

January 14, 2020

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 Maruca and opened with the salute to the Flag.

Council President Maruca read the following statement pursuant meeting notice to the Open Public Meetings Act:

OPEN PUBLIC MEETINGS ACT
STATEMENT

This meeting is convened in accordance with the provisions of the Open Public Meetings Act of New Jersey. Let the official Minutes reflect that adequate notice of this meeting has been provided by publishing a notice in the Asbury Park Press on Wednesday, January 8, 2020, the Press of Atlantic City and the Star Ledger and also forwarded to the Toms River Times, Toms River Patch and WOBN News on Monday, January 6, 2020, 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 Friday, January 3, 2020. The meeting dates have also been posted on the Township web page.

Roll Call:

Council Member Huryk	- Present
Council Member Kopp	- Present
Council Member Lotano	- Present
Council Member Rodrick	- Present
Council Member Turnbach	- Present
Council Vice-President Geoghegan	- Present
Council President Maruca	- Present

APPROVAL OF MINUTES

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, Rodrick, Turnbach, and Council President Maruca voting yes, and with Council Members Kopp, Lotano, and Geoghegan abstaining as they were not on the governing body in 2019, to approve the **Regular Meeting of December 23, 2019**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof

A motion was made by Council Member Huryk, seconded by Council Member Rodrick, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, and Council President Maruca voting yes, and with Council Member Turnbach abstaining, to approve the **Re-organization Meeting of January 3, 2020**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS

A motion was made by Council Member Turnbach, seconded by Council Member Huryk, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and with Council President Maruca voting yes, to **hold Dr. Martin Luther King Day Proclamation until the next Council Meeting on January 28, 2020**.

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

ORDINANCE OF THE TOWNSHIP COUNCIL, OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 68 (DIVISION OF COMMUNITY SERVICE), AND CHAPTER 50 (DEPARTMENT OF LAW ENFORCEMENT) OF THE TOWNSHIP CODE TO REASSIGN THE DIVISION OF COMMUNITY SERVICE TO THE DEPARTMENT OF LAW ENFORCEMENT

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

1. Section 1 (Establishment; jurisdiction) of Chapter 68 (Division of Community Service) of the Township Code is hereby amended and supplemented to provide as follows:

§68-1. Establishment; jurisdiction.

The Division of Community Service is hereby established within and under the Department of Law Enforcement to administer and coordinate the emergency medical transport services provided by the Township as a supplement to the services provided by the Township's volunteer rescue squads.

2. Section 2 (Division officials) of Chapter 68 (Division of Community Service) of the Township Code is hereby amended and supplemented to provide as follows:

§68-2. Division officials.

Divisional functions shall be administered and staff supervised by the Director of Emergency Medical Services-CSO Program, who shall report directly to the Chief of Police or his designee. The Director of Emergency Medical Services-CSO Program shall be assisted by the Supervisor(s) of Emergency Medical Services.

3. Section 3 (Policies and procedures) of Chapter 68 (Division of Community Service) of the Township Code is hereby amended and supplemented to provide as follows:

§68-3. Policies and procedures.

The Director of Emergency-Medical Services-CSO Program shall develop and upon approval of the Chief of Police, or his designee, promulgate a policies and procedures manual establishing the protocols governing the CSO program. The policies and procedures manual shall be periodically updated. All community service officers must at all times be familiar with and follow the policies and procedures so established.

4. Section 4 (Divisions; bureaus and special positions) of Chapter 50 (Department of Law Enforcement) is hereby amended and supplemented to provide as follows:

§50-4. Division, bureaus and special positions.

A. Divisions, bureaus and special positions may be established by the Chief of Police by regulations as hereinafter provided, except that such regulations shall provide for Detective and Safety Bureaus and shall be subject to the approval of the Business Administrator in his or her capacity as appropriate authority. Promotions to detective and traffic safety officer shall be made after considering the recommendations of the Chief of Police.

B. As set forth and governed by Chapter 68 of the Township Code, a Division of Community service is established within and under the Department of Law Enforcement.

5. All other provisions of Chapter 68 (Division of Community Service) and Chapter 50 (Department of Law Enforcement) remain in full force and effect.

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

7. If any provision of this ordinance is for any reason invalidated by superseding legislation or judicial decision, that provision shall be severed, and the remaining provisions shall remain in full force and effect.

8. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and 20 days after publication as required by law.

A motion was made by Council Member Huryk, seconded by Council Member Turnbach and carried, with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and with Council President Maruca 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 January 14, 2020 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 January 28, 2020 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.

ALISON CARLISLE
TOWNSHIP CLERK

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, January 17, 2020.

Ordinance was adopted on first reading with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and with Council President Maruca voting yes.

