

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.

Council President Hill requested a moment of silence for 9-11 Victims and Fire Commissioner Gary Licknack, who recently died.

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

Council President Hill 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 Manforti	- Present
Council Member Maruca	- Present
Council Member McGuckin	- Present
Council Member Sevastakis	- Present
Council Member Wittmann	- Present
Council Vice-President Kubiell	- Present
Council President Hill	- Present

APPROVAL OF MINUTES

A motion was made by Council Member Kubiell, seconded by Council Member Wittmann, and carried with Council Members Kubiell, Manforti, Maruca, McGuckin, Sevastakis, and Council President Hill voting yes, and with Council Member Wittmann abstaining as he was absent from the August 23, 2011 regular and special meeting, to approve the Minutes of the **Regular Meeting of August 23, 2011 and the Special Meeting of August 23, 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 Wittmann, and carried with Council Members Kubiell, Manforti, Maruca, McGuckin, Sevastakis, Wittmann, and with Council President Hill voting yes, to make the following Resolutions a part of the Minutes:

Cablevision of Monmouth, Inc; application for renewal of franchise for municipal consent (hearing continued from August 23, 2011).

Don Viapree from Cablevision addressed the Council regarding channel 78 public information access for Township information. Discussion ensued.

Carol Benson questioned emergency purposes channels on mainland.

Michael Wymbbs questioned emergency access information.

A motion was made by Council Member Kubiell, seconded by Council Member Maruca, and carried with Council Members Manforti, Maruca, McGuckin, Sevastakis, Wittmann, Kubiell, and Council President Hill voting yes, to close the public hearing.

Jeffrey Coby, Toms River, made presentation regarding Cpl. James W. Harvey, who was killed in Afghanistan. A plaque is to be posted at Green Island Association building on September 17, 2011.

A presentation was made by Adam Silversmith, Manager, Youth Center, regarding summer program and the summer volunteers were presented with proclamations.

Township of Toms River

Resolution

September 13, 2011

WHEREAS, volunteerism is the act of selflessly donating one's time, efforts, energy and talents for the benefit of others in the community; and

WHEREAS, those that volunteer for charitable, educational or other worthwhile activities do so as a social responsibility rather than for any financial reward; and

WHEREAS, TEAM, Jr., a volunteer group associated with the Toms River Youth Services take the name and meaning of their group-**Together Everyone Achieves More**-to the highest level providing the safest quality of care for children; and

WHEREAS, helping children to learn teamwork skills, leadership qualities and self-esteem, TEAM, Jr. sets high goals for themselves when assisting children with various arts and crafts, games, special events and everyday tasks.

NOW, THEREFORE, We, Mayor Thomas F. Kelaher and Council President Maurice B. Hill of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, wish to extend our thanks and gratitude to the TEAM, Jr. group: **Daniel Smoke**, **Gianna Gallo** and **Samantha Sibilja** for their outstanding efforts and achievements in mentoring children and helping them to become strong, future business leaders within our community.

Mayor Thomas F. Kelaher

Maurice B. Hill, Jr.
Council President

Brian S. Kubiell
Gregory P. McGuckin

Maria L. Maruca
John C. Sevastakis

Alfonso Manforti
George E. Wittmann, Jr.

Mayor Kelaher and Council Members presented a plaque to **Vicky Mickiewicz** for fifty(50) years anniversary as a Township employee. Friends and relatives were present.

Jessica Short gave presentation on Toms River Mayor's Advisory Commission on Developmental Disabilities; regarding 8th Annual Information Fair on October 29, 2011.

The Council President announced there would be a short recess.

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:

AN ORDINANCE AMENDING AND SUPPLEMENTING SCHEDULES A,C, AND D OF SECTION 147-1 (SALARY RANGES) OF CHAPTER 147 (SALARIES AND COMPENSATION) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, TO ESTABLISH THE COMPENSATION OF CERTAIN 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 Hill 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 Manforti 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 Manforti	- Yes
Council Member Maruca	- Yes
Council Member McGuckin	- Yes
Council Member Sevastakis	- Yes
Council Member Wittmann	- Yes
Council Vice-President Kubiel	- Yes
Council President Hill	- Yes

Township Administrator Shives asked that the following Ordinance be tabled indefinitely.

A motion was made by Council Member McGuckin, seconded by

Council Member Kubiell, and carried with Council Members Manforti, Maruca, McGuckin Sevastakis, Wittmann, Kubiell, and Council President Hill that the following Ordinance:

AN ORDINANCE AMENDING AND SUPPLEMENTING SUBSECTIONS A & B OF SECTION 287-31 OF CHAPTER 287 (FEES) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, TO ESTABLISH FEES FOR THE YOUTH SERVICES AFTER SCHOOL PROGRAM

BE TABLED INDEFINITELY.

Township Planning Board Jay Lynch reviewed this Ordinance and stated additional language is required. Planning Board took no action on this Ordinance.

A motion was made by Council Member Kubiell, seconded by Council Member Maruca, and carried with Council Members Manforti, Maruca, McGuckin Sevastakis, Wittmann, Kubiell, and Council President Hill that the following Ordinance:

AN ORDINANCE AMENDING SECTION 348-4.7 (NONCONFORMING LOTS) OF CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY

BE TABLED INDEFINITELY.

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

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY (REZONING BLOCK 442.25, LOTS 5,6,7,8,9,10,13,14, & 14.01 FROM HB – HIGHWAY BUSINESS ZONE TO R-75 – RESIDENTIAL ZONE IN THE VICINITY OF PUMPSHIRE ROAD)

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 Hill announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith.

Township Planner Lynch spoke regarding this Ordinance.

Township Attorney Fitzsimmons explained need to adopt a Resolution regarding this before Ordinance's adoption.

