bids have been reviewed by the various departments, and they have recommended that award of contracts be made, as follows:

**Metuchen Center, Inc., Garden State Apparel Team Sports** – Items #1, 2, 3, 4, 5, 7, 8, 9, 10, 13, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 a,b,c, 31, 32, 33, 35, 36, 37, 38, 39, 42, 45, 46, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 72, 74, 76, 77, 78, 81, 85, 86, 93, 94, 108, 109, 121, 126, 127, 129, 147, 148, 149, 152, 153, 154, 155, 156, 162, 163, 170, 177, 180, 193, and 287, for a maximum amount of \$50,537.10.

**Lawn & Golf Supply Co., Inc.** - Items #204, 205, 206, 207, 208, 209, 210, 211, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 227, 228, 234, 235, 236, 237, 238, 239, 240, 242, 243, 244, 248, 249, 250, 251, 252, 253, 254, 255, 256, 258, 260, 266, 267, and 268, for a maximum amount of \$21,729.96.

**TOTAL COMBINED MAXIMUM AMOUNT OF CONTRACTS - \$72,267.06**

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 Sporting Goods, as follows:

**Metuchen Center, Inc., Garden State Apparel Team Sports** – Items #1, 2, 3, 4, 5, 7, 8, 9, 10, 13, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 a,b,c, 31, 32, 33, 35, 36, 37, 38, 39, 42, 45, 46, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 72, 74, 76, 77, 78, 81, 85, 86, 93, 94, 108, 109, 121, 126, 127, 129, 147, 148, 149, 152, 153, 154, 155, 156, 162, 163, 170, 177, 180, 193, and 287, for a maximum amount of \$50,537.10.

**Lawn & Golf Supply Co., Inc.** - Items #204, 205, 206, 207, 208, 209, 210, 211, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 227, 228, 234, 235, 236, 237, 238, 239, 240, 242, 243, 244, 248, 249, 250, 251, 252, 253, 254, 255, 256, 258, 260, 266, 267, and 268, for a maximum amount of \$21,729.96.

**TOTAL COMBINED MAXIMUM AMOUNT OF CONTRACTS - \$72,267.06**

The contract term shall be for two (2) years, effective from the date of award by resolution of Township Council through twenty-four (24) consecutive months. These will be open-ended contracts with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. These contracts are subject to all terms and conditions of the bid specifications.

2. The following items received no bids:
3. Item Nos. 284, 285 and 286 are being rejected as excessive in price.
4. The following items received no bids:

Item Nos. 6, 11, 12, 14, 17, 18, 19, 20, 34, 40, 41, 43, 44, 47, 48, 49, 50, 71, 73, 75, 79, 80, 82, 83, 84, 87, 88, 89, 90, 91, 92, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 122, 123, 124, 125, 128, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 150, 151, 157, 158, 159, 160, 161, 164, 165, 166, 167, 168, 169, 171, 172, 173, 174, 175, 176, 178, 179, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 212, 226, 229, 230, 231, 232, 233, 241, 245, 246, 247, 257, 259, 261, 262, 263, 264, 265, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 288, 289, 290, 291, and 292.

5. The appropriate Township officials are hereby authorized to advertise for rebid of those items which received no bids or were rejected as excessive in price.

6. The resolution dated March 22, 2011 is being amended to correctly reflect bids received from Metuchen Center, Inc., Garden State Apparel Team Sports, in the amount of \$59,150.10, and Lawn & Golf Supply Co., Inc., in the amount of \$21,729.96.

7. 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) Recreation
- e) Bey Lea Golf Course Maintenance
- f) Bey Lea Clubhouse
- g) Winding River Ice Skating Rink
- h) Youth Center
- i) Senior Center
- j) Aforementioned bidders

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contracts awarded to Metuchen Center, Inc., Garden State Apparel Team Sports, in the maximum amount of \$50,537.10, and Lawn & Golf Supply Co., Inc., in the maximum amount of \$21,729.96, for a combined total maximum amount of \$72,267.06, are contingent upon the availability of funds in the appropriate municipal budget year.

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

The resolution dated March 22, 2011 is being corrected only to correctly reflect the bids received from Metuchen Center, Inc., Garden State Apparel Team Sports in the amount of \$59,150.10, and Lawn & Golf Supply Co., Inc., in the amount of \$21,729.96, due to a typographical error. No additional monies are required.

CHRISTINE J. MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: April 12, 2011

## REPORTS

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

1. Clerk's Office- March 2011- \$6,037.17
2. Department of Recreation- March 2011- \$6,340.00
3. Youth Services- March 2011- \$6,565.00
4. Bey Lea Golf Course- March 2011- \$66,570.12
5. Winding River Skating Center- March 2011- \$105,742.00
6. Pre-Season Beach Badge Report- Week #1- \$5,390.00

## APPROVAL OF BILLS

Council President McGuckin asked for a report on the bills.

The Bill List, dated **April 8, 2011**, was approved on motion by Council Member Donohue-Appleby, seconded by Council Member Maruca, and carried with Council Members Kubiell, Maruca, Sevastakis, Donohue-Appleby, and Council President McGuckin voting yes, and with Council Members Hill and Wittmann absent. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 11-01240 and 11-01495, payable to Motor Vehicle Commission in the amount of \$195.00.

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

Purchase Order 11-01192, 11-01254 and 11-01361, payable to Gilligan and Nardini Electrical in the amount of \$10,056.20.

Purchase Order C0-04441, payable to Memoli and McDermott, LLP in the amount of \$595.00.

## ELECTED OFFICIALS COMMENTS

Mayor Kelaher was absent from this meeting.

Council Member Donohue-Appleby had no comments.

Council Member Kubiell had no comments.

Council Member Maruca had no comments.

Council Member Sevastakis had no comments.

Council President McGuckin spoke regarding a Civil War book coming out in May; and announced this is his last meeting as Council President.

## PUBLIC COMMENTS

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

Joseph Herbert spoke regarding tax increase proposed for 2011.  
Township Administrator Shives explained why there is an increase in taxes.

Paul Wnek spoke regarding fencing around playground in Silverton Park; he recommended a curfew and an age limit for the park.

Carol Benson spoke regarding reports listed on the Agenda; Wolff and Sampson law firm bill; Camp Albocondo, and Municipal Budget on website.

Dennis Galante congratulated Council President McGuckin for running for Assembly. He also spoke regarding Camp Albocondo; Township budget, and Item G on the agenda regarding sporting goods purchases by the Township.

Pat Klaslo spoke regarding lifetime beach badges to be issued to Township residents.

Terry Farley, Ortleigh Beach, spoke regarding Bey Lea Golf Course fees and golf cart usage.

No further comments from the public appearing. The public hearing was closed.

No other business appearing, the meeting was adjourned at 7:10 P. M., on motion by Council Member Sevastakis, seconded by Council Member Maruca, and carried with Council Members Donohue-Appleby, Maruca, Kubiak, Sevastakis, and Council President McGuckin voting yes, and with Council Members Hill and Wittmann absent.

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GREGORY P. MCGUCKIN, COUNCIL PRESIDENT

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J. MARK MUTTER, TOWNSHIP CLERK