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

ORDINANCE OF THE TOWNSHIP COUNCIL, OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 46 (DEPARTMENT OF HEALTH, HUMAN SERVICES, AND HUMAN RESOURCES) AND CHAPTER 56 (DEPARTMENT OF RECREATION) OF THE TOWNSHIP CODE TO REASSIGN THE DIVISION OF YOUTH SERVICES TO THE DEPARTMENT OF RECREATION

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

9. Section 2B (Divisions of Department), Section 5 (Division of Youth Services) and Section 6 (Powers and Duties of Division of Youth Services) of Chapter

46 (Department of Health, Human Services, and Human Resources) are hereby repealed and re-designated as “reserved.”

10. Section 3 (Positions created) of Chapter 56 (Department of Recreation) is hereby amended and supplemented as follows:

- G. Division of Youth Services.
- H. Salaries. The salaries and compensation of all employees shall be fixed by Council and shall be within the current salary ordinance.

11. Chapter 56 (Department of Recreation) is hereby amended and supplemented as follows:

§56-14. Division of Youth Services.

- A. There is hereby created, within the Department of Recreation, the Division of Youth Services, the head of which shall be the Division Manager of Youth Services, who shall report to the Director of Recreation, and who shall have a bachelor's degree in behavioral sciences and five years' experience in youth service activities or a master's degree and three years' experience in youth service activities and who shall be a regular employee of the Township. . The Division Manager of Youth Services may be assisted by the Deputy Division Manager of Youth Services, who will assist the Division Manager with respect to youth services matters.
- B. Under the direction and supervision of the Division Manager of Youth Services, the Division of Youth Services shall:
 - 1. Develop programs and coordinate projects directed to the development of needed youth services in the Township.
 - 2. Act as liaison between the Township Council and various youth service agencies and programs, both public and private, on the local, state and federal levels.
 - 3. Actively seek out and advise Township Council of grants, funds and loans which may be available for youth services and related programs.

12. All other provisions of Chapter 46 (Department of Health, Human Services, and Human Resources) and Chapter 56 (Department of Recreation) remain in full force and effect.

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

14. If any provision of this ordinance is for any reason invalidated by superseding legislation or judicial decision, that provision shall be severed, and the remaining provisions shall remain in full force and effect.

15. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and 20 days after publication as required by law.

A motion was made by Council Member Huryk, seconded by Council Member Rodrick and carried, with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and with Council President Maruca 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 January 14,

2020 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 January 28, 2020 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.

ALISON CARLISLE
TOWNSHIP CLERK

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, January 17, 2020.

Ordinance was adopted on first reading with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and with Council President Maruca voting yes.

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

**ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER
321 (GAMES OF CHANCE AND AMUSEMENT GAMES) OF THE TOWNSHIP
CODE TO EXEMPT LOCAL VOLUNTEER FIRE AND FIRST AID SQUADS FROM
LICENSE FEES FOR BINGOES AND RAFFLES**

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

1. Subsection 12 (License fees for raffles) of Chapter 321 (Games of Chance and Amusement Games) is hereby amended and supplemented to add the following provision:

D. Toms River volunteer fire companies and first aid squads are exempt from the fees imposed by the Township pursuant this subsection. This exemption does not apply to fees required by State of New Jersey or any other non-Township entity.

2. Subsection 13 (License fees for bingo) of Chapter 321 (Games of Chance and Amusement Games) is hereby amended and supplemented to provide as follows:

A. The license fee for bingo shall be \$20 for each occasion upon which any game or games are to be conducted under such license.

B. Toms River volunteer fire companies and first aid squads are exempt from the fees imposed by the Township pursuant this

subsection. This exemption does not apply to fees required by the State of New Jersey or any other non-Township entity.

3. All other provisions of Chapter 321 (Games of Chance and Amusement Games) remain in full force and effect.

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

5. If any provision of this ordinance is for any reason invalidated by superseding legislation or judicial decision, that provision shall be severed, and the remaining provisions shall remain in full force and effect.

6. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and 20 days after publication as required by law

A motion was made by Council Member Rodrick, seconded by Council Member Geoghegan and carried, with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and with Council President Maruca 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 January 14, 2020 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 January 28, 2020 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.

ALISON CARLISLE
TOWNSHIP CLERK

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, January 17, 2020.

Ordinance was adopted on first reading with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and with Council President Maruca voting yes.