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY SETTING FORTH ITS REASONS FOR THE ADOPTION OF AN ORDINANCE REZONING BLOCK 442.25, LOTS 5,6,7,8,9,10,13,14 AND 14.01 FROM HB HIGHWAY BUSINESS ZONE

TO R-75 RESIDENTIAL ZONE IN THE VICINITY OF PUPSHIRE ROAD

SEPTEMBER 13, 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. An Ordinance entitled "An Ordinance Amending and Supplementing Chapter 348 (Land Use and Development Regulations) of the Code of the Township of Toms River, Ocean County, New Jersey (rezoning Block 442.25, Lots 5, 6, 7, 8, 9, 10, 13, 14, and 14.01 from HB - Highway Business Zone to R-75 Residential Zone in the vicinity of Pumpshire Road", is scheduled for second reading and possible adoption on September 13, 2011.
2. As required by N.J.S.A. 40:55D-64, the proposed ordinance has been referred to the Planning Board for review with respect to the adoption of the proposed development regulation pursuant to N.J.S.A. 40:55D-26.
3. The Planning Board determined that the proposed ordinance is inconsistent with the Municipal Master Plan; however, the Planning Board recommended adoption of the proposed ordinance for the following reasons:
 - a) there is an existing R-75 zone located just south of this area.
 - b) the R-75 zone permits marinas as a conditional use and single family dwellings as a permitted use, which more closely matches the existing land use pattern than the existing HB Zone.
 - c) the rationale set forth in the Master Plan adopted in 2006 for this area was to amend the zoning ordinance from Light Industrial Zone to the Highway Business Zone because marinas were not permitted in the Light Industrial Zone, despite the existence of a marina in the area formerly designated as a Light Industrial Zone.
 - d) the combination of uses in the area to be rezoned more closely reflects uses permitted in the R-75 Zone as contrasted to uses permitted in the Highway Business Zone.
4. The Township Council has reviewed the findings and recommendations adopted by the Planning Board to support the zoning outlined in the proposed ordinance, and adopts these reasons as its findings and conclusions required to be made pursuant to be made pursuant to N.J.S.A. 40:55D-62.a.
5. 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) Township Planning Board
 - f) Ocean County Planning Board

Council Member Kubiell offered the following resolution and moved its adoption, Council Member Maruca 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 Manforti	- Yes
Council Member Maruca	- Yes

Council Member McGuckin	- Yes
Council Member Sevastakis	- Yes
Council Member Wittmann	- Yes
Council Vice-President Kubiel	- Yes
Council President Hill	- Yes

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

AN ORDINANCE OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, AND STATE OF NEW JERSEY, VACATING THE PUBLIC RIGHT AND INTEREST IN A PORTION OF BLOCK 393.03, LOT 3, AS DESCRIBED ON THE MUNICIPAL TAX MAP

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

1. There is hereby vacated all the right, title and interest of the public for all public use and purposes in a portion of Block 393.03, Lot 3, located in the Township of Toms River (for the realignment of East Whitty Road and the Whitty Road Reconstruction Project to be undertaken by the Township of Toms River), more particularly described as follows:

**DESCRIPTION OF A PROPOSED VARIABLE WIDTH ROADWAY
VACATION OF WHITTY ROAD TO BE CONSOLIDATED INTO
LOT 3, BLOCK 393.03, TOMS RIVER, OCEAN COUNTY, NEW JERSEY**

All that certain lot, tract or parcel of land and premises, situate, lying and being in the Township of Toms River, County of Ocean, State of New Jersey, and being more particularly described as follows:

Beginning at a point in the proposed Right-Of-Way (R.O.W.) line of Whitty Road. Said point being distant the following two (2) courses from the existing Northerly R.O.W. line of Whitty Road. Said point also being at the common property corner of Lots 3 and 24, Block 393.03:

A. Along the common property line of Lots 3 and 24, Block 393.03, North 53 degrees 45 minutes 00 seconds West, 25.66 feet to a point on a curve in the proposed Northerly R.O.W. line of Whitty Road; thence

B. Along said proposed R.O.W. line along a curve bearing to the right, having a radius of 983.00 feet and an arc length of 290.97 feet to the point and place of beginning. Running thence:

1. Along the proposed R.O.W. vacation line, North 72 degrees 45 minutes 00 seconds West, 43.73 feet to a point; thence

2. Continuing along said R.O.W. vacation line, North 72 seconds 26 minutes 36 seconds East, 28.64 feet to a point; thence

3. Continuing along said R.O.W. vacation line, South 74 degrees 34 minutes 00 seconds East, 97.69 feet to a point on a curve in the proposed R.O.W. line of Whitty Road; thence

4. Continuing along said proposed R.O.W. line along a curve bearing to the left, having a radius of 983.00 feet and an arc length of 79.84 feet to the point and place of beginning

Containing 1,143.73 SF/0.03 AC.

The property outbound information was taken from a map entitled "Survey of Property, Lot 3, Block 395.03 situated in Dover Township, Ocean County, New Jersey". Said map was dated September 24, 2004 and was prepared by Flannery, Webb & Hansen, P.A., Lakewood, New Jersey on file as Project Number 1234.139 Drawer No. SD-343.

The proposed R.O.W. vacation information is further shown on a map entitled "Proposed R.O.W. Acquisition Plan for East Whitty Road Reconstruction, Cover Sheet, Township of Toms River, Ocean County, New Jersey" dated April 4, 2011 and was prepared by Owen, Little & Associates, Inc., Beachwood, New Jersey, on file as Project Number DTWN09TWSP-10REN/10-053155.

Subject to any covenants, restrictions and/or easements, if any, except those that have expired by their own limitations.

2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
3. This ordinance shall take effect following its passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.
4. Since this ordinance is not legislative in nature, it need not be codified in the Code of the Township of Toms River.
5. The Township Clerk shall file this ordinance in the Ocean County Clerk's Office within 60 days after its effective date as required by N.J.S.A. 40:67-21.
6. A copy of this ordinance shall be sent to all property owners abutting the area proposed to be vacated by the Township.

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on September 13, 2011 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on September 27, 2011 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

J. MARK MUTTER
TOWNSHIP CLERK

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Saturday, September 17, 2011.

Ordinance was adopted on first reading with Council Members Manforti, Maruca, McGuckin, Sevastakis, Wittmann, Kubiell, and with Council President Hill voting yes.

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

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

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

1. Section 325-3 (Greens fees) of Chapter 325 (Golf Courses) of the Code of the Township of Toms River, New Jersey is amended and supplemented to add subsection W to read as follows:

325-3W. Special events. The Director of Recreation shall establish greens fees, between \$10.00 - \$75.00, for various special events and programs.

2. All ordinances or parts of ordinances which inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 325 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

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

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

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on September 13, 2011 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on September 23, 2011 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

J. MARK MUTTER
TOWNSHIP CLERK

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Saturday, September 17, 2011 .

Ordinance was adopted on first reading with Council Members Manforti, Maruca, McGuckin, Sevastakis, Wittmann, Kubiell, and Council President Hill voting yes.

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

AN ORDINANCE REPEALING CHAPTER 192 (BEACH SHELTERS AND TENTS) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AND ESTABLISHING A NEW CHAPTER 192 (BEACH SHELTERS AND TENTS) OF THE TOWNSHIP CODE

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

1. Chapter 192 (Beach Shelters and Tents) of the Code of the Township of Toms River, Ocean County, New Jersey is repealed in its entirety.
2. A new Chapter 192 to be entitled "Beach Shelters and Tents" is established to read, as follows:

ARTICLE I. Tents, Buildings and Shelters on Beach

Section 192-1. Erection or maintenance.

No tent, building, shelter, or enclosure of any kind shall be erected or maintained upon the beach adjacent to the Atlantic Ocean. This provision shall not apply to an umbrella, sunscreen, windscreen, or baby pen covering an area of 100 square feet or less, or a canopy chair.

Section 192-2. Violations and penalties.

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

ARTICLE II. Use of Tents East of the Barnegat Bay

Section 192-3. Erection or maintenance for human habitation.

No person shall erect or maintain a tent, or permit a tent to be erected or maintained, for temporary or permanent human shelter or habitation in that section of the Township east of the Barnegat Bay.

Section 192-4. Violations and Penalties.

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

3. If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.
4. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on September 13, 2011 at 6:00 p.m. It will be further considered for final passage at a public

meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on September 23, 2011 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

J. MARK MUTTER
TOWNSHIP CLERK

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Saturday, September 17, 2011.

Ordinance was adopted on first reading with Council Members Manforti, Maruca, McGuckin, Sevastakis, Wittmann, Kubiak, and Council President Hill voting yes.

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 175 (BATHING BEACHES, SWIM CLUBS, AND SWIMMING POOLS) OF SECTION 175-27 (OPERATION OF FOUR-WHEEL DRIVE VEHICLES; REGISTRATION FEE) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, TO ESTABLISH REVISED PERMITTING AND INSPECTION REQUIREMENTS

WHEREAS, the Township Council has determined that it is necessary to establish a more orderly and effective permitting and inspection process for four-wheel drive vehicles used on the Township's ocean beach:

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

1. Section 175-27 (Operation of Four-Wheel Drive Motor Vehicles; Registration Fee) of Chapter 175 (Bathing Beaches, Swim Clubs, and Swimming Pools) of the Code of the Township of Toms River, Ocean County, New Jersey, is amended and supplemented to provide as follows:

§175-27. Operation of Four-Wheel Drive Vehicles; Permit and Inspection Requirements

Effective January 1, 2012, the following rules and regulations shall govern the operation of four-wheel drive vehicles upon the ocean beach in Toms River Township:

A. Permit Required. A permit is required to operate a four-wheel drive motor vehicle on the ocean beach in Toms River Township. The fee for the permit shall be \$25.00. The Township Clerk shall be responsible for issuing the permit and collecting the required fee. Only one permit shall be issued per vehicle. Permits are not transferrable to other vehicles.

B. Application for Permit. Permits shall be applied for in writing on forms promulgated by the Township. Applications shall be submitted to the Township Clerk for review and approval. As part of the application forms, applicants must provide a notarized affidavit certifying that:

1. The vehicle in safe and working condition and has been properly registered, inspected, and maintained in accordance with all state and local laws, rules, and regulations governing the operation, maintenance, and inspection of such vehicles.

2. The vehicle is properly equipped as required by subsection C.

C. Required Equipment. The vehicle shall be equipped with a twenty-five (25) foot chain; an all purpose two-and-three fourths ($2\frac{3}{4}$) pound chemical fire extinguisher, NFPA Standard 10; a shovel; and a spare tire.

D. Location Restrictions: No vehicles shall enter or leave the ocean beach except at: (1) Harding Avenue at the oceanfront in Ortley Beach; or (2) Second Avenue at the oceanfront in Ortley Beach. Once upon the beach, all vehicles shall remain in a corridor within fifty (50) feet from the water's edge.

E. Prohibited Activities. Eating, sleeping, and camping on the beach are prohibited at all times. In addition, it is unlawful to deposit wastes of any type, including but not limited to human, animal, vegetable, mineral or otherwise, upon the ocean beach.

F. Time Permitted. The operation of a privately-owned motor on the ocean beach is prohibited at all times from May 15 through October 15. Permits obtained pursuant to this section shall expire on the May 14 following the issuing date and must be renewed seasonally upon the same terms and conditions set forth in this section.

1. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 175 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

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

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

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on September 13, 2011 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on September 23, 2011 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

J. MARK MUTTER
TOWNSHIP CLERK

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Saturday, September 17, 2011.

Ordinance was adopted on first reading with Council Members Manforti, Maruca, McGuckin, Sevastakis, Wittmann, Kubiell, and Council President Hill voting yes.