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

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 147-1
(SALARY RANGES) OF CHAPTER 147 (SALARIES AND COMPENSATION)
OF THE TOWNSHIP CODE TO ESTABLISH THE
SALARY RANGES OF CONFIDENTIAL EMPLOYEES**

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. Subsection 147-1 (Salary ranges) of Chapter 147 (Salaries and Compensation) of the Code of the Township of Toms River, Ocean County, New Jersey, is amended and supplemented to amend the salary ranges of Township Confidential Employees, as set forth on Schedule "H", which is attached to and made a part of this Ordinance.

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 147 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.

5. This Ordinance is not legislative in nature, and it does not need to be Codified in the Code of the Township of Toms River, Ocean County, New Jersey.

CONFIDENTIAL EMPLOYEES

LONGEVITY SCHEDULE:

EACH EMPLOYEE HIRED BEFORE NOVEMBER 29, 1990 SHALL BE PAID, IN ADDITION TO BASE PAY, A LONGEVITY INCREMENT BASED UPON YEARS OF SERVICE IN THE EMPLOY OF THE TOWNSHIP AS FOLLOWS:

<u>Years of Service</u>	<u>Increment of Base Pay</u>
Upon completion of 3	2%
Upon completion of 5	4%
Upon completion of 9	6%
Upon completion of 12	8%
Upon completion of 15	10%

EACH EMPLOYEE HIRED AFTER NOVEMBER 29, 1990 SHALL BE PAID, IN ADDITION TO BASE PAY, A LONGEVITY INCREMENT BASED UPON YEARS OF SERVICE IN THE EMPLOY OF THE TOWNSHIP AS FOLLOWS:

<u>Years of Service</u>	<u>Increment of Base Pay</u>
Upon completion of 5	2%
Upon completion of 9	4%
Upon completion of 12	6%
Upon completion of 15	8%

EACH EMPLOYEE HIRED AFTER JANUARY 1, 1998 SHALL BE PAID, IN ADDITION TO BASE PAY, A LONGEVITY INCREMENT BASED UPON YEARS OF SERVICE IN THE EMPLOY OF THE

TOWNSHIP AS FOLLOWS:

<u>Years of Service</u>	<u>Increment of Base Pay</u>
Upon completion of 9	4%
Upon completion of 12	6%
Upon completion of 15	8%

No Longevity Benefit for Employees hired AFTER 1/1/2014.

Chief of Police as Per Contract.

SCHEDULE "H"

"SEE ATTACHMENTS"

A motion was made by Council Member Huryk, seconded by Council Member Turnbach and carried, with Council Members Geoghegan, Huryk, Kopp, Lotano, Turnbach, and Council President Maruca voting yes, and with Council Member Rodrick abstaining, 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 January 14, 2020 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 January 28, 2020 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.

ALISON CARLISLE
TOWNSHIP CLERK

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, January 17, 2020.

Ordinance was adopted on first reading with Council Members Geoghegan, Huryk, Kopp, Lotano, Turnbach, and Council President Maruca voting yes, and with Councilman Rodrick abstaining..

CONSENT AGENDA

Township Clerk Carlisle 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 Huryk, seconded by Council Member Kopp, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and with Council President Maruca voting yes, to approve all the following items listed on the Consent Agenda.

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE FIRST
ONE (1) YEAR CONTRACT EXTENSION OF AN OPEN-ENDED CONTRACT WITH
OCEAN COUNTY RECYCLING, INC., FOR RECYCLING SERVICES FOR THE
RECYCLING AND DISPOSAL OF CONCRETE, ASPHALT AND TREE STUMPS
RECEIVED AT THE MUNICIPAL RECYCLING CENTER, COMMENCING
FEBRUARY 7, 2020 THROUGH FEBRUARY 6, 2021**

JANUARY 14, 2020

WHEREAS, resolution of the Township Council dated February 7, 2017, authorized the award of a contract for recycling services for the recycling and disposal of concrete, asphalt, and tree stumps received at the Municipal Recycling Center to Ocean County Recycling, Inc., commencing February 7, 2017 through February 6, 2020; and

WHEREAS, the terms of the original contract award included the provision authorized pursuant to N.J.S.A. 40A:11-5(1)(s), which allows for the contract to be extended for no more than one (1) two year, or two (2) one-year extensions upon expiration of the original contract term; and

WHEREAS, the Division of Purchasing and Public Works have determined it is in the best interest of the Township of Toms River to extend the contract with Ocean County Recycling, Inc., for the first additional one (1) year term, commencing February 7, 2020 through February 6, 2021;

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 first one (1) year term extension of the existing contract with Ocean County Recycling, Inc. for recycling services for the recycling and disposal of concrete, asphalt and tree stumps received at the Municipal Recycling Center, under the same terms and conditions as the original contract award.
2. The extension of this contract shall be subject to all the terms and conditions of the original contract award:

Unit Price per Ton for Asphalt	\$5.00
Unit Price per Ton for Concrete	\$5.00
Unit Price per Ton for Tree Stumps	\$25.00

3. This will be an open-ended contract extension with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget.
4. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.
5. 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) Department of Public Works
 - e) Ocean County Recycling, Inc.
1497 Lakewood Road
Toms River, NJ 08755

CERTIFICATION

THIS IS TO CERTIFY that the funds for the first one (1) year extension of the open-ended contract with Ocean County Recycling, Inc., for recycling services for the recycling and disposal of concrete, asphalt and tree stumps received at the Municipal Recycling Center, 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 accounts at that time.