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION
287-31 OF CHAPTER 287 (FEES) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, TO ESTABLISH FEES FOR THE YOUTH SERVICES AFTER-
SCHOOL PROGRAM**

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

1. Section 287-31 (After-school program) of Chapter 287 (Fees) of the Code of the Township of Toms River, New Jersey, are amended as follows:

Article VII – Youth Services Fees.

Section 287-31. After-school program.
After-school program fees shall be as follows:

- A. The fee schedule for the fall session (beginning in the month of September) and the winter session (beginning in the month of January) shall be \$105.00 per child per month. Fees shall be collected on the first school day of each month.
- B. Upon proof of income verification, the monthly fees for families who are eligible for HUD participation shall be discounted as follows:
 - (1) One child in family: \$50.00 enrollment.
 - (2) Second child in family: \$45.00 enrollment.
 - (3) Third child in family: \$40.00 enrollment.

2. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 287 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

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

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

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on September 13, 2011 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on September 23, 2011 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Saturday, September 17, 2011.

Ordinance was adopted on first reading with Council Members Manforti, Maruca, McGuckin, Sevastakis, Wittmann, Kubiell, and Council President Hill voting yes.

CONSENT AGENDA

Council President Hill 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 Manforti, and carried with Council Members Kubiell, Manforti, Maruca, McGuckin, Sevastakis, Wittmann, and with Council President Hill voting yes, to approve all the following items listed on the Consent Agenda, except items **I, J, O,** and **R,** which were done separately.

RESOLUTION

SEPTEMBER 13, 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 AMOUNT</i>	<i>LOT</i>	<i>QUAL.YEAR</i>	<i>QUAL.YEAR</i>
<i>GLAWSON, JEANNE F. & GEORGE</i>	<i>192.16</i>	<i>24</i>	<i>2011.1</i>	<i>97.69</i>
			<i>2011/2</i>	<i>458.25</i>
<i>ALLEN, TIMOTHY & DEBRA M.</i>	<i>234.03</i>	<i>3</i>	<i>2009/4</i>	<i>2538.82</i>
			<i>2010/4</i>	<i>1417.00</i>
<i>CAPEZZERA, NICKY & BARBARA</i>	<i>442.76</i>	<i>22</i>	<i>2011/1</i>	<i>1416.95</i>
			<i>2011/2</i>	<i>1416.95</i>

<i>WILLOW SUNNY BROOK LLC.</i>	<i>537.02</i>	<i>23.02.</i>	<i>2009/4</i>	<i>10467.96</i>
			<i>2010/4</i>	<i>18649.52</i>
<i>MURACHANIAN, EDWARD TRUST ACCT</i>	<i>720</i>	<i>350.01</i>	<i>2011/1</i>	<i>885.72</i>
			<i>2011/2</i>	<i>885.72</i>
<i>TWENTY SAC SELF STORAGE CORP</i>	<i>631</i>	<i>1</i>	<i>2010/4</i>	<i>892.72</i>
<i>PIZZARELLI, ROCCO & CARMELA</i>	<i>794.44</i>	<i>4</i>	<i>2011/2</i>	<i>1116.50</i>
			<i>2011/3</i>	<i>179.98</i>
<i>ARIELLE REALTY LLC.</i>	<i>1079.05</i>	<i>21</i>	<i>2010/4</i>	<i>955.30</i>
<i>VANHOUTEN, PATRICIA L. ETAL</i>	<i>1108.54</i>	<i>187</i>	<i>2010/4</i>	<i>603.05</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

September 13, 2011

WHEREAS, the following application has been filed for **TAXI DRIVER / TAXI CAB / TAXI CAB COMPANY** in accordance with Chapter 457.

Taxi Company License #, Year, Car Description, Vin#

New Company

#20 RDJ Livery LLC 275-11 1994 Lincoln Town Car
 DBA At Your Service Taxi
 705 Paramount Way
 Brick, NJ 08724
 Ronald Dibble

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

September 13, 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>
57-11 Ronald J. Dibble	Taxi Driver (New)	RDJ Livery LLC DbA At Your Service 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 AUTHORIZING THE PURCHASING DIVISION
TO ADVERTISE FOR AND RECEIVE BIDS FOR
THE INSTALLATION, REPAIR AND MAINTENANCE
OF MUNICIPAL FENCING FOR THE DEPARTMENT OF
PARKS, BUILDINGS & GROUNDS**

SEPTEMBER 13, 2011

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

**INSTALLATION, REPAIR AND MAINTENANCE OF MUNICIPAL FENCING
FOR THE DEPARTMENT OF PARKS, BUILDINGS & GROUNDS**

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

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO AN
AGREEMENT WITH FSD ENTERPRISES, LLC, FOR WIRELESS CONSULTING SERVICES,
ON AN EXTRAORDINARY UNSPECIFIABLE SERVICES BASIS, FOR IDENTIFYING
PROVIDERS/LEASES FOR THE TOWNSHIP'S MONOPOLE CONSTRUCTED AT THE
DEPARTMENT OF PUBLIC WORKS**

SEPTEMBER 13, 2011

WHEREAS, the Township of Toms River requires the services of a wireless telecommunications consultant in connection with identifying providers/leases for the Township's monopole constructed at the Department of Public Works; and

WHEREAS, it is necessary to retain the extraordinary unspecifiable services of FSD Enterprises, LLC, a wireless telecommunications consulting firm; and

WHEREAS, FSD Enterprises, LLC will be compensated for services rendered to the Township, based upon the fee schedule at pages 3 and 4 of the attached letter agreement; and

WHEREAS, term of contract shall be for two (2) years commencing on September 20, 2011 and terminating on September 19, 2013; and

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

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

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to an agreement with FSD Enterprises, LLC, a wireless communications consulting firm, for assistance in identifying providers/leases for the Township's monopole constructed at the Department of Public Works, as set forth in a letter agreement dated August 15, 2011, a copy of which is attached hereto and made a part herewith, for the fee set forth on pages 3 and 4 of the letter agreement.
2. Term of contract shall be for two (2) years commencing on September 20, 2011 and terminating on September 19, 2013.
3. The funds for the initial retainer in the amount of \$3,500.00 are available in Account No. 1-01- -L23-534. The certification of funds available statement with respect to the resolution is on file in the Office of the Township Clerk.