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: January 14, 2020

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING
APPROVAL TO SUBMIT AN EXTENSION OF TIME REQUEST WITH THE NEW
JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FY2018 MUNICIPAL
AID GRANT FOR THE ELEVATION OF SIXTH TERRACE, AND PORTIONS OF
HARBORSIDE DRIVE AND SPINDRIFT ROAD PROJECT**

JANUARY 14, 2020

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 formally approves the extension of time request for the above-stated project, in accordance with letter dated January 8, 2020, from Robert J. Chankalian, PE, CME, Township Engineer, addressed to Mr. Thomas Berryman, NJDOT, Bureau of Local Aid – District 3, in connection with the FY2018 Municipal Aid Program, Elevation of Sixth Terrace, Harborside Drive and Spindrift Road project, Request for Time Extension, Township of Toms River, Ocean County, New Jersey, Job No. 17-018, which is attached hereto.

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) Division of Engineering
- e) New Jersey Department of Transportation
Bureau of Local Aid – District 3
1035 Parkway Avenue
PO Box 600
Trenton, NJ 08625
Attn: Mr. Thomas Berryman

Certified as a true copy of the Resolution adopted by the Township Council on this 14th day of January, 2020.

ALISON CARLISLE
TOWNSHIP CLERK

My signature and the Clerk's Seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____
Township Clerk Presiding Officer

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT FOR ONE (1) NEW AND UNUSED SPIDER LIFT – CMC 60 HD + ARBOR PRO FOR THE DEPARTMENT OF PARKS, BUILDINGS & GROUNDS, TO ALL ACCESS EQUIPMENT, AS SOLE BIDDER MEETING ALL THE BID SPECIFICATIONS, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$85,450.00

JANUARY 14, 2020

WHEREAS, bids were invited on December 27, 2019 for One (1) New and Unused Spider Lift –CMC 60 HD + Arbor Pro for the Department of Parks, Buildings & Grounds; and

WHEREAS, only one bid was received, as follows:

All Access Equipment
891 Woburn Street
Wilmington, MA 01887

One (1) New/Unused Spider Lift, CMC 60 HD + Arbor Pro or Equal

Make/Model: 2020 60 HD + Arbor Pro \$81,052.00

Optional Equipment:

- 1. 120V 20A Plug-in electric motor \$ 3,250.00
- 2. Track socks \$ 398.00
- 3. 120V 20A electric plug in the basket
(Weatherproof double 120V 20A GFCI electric outlet in basket control station. Cable to be mounted inside booms. Include additional chassis mounted GFCI breakers inside weather proof box with clear cover and 120V 15A/20A pigtail cable with male plug). Must be plugged into 120V wall outlet for basket outlet to work \$ 750.00
- 4. Rotatable 2 person cage style basket (allows lift with 2 person basket to go through 36" opening) \$ 2,450.00
- 5. Non-marking rubber tracks upgrade \$ 785.00
- 6. High pressure air/water outlet in the basket \$ 650.00
- 7. 8-10 GPM hydraulic tool outlet in basket \$ 3,850.00
- 8. Additional fall arrest aerial lift harness and lanyard kit including storage bag \$ 69.00

AWARD WILL BE AS FOLLOWS:

Make/Model: 2020 60 HD + Arbor Pro: \$81,052.00

Optional Equipment:

- 1. 120V 20A Plug-in electric motor: \$ 2,250.00

2. Track socks:	\$ 398.00
3. 120V 20A electric plug:	\$ 750.00
TOTAL:	\$85,450.00

WHEREAS, the bids have been reviewed by the Purchasing Division and the Department of Parks, Buildings & Grounds, and they have recommended that the award of contract be made to All Access Equipment, as sole bidder meeting all the specifications, as stated above, for a total contract price not to exceed \$85,450.00;

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

1. It hereby awards a contract to All Access Equipment, as sole bidder meeting all the specifications, as stated above, for a total contract price not to exceed \$85,450.00. Funds in the maximum contract price not to exceed \$85,450.00, are available in Account No. X-04- -248-002. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

2. The award of this contract is subject to all the terms and conditions of the bid specifications.

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
- e) All Access Equipment
891 Woburn Street
Wilmington, MA 01887

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to All Access Equipment, for a total maximum contract amount not to exceed \$85,450.00, are available in Account No. X-04- -248-002.