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

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 Division
- d) Public Works Department
- e) Declan O'Scanlon, CEO
FSD Enterprises, LLC
65 Mechanic Street
Suite 201
Red Bank, N.J. 07701
- f) Declan O'Scanlon, CEO
FSD Enterprises, LLC
21 Northvale Avenue
Little Silver, N.J. 07739

CERTIFICATION

THIS IS TO CERTIFY that the funds for the initial payment to FSD Enterprises, LLC, in the amount of \$3,500.00, are available in Account No. 1-01- -L23-534.

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: September 13, 2011

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, AND STATE OF NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, GREEN ACRES PROGRAM, DECLARATION OF ENCUMBRANCE, FOR THE CASTLE PARK I PROJECT

SEPTEMBER 13, 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 authorized to execute and the Township Clerk to attest to a New Jersey Department of Environmental Protection, Green Acres Program, Declaration of Encumbrance, for the Castle Park I Project (located on North Bay Avenue).
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 Council
 - c) Business Administrator
 - d) Township Attorney
 - e) Township Engineer

- f) Recreation Department
- g) Department of Environmental Protection
Green Acres Program
P.O. Box 412
Trenton, N.J. 08625-0412
Attn: Cecile M. Murphy

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, AND STATE OF NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, GREEN ACRES PROGRAM, DECLARATION OF ENCUMBRANCE, FOR THE SPORTS COMPLEX EXPANSION (SCHENCKS MILL SOCCER FIELD) PROJECT

SEPTEMBER 13, 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 authorized to execute and the Township Clerk to attest to a new Jersey Department of Environmental Protection, Green Acres Program, Declaration of Encumbrance, for the Sports Complex Expansion (Schencks Mill Soccer Field) Project.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- h) Mayor Thomas Kelaher
- i) Township Council
- j) Business Administrator
- k) Township Attorney
- l) Township Engineer
- m) Recreation Department
- n) Department of Environmental Protection
Green Acres Program
P.O. Box 412
Trenton, N.J. 08625-0412
Attn: Cecile M. Murphy

RESOLUTION ACCEPTING PERFORMANCE GUARANTEES FOR MAJOR SITE PLAN KNOWN AS BAYSHORE ENTERPRISES INC., BLOCK 412.12, LOT 29 (1436 LAKEWOOD ROAD)

SEPTEMBER 13, 2011

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan entitled Bayshore Enterprises Inc., Block 412.12, Lot 29 (1436 Lakewood Road) which received Toms River Planning Board approval on March 16, 2011.

A. Performance Bonds have been posted as follows:

- 1) Cash Bond in the amount of \$12,420.00 with this amount posted in the form of a check which represents the 10% cash portion of the performance guarantee amount.
- 2) Check in the amount of \$2587.53 which represents the initial escrow amount for inspection fees.
- 3) Surety Bond in the amount of \$111,780.00

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 Bayshore Enterprises, Inc., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.
- 3) Township Clerk shall send a certified copy hereof to each of the following:
 - a. Engineer
 - b. Finance Department
 - c. Township Attorney
 - d. Bayshore Enterprises Inc.
196 Edgemere Court
Toms River, N.J. 08755

RESOLUTION APPOINTING FIVE REGULAR MEMBERS AND TWO ALTERNATE MEMBERS TO THE RENT LEVELING BOARD

September 13, 2011

WHEREAS, the Township Council has appointed members of the Toms River Rent Leveling Board;

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. That the following individuals be and are hereby appointed as members of the Township of Toms River Rent Leveling Board with terms as noted below effective September 13, 2011:

REGULAR MEMBERS:

Terrance Green
9 Roberts Road
Toms River, NJ 08755
Term expires December 31, 2014

Shireen Muldowney
1207 King George Layne
Toms River, NJ 08753
Term expires December 31, 2013

Byron Kotzas
Cross Roads Realty
25 Route 37 East
Toms River, NJ 08753
Term expires December 31, 2012

Nicholas Pastal
129 Skyline Drive
Lakewood, NJ 08701
Term expires December 31, 2011

Juan Bellu, II
1704 New Hampshire Avenue
Toms River, NJ 08755

Term expires December 31, 2015

ALTERNATE MEMBERS:

Alternate #1
Robin Longstreet
212 Roberts Road
Toms River, NJ 08755
Term expires December 31, 2012
Alternate #2
(Vacant)

Chairperson: _____ shall be appointed by the Council amongst the Regular Membership.

2. Township Clerk shall send a certified copy of this resolution to each of the following:
 - a. Mayor
 - b. Township Council Office
 - c. Township Attorney
 - d. Appointees, who shall present themselves before the Township Clerk and take the Oath of Office before the appointment created hereby shall become effective.
 - e. Rent Leveling Board

RESOLUTION

September 13, 2011

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

**(MASSAGE LICENSE)
#19-11**

**Li Wen Sun
137-40 th Ave
Flushing, NY 11355**

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

SEPTEMBER 13, 2011

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

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

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

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

- 1) The Township Council determines the Certification of Costs as set forth as Schedule "A" to be accurate.
- 2) The Tax Collector is authorized and directed to collect the costs listed on the Certification of Costs. The amount shown on the Certification of Costs shall be charged, become, and form part of the real estate taxes next to be assessed and levied upon such property, and shall bear interest at the same rate as real property taxes, and shall be collected and enforced in the same manner as provided for in the collection of real property taxes.
- 3) A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor Thomas F. Kelaher
 - b) Paul Shives, Business Administrator
 - c) Christine Manolio, Chief Financial Officer
 - d) Kathleen Adams, Tax Collector
 - e) Kenneth B. Fitzsimmons, Township Attorney
 - f) John Winton, Housing & Property Maintenance
 - g) Craig Ambrosio, Director, Parks, Buildings & Grounds