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.

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: January 14, 2020

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN OPEN-ENDED CONTRACT TO ASCEND CONSTRUCTION MANAGEMENT, INC., WHO MEETS ALL OF THE BID SPECIFICATIONS, FOR GENERAL CONSTRUCTION AND REPAIR SERVICES, IN AN AMOUNT NOT TO EXCEED \$150,000.00 PER YEAR BASED UPON THE BID SPECIFICATIONS

JANUARY 14, 2020

WHEREAS, bids were invited on December 10, 2019, for General Construction and Repair Services; and

2. Term of Contract shall be effective for two (2) consecutive years, from January 14, 2020 through January 13, 2022. Pursuant to N.J.S.A. 40A:11-15, this contract may be extended for up to two (2) additional one-year terms, or one (1) additional two-year term after the expiration of the original contract term. Contract extensions shall be subject to the availability and appropriation of funds for each year the contract is to be extended. All terms and conditions of the contract shall remain the same. Any price changes authorized on contract extensions shall be pursuant to N.J.S.A. 40A:11-15.

3. 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.

4. 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) Department of Parks, Buildings and Grounds
- e) Aforementioned bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contract awarded to Ascend Construction Management, Inc., is contingent upon the availability of funds in the appropriate municipal budget year, and will not exceed \$150,000.00 per year based on the bid specifications.

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.

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: January 14, 2020

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO ADVERTISE FOR AND RECEIVE PROPOSALS FOR SERVICES EXEMPT FROM THE BIDDING PROCESS FOR THE CALENDAR YEAR 2020

JANUARY 14, 2020

WHEREAS, the Township of Toms River is desirous of receiving proposals for services exempt from the bidding process for Calendar Year 2020 for the following services:

- 1. Zoning Prosecutor
- 2. Additional Redevelopment Attorney
- 3. Community Development – HUD Planner

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

1. The Division of Purchasing is authorized to prepare bid specifications for the above-mentioned services.
2. The Division of Purchasing is authorized to advertise for the receipt of proposals for the above-mentioned services.
3. The funds for these contracts are contingent upon the availability of funds in the applicable municipal budget.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Division of Purchasing
 - b) Chief Financial Officer
 - c) Township Attorney

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT
OF A 100% A DISABLED VETERANS' STATUS FOR THE OWNER OF BLOCK
394.25 LOT 42.03 EFFECTIVE JANUARY 1ST 2019, AND PROVIDING THAT
PROPERTY TAXES FOR 2019, AS OF THE EFFECTIVE DATE, BE CANCELLED
AND/OR REFUNDED**

JANUARY 14, 2020

WHEREAS, the owner of real property in the Township of Toms River known as Block 394.25 Lot 42.03 located at 1878, Greenwood Road has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective January 1st, 2019 and

WHEREAS, property taxes for 2019, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

WHEREAS, any taxes paid after the date of this resolution by the property owner (or on his behalf), are to be cancelled and/or refunded from the date 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. All 2019 real property taxes for Block 394.25 Lot 42.03 due on or after JANUARY 1ST, 2019 shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 394.25 lot 42.03 if any, shall be refunded on a pro-rated basis from January 1st 2019
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor Maurice B, HILL Jr.
 - b) Donald Guardian, Business Administrator
 - c) Kenneth B. Fitzsimmons, Township Attorney
 - d) Sharon Smith, Chief Financial Officer
 - e) William Laird, Township Assessor
 - f) Carl Dileo, Township Tax Collector

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP

OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% A DISABLED VETERANS' STATUS FOR THE OWNER OF BLOCK 413.04 LOT 19 EFFECTIVE JUNE 20th 2019, AND PROVIDING THAT PROPERTY TAXES FOR 2019, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

JANUARY 14, 2020

WHEREAS, the owner of real property in the Township of Toms River known as Block 413.04 Lot 19 located at 1365 Vincenzo Drive has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective June 20th, 2019 and

WHEREAS, property taxes for 2019, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

WHEREAS, any taxes paid after the date of this resolution by the property owner (or on his behalf), are to be cancelled and/or refunded from the date 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. All 2019 real property taxes for Block 413.04 Lot 19 due on or after June 20th, 2019 shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 413.04 lot 19 if any, shall be refunded on a pro-rated basis from June 20th 2019
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor Maurice B, HILL Jr.
 - b) Donald Guardian, Business Administrator
 - c) Kenneth B. Fitzsimmons, Township Attorney
 - d) Sharon Smith, Chief Financial Officer
 - e) William Laird, Township Assessor
 - f) Carl Dileo, Township Tax Collector

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% A DISABLED VETERANS' STATUS FOR THE OWNER OF BLOCK 135 LOT 2.02 C1601 EFFECTIVE APRIL 23rd 2019, AND PROVIDING THAT PROPERTY TAXES FOR 2019, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

JANUARY 14, 2020

WHEREAS, the owner of real property in the Township of Toms River known as Block 135 Lot 2.02 C1601 located at 1601 Aqueduct Court has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective April 23rd, 2019 and

WHEREAS, property taxes for 2019, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

WHEREAS, any taxes paid after the date of this resolution by the property owner (or on his behalf), are to be cancelled and/or refunded from the date 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. All 2019 real property taxes for Block 135 Lot 2.02 C1601 due on or after April 23rd, 2019 shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 135 lot 2.02 C1601 if any, shall be refunded on a pro-rated basis from April 23rd 2019
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor Maurice B, HILL Jr.
 - b) Donald Guardian, Business Administrator
 - c) Kenneth B. Fitzsimmons, Township Attorney
 - d) Sharon Smith, Chief Financial Officer
 - e) William Laird, Township Assessor
 - f) Carl Dileo, Township Tax Collector

RESOLUTION APPOINTING A REGULAR MEMBER TO THE RENT LEVELING BOARD

JANUARY 14, 2020

WHEREAS, the Township Council has appointed member(s) of the Toms River Township 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 individual(s) shall be and is hereby appointed as member(s) of the Township of Toms River Rent Leveling Board with term as noted below effective January 1, 2020 to December 31, 2024.

REGULAR MEMBER

Ernest Standard

2. The Township Clerk shall send a certified copy of this resolution to each of the following:
 - a. Office of the Mayor
 - b. Office of the Township Council
 - c. Township Attorney
 - d. Rent Leveling Board
 - e. Ernest Standard
1861 Hooper Avenue
Toms River, NJ 08753
Appointee(s) who shall present themselves(s) before the Township Clerk and take the Oath of Office before the appointment created hereby shall become effective.

RESOLUTION AUTHORIZING THE TOWNSHIP OF TOMS RIVER, NEW JERSEY THROUGH THE TOMS RIVER POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO

**ENABLE THE TOMS RIVER POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS
DEPARTMENT OF DEFENSE EQUIPMENT**

JANUARY 14, 2020

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the TOWN COUNCIL of the Township of Toms River, New Jersey that the Toms River Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from January 1, 2020 to December 31, 2020; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Toms River Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A", which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Toms River Police Department, without restriction; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Toms River Police Department is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available in the period of time for which this resolution authorizes: see attached list of equipment categories; and

BE IT FURTHER RESOLVED that the Toms River Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Toms River Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; and requests to acquire "DEMIL B through Q" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes, with Program participation and all property request authorization

terminating on December 31 of the current calendar year from January 1, 2020 to December 31, 2020.

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 certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor
 - b) Business Administrator
 - c) Township Attorney
 - d) Township Clerk
 - e) Toms River Police Department
 - f) Police Department
Attn: Lt. Mike Miller

RESOLUTION

JANUARY 14, 2020

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

<u>Taxi Company</u>	<u>License #, Year, Car Description, Vin#</u>			
A Outstanding Taxi	102-20	2003	Chrysler	05950
Ocean Taxi	702-20	2005	Toyota	63869

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 PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE NUMBER 1507-44-043-006 ISSUED TO OVERDUE, LLC. ,

LOCATED AT 2016 ROUTE 37 EAST TOMS RIVER, NJ 08753

JANUARY 14, 2020

WHEREAS, an application has been filed for PLACE-TO-PLACE TRANSFER of Plenary Retail Distribution License #1507-44-043-006 issued to Overdue, LLC., to be located at 2016 Route 37 East Toms River, NJ; 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 ordinance and conditions consistent with Title 33;

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 authorizes: the Place-To-Place Transfer to place Plenary Retail Distribution License Number 1507-44-043-006, held by "Overdue, LLC. d/b/a EZ Liquors located at 2016 Route 37 East, Toms River, NJ, 08753.

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

- a) Police Department
- b) Chief Financial Officer
- c) Council
- d) Attorney
- e) State of New Jersey Division of Taxation
PO Box 999
Trenton, NJ 08646-0999
- f) Jason Mandia, Esq.
685 Neptune Boulevard
Neptune, NJ 07753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR MINOR SITE PLAN KNOWN AS HANSEN, BLOCK 814, LOTS 3, 20 AND 29 (ROUTE 37 EAST)

January 14, 2020

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan entitled Robert Hansen, Block 814, Lots 3, 20 and 29 (Route 37 East) that all improvements presently under a maintenance bond have been maintained in accordance with Township standards.