SCHEDULE "A"

CERTIFICATION OF COSTS

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TOTAL</u>
1. 444.16	23	1214 Tyler Drive	\$553.50
2. 1082.16	58	2322 Adams Avenue	\$2,878.39
3. 443.01	6	828 Bartlett Place	\$547.35
4. 1501.11	21	899 Bellwood Drive	\$553.50

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 -
WITH SEMINOLE CONSTRUCTION, LLC, FOR DRAINAGE IMPROVEMENTS
TO GLOUCESTER DRIVE AND PIONEER DRIVE PROJECT, FOR A
REDUCTION IN THE AMOUNT OF \$7,661.00**

SEPTEMBER 13, 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. Resolution of the Township Council dated April 26, 2011 awarded a contract to Seminole Construction, LLC, as lowest responsible bidder, for Drainage Improvements to Gloucester Drive and Pioneer Drive Project, in the total maximum amount of \$290,192.00; and

2. Change Order No. 1 – to the contract with Seminole Construction, LLC, to wit:

DESCRIPTION OF CHANGE:

Due to various unforeseen field conditions such as mismarked water mains and gas lines, as well as the deterioration of some existing structures, this change order removes the alternates in the original project. This change order adds some necessary structures and compensates the contractor for unforeseen downtime in dealing with the utility companies. It also adds a check valve to help ensure that we do not have any backflow/backup issues in the older lower lying areas.

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	\$42,062.00
Total Extras This C.O.	\$34,401.00	X
Total Supplementary This C.O.	X	X
Total This C.O.	\$34,401.00	\$42,062.00
Previous Change Orders	X	X
Total Change Orders to Date	\$34,401.00	\$42,062.00
Total Change in Contract	X	\$ 7,661.00
ORIGINAL CONTRACT BID PRICE		\$290,192.00
ADJUSTED NEW CONTRACT AMOUNT		\$282,531.00

be and the same is hereby ratified and confirmed.

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

- a) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing Division
- e) Seminole Construction, LLC
P.O. Box 16
Ship Bottom, N.J. 08008
- f) Seminole Construction, LLC
311 Holyoke Avenue
Beach Haven, N.J. 08008

**RESOLUTION AUTHORIZING AWARD OF CONTRACT TO V.E.
RALPH & SONS, AS SOLE BIDDER, FOR THE SUPPLY OF
FIRST AID SUPPLIES IN THE AMOUNT OF \$42,560.67**

SEPTEMBER 13, 2011

WHEREAS, bids were invited on August 3, 2011 for the Supply of First Aid Supplies;
and

WHEREAS, only one bid was received, as follows:

V.E. Ralph & Sons
320 Schuyler Avenue
Kearny, N.J. 07032-4093 \$42,560.67

WHEREAS, said bid has been reviewed by the Department of Police and the Department of Recreation, and it is their recommendation that a contract be awarded to V.E. Ralph & Sons, as sole bidder, for a total maximum amount of \$42,560.67:

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 First Aid Supplies to V.E. Ralph & Sons, as sole bidder, for a maximum amount of \$42,560.67. Term of Contract: One (1) year, effective from date of award by resolution of the Township Council through twelve (12) consecutive months. This shall be an open-ended with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget. The award of this contract is subject to all terms and conditions of the bid specifications. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

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

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to V.E. Ralph & Sons, in the total maximum amount of \$42,560.67, 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 MANOLIO
CHIEF FINANCIAL OFFICER

Dated: September 13, 2011

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE BOROUGH OF LAVALLETTE FOR USE OF THE SPILLMAN PUBLIC SAFETY SYSTEM

SEPTEMBER 13, 2011

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

1. The Mayor is hereby authorized to execute, and the Township Clerk to attest to, a shared services agreement between the Township of Toms River and the Borough of Lavallette to provide for, and establish the terms governing, the municipalities' joint use of the Spillman Public Safety System owned and operated by Toms River, whereby Toms River will, for a stated fee, host and archive electronic data collected and transmitted by Lavallette. A copy of the Agreement is attached as Schedule A to this Resolution and 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) Township Attorney
- b) Chief of Police
- c) Chief Financial Officer
- d) Mayor Kelaher
- e) Township Council
- f) Business Administrator
- g) Philip G. George, Esq.
Eric M. Bernstein & Associates LLC
34 Mountain Blvd. Bldg. A
P.O. Box 4922
Warren, New Jersey 07059
Attorney for the Borough of Lavallette

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE TOMS RIVER BUSINESS IMPROVEMENT DISTRICT TO PROVIDE A PART-TIME CUSTODIAL/MAINTENANCE WORKER

SEPTEMBER 13, 2011

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to a Shared Services Agreement between the Township of Toms River and the Toms River Business Development Corporation (TRBID), whereby the Township will provide a part-time custodial/maintenance employee to the TRBID for a one year period, the cost of which shall be reimbursed by the TRBID. A copy of the Agreement is attached as Schedule A to this Resolution and 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) Township Attorney
- b) Public Works
- c) Chief Financial Officer
- d) Mayor Kelaher
- e) Township Council
- f) Administrator
- g) Toms River Business Development Corporation
218 Main Street
Toms River, N.J. 08753
Attn: Joseph J. Allessandrino, Jr., Executive Director

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

**RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS
FOR SHARED SERVICES AGREEMENT WITH BRICK TOWNSHIP CONSTRUCTION OFFICE
September 13, 2011**

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

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

WHEREAS, the Township has entered into a agreement with Brick Township Construction Office for a shared services agreement and wishes to amend its 2011 Budget to include a portion of this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, County of Ocean, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2011 Budget the sum of\$65,000.00 which is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of Local Government
Services

Interlocal Municipal Service Agreements
Off-Set with Appropriations:

Shared Services - Brick Township
Construction Office.....\$65,000.00

pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$65,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) "Operations - Excluded from "CAPS"
Interlocal Municipal Service Agreements

Shared Services - Brick Township
Construction Office.....\$65,000.00

BE IT F

URTHER RESOLVED, that the Township Clerk forward two certified copies of this resolution to the Director of Local Government Services and the following:

- A) Chief Financial Officer
- B) Township Auditor
- C) Construction Official
- D) Township Business Administrator

Approved as to Content

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

**RESOLUTION AUTHORIZING RAFFLE EVENT SCHEDULED FOR
SUNDAY MARCH 11 2012, TO MONSIGNOR DONOVAN HIGH
SCHOOL PTA**

SEPTEMBER 13, 2011

WHEREAS, the Township of Toms River has adopted an Ordinance Amending and Supplementing Chapter 321 (Games of Chance) of the "Code of the Township of Toms River, New Jersey"; and

WHEREAS, the ordinance provides for permitting the conducting of Games of Chance on Sunday provided that same is authorized by the Governing body, pursuant to N.J.A.C. 13:47-8.8; and

WHEREAS, Monsignor Donovan High School PTA has applied to hold their on premise 50/50 & Merchandise raffle event for March 11, 2012 (Sunday), and to conducted their on premise raffle event, due to prior scheduling, has been on the calendar of events for the year 2012; and

WHEREAS, the Monsignor Donovan High School PTA
On premise 50/50 & Merchandise raffle cannot be rescheduled due to conflicts;

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

1. It hereby approves of the Monsignor Donovan High School PTA
On Premise 50/50 & Merchandise raffle scheduled for March 11, 2012.

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

- a) Mayor
- b) Attorney
- c) Township Clerk
- d) Business Administrator
- e) Township Council
- f) Michael Mastronardy, Chief of Police

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

RESOLUTION AUTHORIZING ROBERT J. CHANKALIAN, TOWNSHIP ENGINEER, A REPRESENTATIVE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, TO FILE AN APPLICATION WITH AND APPLY FOR A NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FUND LOAN, IN CONNECTION WITH THE RECONSTRUCTION OF THE ADAMS AVENUE DRAINAGE BASIN PROJECT

SEPTEMBER 13, 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 Robert J. Chankalian, Township Engineer, a representative of the Township of Toms River, in the County of Ocean, and State of New Jersey, to file an application and apply for a loan/grant monies from the New Jersey Environmental Infrastructure Trust Fund, in connection with the reconstruction of the Adams Avenue Drainage Basin Project

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) Engineering Division

Councilwoman Maruca spoke regarding the following Resolution.

Ken Langdon spoke regarding the following Resolution.

Councilman Sevastakis spoke regarding the following Resolution.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, AUTHORIZING THE ARCHITECTURAL/ENGINEERING SERVICES OF THE MUSIAL GROUP FOR THE RECONSTRUCTION OF THE LORD HOUSE IN ORTLEY BEACH, IN THE AMOUNT NOT TO EXCEED \$55,160.00

SEPTEMBER 13, 2011

WHEREAS, the Township of Toms River has a need to acquire certain professional pool architectural services for Township capital projects and other general Township services from January 1, 2011 up to and including December 31, 2011; and

WHEREAS, the Township of Toms River solicited proposals for these services in accordance with the Fair and Open Process, pursuant to the provisions of N.J.S.A. 19:44A-20.4 et. seq., which were publicly open and read on December 16, 2010; and

WHEREAS, a review of the proposals received revealed that The Musial Group to be very familiar with these types of projects and governmental work; and

WHEREAS, The Musial Group, P.A. has over 30 years experience in the design of governmental facilities; and

WHEREAS, resolution of the Township Council dated January 5, 2011 authorized The Musial Group to be placed on a pre-approved list from January 1, 2011 up to and including December 31, 2011, to receive bids, requests or solicitations as required by law for future architectural capital improvement projects and general architectural services on behalf of 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. It hereby authorizes the retention of the firm of The Musial Group for architectural/engineering services for the reconstruction of the Lord House in Ortley Beach, in accordance with their proposal dated August 18, 2011, a copy of which is on file in the Office of the Township Clerk. The total amount of the project shall not exceed \$155,160.00. Funds for this project are available contingent upon adoption of the appropriate capital bond ordinance. 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) Mayor Thomas Kelaher
- b) Township Council
- c) Township Attorney
- d) Chief Financial Officer
- e) Township Engineer
- f) Recreation
- g) Business Administrator
- h) Purchasing Division
- i) The Musial Group
191 Mill Lane
Mountainside, N.J. 07092
Attn: Noel S. Musial, A.I.A., President

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with The Musial Group, P.A., for a total maximum amount not to exceed \$55,160.00 are available contingent upon adoption of the appropriate capital bond ordinance.

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: September 13, 2011

REPORTS

A motion was made by Council Member Kubieli, seconded by Council Member Manforti, and carried with Council Members Kubieli, Manforti, Maruca, McGuckin,

Sevastakis, Wittmann, and with Council President Hill voting yes, to approve the following Reports.

1. Clerk's Office – August 2011 - \$2,031.30
2. Youth Services – August 2011 - \$1,455.00
3. In-Season Pool Badge Weekly Report – Week #8 - \$3,687.00
4. In-Season Pool Badge Weekly Report – Week #9 - \$3,453.00
5. In-Season Pool Badge Weekly Report – Week #10 - \$1,867.00
6. In-Season Beach Badge Weekly Report – Week #8 - \$23,902.00
7. In-Season Beach Badge Weekly Report – Week #9 - \$20,753.00
8. In-Season Beach Badge Weekly Report – Week #10 - \$6,818.00
9. In-Season Beach Badge Weekly Report – Week 11 final – \$9,796.00
10. Winding River Skating Center Monthly Sales Report – August - \$45,645.50

APPROVAL OF BILLS

Council President Hill asked for a report on the bills.