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

- A. Maintenance Surety Bond in the amount of \$70.00 currently being held in account number X-19- -601-795 is hereby released.

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

- a. Engineer
- b. Finance Department
- c. Township Attorney
- d. Rose Hansen
3193 Windsor Avenue
Toms River, N.J. 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS LESTER GLENN AUTO GROUP – MAZDA DEALERSHIP, (BRK, LLC), BLOCK 644, LOT 40 (101 ROUTE 37 EAST)

January 14, 2020

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 644, Lot 40.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$8,730.00 which represents the required ninety percent portion of the Performance Bond for improvements and the Safety and Stabilization guarantee amount.
- 2) Check in the \$970.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$685.00 which represents the required escrow amount for inspection fees.

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 BRK, LLC, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a..Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. BRK, LLC.
PO Box 908
Toms River, NJ 08754

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS BANDWAGON DINER, BLOCK 794.02, LOTS 1 THRU 6, 16 AND 17 (2500 ROUTE 37 EAST)

January 14, 2020

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 794.02, Lots 1 thru 6, 16 and 17.

WHEREAS, Performance Bonds have been posted as follows:

- A. Check in the amount of \$80,006.50.00 which represents the entire performance guarantee amount.

- B. Check in the amount of \$6,205.00 which represents the initial required escrow amount for inspection fees.

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 Bandwagon Diner, 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.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Sait Aydin
Bandwagon Diner
2500 Route 37 East
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS ACADEMY LINES, LLC, BLOCK 165, LOT 9 (2253/2271 LAKEWOOD ROAD)

January 14, 2020

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 165, Lot 9.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00 which represents the Safety and Stabilization guarantee amount.

- 2) Check in the amount of \$2,607.50 which represents the initial required escrow amount for inspection fees.

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 Academy Lines, LLC, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney

- d. Academy Lines, LLC.
111 Paterson Avenue
Hoboken, NJ 07030

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING ADDITIONAL PERFORMANCE GUARANTEES FOR THE INSTALLATION OF MONUMENTS FOR A MAJOR SUBDIVISION PLAN KNOWN AS 1209 CHURCH ROAD, LLC, BLOCK 410, LOTS 2, 8 AND 9 (1209 CHURCH ROAD)

January 14, 2020

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision known as 1209 Church Road, LLC, Block 410, Lots 2, 8 and 9.

WHEREAS, Additional Performance Bonds have been posted as follows:

- 1) Check in the amount of \$2,700.00, which represents the required additional funds for the installation of fifteen monuments;

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 Jankim Properties, LLC, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Jankim Properties, LLC
501 Manchester Avenue
Toms River, NJ 08755

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES FOR MAJOR SITE PLAN KNOWN AS Y & A ASSOCIATES, BLOCK 507.52, LOT 24 (651 ROUTE 37 WEST)

January 14, 2020

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan entitled Y & A Associates from 1979, Block 507.52, Lot 24 (651 Route 37 West) that all improvements presently under a performance bond have been maintained in accordance with Township standards.

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

- A. Performance Bond in the amount of \$1,457.00 accepted by Resolution on December 11, 1979, and currently being held in account number X-19- -601-162, is hereby released.

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

- a. Engineer
- b. Finance Department
- c. Township Attorney
- d. Y & A Associates
651 Route 37 West Avenue
Toms River, N.J. 08755

REPORTS

A motion was made by Council Member Turnbach, seconded by Council Member Huryk, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council President Maruca voting yes, to approve the following Reports.

	2019	2018
Bey Lea Golf Course – December	\$53,502.47	\$50,838.93
Bey Lea Golf Course – YTD through December	\$1,229,969.34	\$1,138,710.78
Winding River Ice Rink – December	\$111,448.00	\$130,481.50
Winding River Ice Rink – YTD through December	\$924,961.62	\$907,357.55
Building Permits - December	\$304,993.00	\$204,524.00
Building Permits – YTD through December	\$2,666,686.00	\$2,437,186.00

APPROVAL OF BILLS

Council President Maruca asked for a report on the bills.

The Bill List, dated **January 10, 2020** was approved on motion by Council Member Turnbach, seconded by Council Member Huryk, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council President Maruca voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

Councilman Geoghegan abstained due to Business conflicts on the following:

Purchase Order 20-00056, payable to Christopher Dudzik in the amount of \$66,667.00

Purchase Order 20-00057, payable to Gina Mendola in the amount of \$33,333.00.

Councilwoman Huryk abstained due to Business conflicts on the following:

Purchase Order 19-06855, payable to Remington & Vrnick Engineers in the amount of \$11,872.50.

Purchase Order 20-00002, payable to Recreation Salaries in the amount of \$8,487.64.

Councilman Kopp abstained due to Business conflicts on the following:

Purchase Order 20-00056, payable to Christopher Dudzik in the amount of \$66,667.00

Purchase Order 20-00057, payable to Gina Mendola in the amount of \$33,333.00.

Councilman Lotano abstained due to Business conflicts on the following:

Purchase Order 20-00056, payable to Christopher Dudzik in the amount of \$66,667.00

Purchase Order 20-00057, payable to Gina Mendola in the amount of \$33,333.00.

Purchase Order 19-06606, payable to CME Associates in the amount of \$148.00

Purchase Order 19-06855, payable to Remington & Vernick Engineers in the amount of \$337.50.

Purchase Order 19-06858, payable to Dasti, McGuckin, Attorneys at Law in the amount of \$270.00.

Councilwoman Maruca abstained due to Business conflicts on the following:

Purchase Order 19-06858, Dasti, McGuckin, Attorneys at Law in the amount of \$3,510.00

Purchase Order 20-00112, NJ Motor Vehicle Commission in the amount of \$60.00.

Purchase Order 20-00002, payable to NJ MVC Lease Program in the amount of \$4,493.50.

Councilman Turnbach abstained due to Business conflicts on the following:

Purchase Order 19-06858, Dasti, McGuckin, Attorneys at Law in the amount of \$3,510.00

Purchase Order 20-00002, payable to Magistrate Salaries in the amount of \$7,499.70.

ELECTED OFFICIALS COMMENTS

Mayor Hill introduced the new Chief Financial Officer Alexander Davidson. He thanked Councilman Turnbach and Council for Code Blue efforts. He also announced that meet the Mayor Meetings start at 6:00 p.m., every third Tuesday of each month and would like feedback from residents.

Councilman Turnbach congratulated the Mayor and the new elect Council Members. He also spoke on school funding.

Councilman Geoghegan look forward to a very good year and spoke regarding school funding.

Councilwoman Huryk congratulated Turnbach and Mayor Hill on Code Blue legislations. He also spoke regarding school funding; shared services; and more Arts through the Township.

Councilman Lotano gave congratulations to Councilman Turnbach for success with Code Blue, and announced the literacy New Jersey Program at the library, and meet the Mayor every Tuesday.

Councilman Rodrick thanked Turnbach and Mayor for Code Blue efforts.

Councilman Kopp congratulated Turnbach and Mayor for Code Blue efforts.

Councilwoman Maruca thanked Turnbach and Mayor for Code Blue. She spoke of bi-partisan efforts and Toms River Schools budget.

PUBLIC COMMENTS

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

Michelle Williams, 111 Till Drive, announced that the school funding comments will be discuss at the Board of Education Meeting.

No further comments from the public appearing, a motion was made by Council Member Huryk, seconded by Council Member Rodrick, and carried to enter into a private Executive Session at 6:30 p.m.

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

R E S O L U T I O N

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

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

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

1. The Township Council will now conduct a private Executive Session.
2. The general nature of the subject matter to be discussed and/or acted upon is as follows:

Matters of Personnel
Matters of Litigation
Attorney Client Privilege
Land Acquisitions

3. The following specific topics were announced.
 1. Executive Session Minutes: December 23, 2019 Regular Meeting
 2. Personnel Issues
 3. Review of status of all real property acquisitions. (voluntary acquisitions and eminent domain actions)
 4. US Department of Justice RLUIPA inquiry
 5. Review pending litigation matters
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 Huryk	- Present
Council Member Kopp	- Present
Council Member Lotano	- Present
Council Member Rodrick	- Present
Council Member Turnbach	- Present
Council Vice-President Geoghegan	- Present
Council President Maruca	- Present

The Council **reconvened** the public portion at 7:30 P.M., a motion was made by Council Member Huryk, seconded by Council Member Geoghegan, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council Present Maruca voting yes.

A motion was made by Council Member Maruca, seconded by Council Member Turnbach, and carried with Council Members Huryk, Rodrick, Turnbach, and with Council President Maruca voting yes, to approve the following Resolution.

**RESOLUTION APPROVING
EXECUTIVE SESSION MINUTES**

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

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

1. The following Executive Session Minutes are approved:

December 23, 2019 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 7:33 P. M., on motion with Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council President Maruca voting yes.

MARIA L. MARUCA, COUNCIL PRESIDENT

ALISON CARLISLE, TOWNSHIP CLERK