The Bill List, dated **September 9, 2011**, was approved on motion by Council Member Kubiell, seconded by Council Member Wittmann, and carried with Council Members Manforti, Kubiell, McGuckin, Sevastakis, Wittmann, and with Council President Hill voting yes, and with Council Member Maruca abstaining on all bills. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 11-04345, payable to Toms River Board of Education in the amount of \$9,979,255.29.

Purchase Order 11-04233 and 11-04442, payable to Saint Luke's Church in the amount of \$1,260.00.

Purchase Order 11-01285, payable to Terry Brady, Esquire, in the amount of \$3,500.

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

Purchase Order 11-04122, payable to Municipal Excess Liability Joint Insurance Fund the amount of \$30,000.00.

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

Purchase Order 11-01283, 11-04119 & 11-04120, payable to Gilligan and Nardini Electrical in the amount of \$42,590.32.

ELECTED OFFICIALS COMMENTS

Mayor Kelaher spoke regarding Hurricane Irene and Township response, and the recent Motor Vehicle burglaries in the Township.

Council Member Manforti spoke regarding Hurricane Irene and Township response.

Council Member Wittmann spoke regarding Hurricane Irene; Township response, and stairways at Ortleigh Beach.

Council Member McGuckin spoke regarding Hurricane Irene; Township response, and electric power outages. He also spoke regarding the 9-11 Ceremony in Toms River.

Council Member Kubiell spoke regarding Township response, and Hurricane Irene.

Council Member Maruca spoke regarding Township response as to Hurricane Irene; Cablevision hearing; 9-11 Ceremony, and Corporal Harvey Ceremony.

Council Member Sevastakis spoke regarding Hurricane Irene and Township response; electrical service in the Township; street lights, and the next Recreation Committee Meeting.

Council President Hill spoke regarding Township response as to Hurricane Irene; Ocean County Document Shredding Program; recent deaths of Fire Commissioner Gary Licknack, and Nadia Koutzen, former Beautification Commission Chair; Corporal Harvey, (killed in action) Ceremony; 9-11 Ceremony; American response to terrorism, and College Football Season.

PUBLIC COMMENTS

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

Michael Wymbs questioned the Ordinance regarding beach tents. Discussion ensued.

He also spoke regarding Washington Avenue flooding in Ortley Beach.

Mary Malagiere spoke regarding the Toms River High School North evacuation site during Hurricane Irene; County Recycling monies to Toms River, and Ordinance procedure.

Nels Luthmann spoke regarding Toms River Municipal Utilities Authority commissioners' benefits.

Brian Nolan spoke regarding Hurricane Irene and response by Township Public Works.

Ken Langdon spoke regarding Township response during Hurricane Irene; Ortley Beach walkovers; electric power outages; Ordinance regarding tents on public beaches, and beach buggies.

Nicole Howard spoke regarding Township Animal Shelter and July 12, 2011 incident at the shelter. Discussion ensued.

Kay Riviello, New York Animal Rights League America, spoke regarding July 12, 2011 incident. Discussion ensued.

Jackie Depasquale spoke regarding July 12, 2011 incident and her adoption of pit bulls at Popcorn Zoo.

Prentice Bisball, New Brunswick, New Jersey, spoke regarding July 12, 2011 incident. Discussion ensued.

Lisa Caputo, Toms River, spoke regarding July 12, 2011 incident.

Nicole Esposito, Toms River, spoke regarding July 12, 2011 Animal Shelter incident.

Carol Benson spoke regarding Lakehurst Road sidewalk bids; Council Member Manforti membership on Toms River Municipal Utilities Authority; Toms River Municipal Utilities Authority commissioner benefits; At-Large Council duties, and Hurricane Irene.

Pat Golebeski spoke regarding street sweeping in the Township.

No further comments from the public appearing, a motion was made by Council Member Kubiak, seconded by Council Member Maruca, and carried to enter into a private Executive Session at 9:07 p.m.

A motion was made by Council Member Kubiel, seconded by Council Member Maruca, and carried, to adopt the following resolution, which was read into the record by the Township Clerk:

RESOLUTION

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

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

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

1. The Township Council will now conduct a private Executive Session.
2. The general nature of the subject matter to be discussed and/or acted upon is as follows:
 1. Matters of Personnel
 2. Attorney Client Privilege
 3. Contract negotiations
3. The following specific topics were announced.
 - a. Personnel
 - b. Executive Session Minutes August 23, 2011
 - c. Open Public Meetings Act-Permissible E-Mailing
 - d. ADA Issues – Fall Paving
 - e. Ward Alignments
 - f. River Lady Boat Slip Lease
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 Manforti	Yes
Council Member Maruca	Yes
Council Member McGuckin	Yes
Council Member Sevastakis	Yes
Council Member Wittmann	Yes
Council Vice-President Kubiel	Yes
Council President Hill	Yes

The Council reconvened the public portion at 9:32 PM, all Council Members Manforti, Kubiel, Maruca, McGuckin, Sevastakis, Wittmann and Council President Hill present.

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

RESOLUTION APPROVING EXECUTIVE SESSION MINUTES

WHEREAS, the attached Executive Session Minutes have been reviewed as to form and accuracy;

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

1. The following Executive Session Minutes are approved:

August 23, 2011 Regular Meeting

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

No other business appearing, the meeting was adjourned at 9:34 P. M., with Council Members Kubiel, Manforti, Maruca, McGuckin, Sevastakis, Wittmann and with Council President Hill voting yes.

MAURICE B. HILL, COUNCIL PRESIDENT

J. MARK MUTTER, TOWNSHIP CLERK