

January 23, 2019

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 Wittmann and opened with the salute to the Flag.

Council President Wittmann 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 Tuesday, January 8, 2019 and also forwarded to the Toms River Times, Toms River Patch and WOBN News on Wednesday, January 3, 2019, 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 3, 2019. The Notice was also posted on the Township web page.**

Roll Call:

Council Member Huryk	- Present
Council Member Kubiel	- Present
Council Member Maruca	- Present
Council Member Rodrick	- Absent
Council Member Turnbach	- Present
Council Vice-President Hill	- Present
Council President Wittmann	- Present

A motion was made by Council Member Turnbach, seconded by Council Member Hill, and with Council Members Hill, Huryk, Kubiel, Maruca, Turnbach and Council President Wittmann voting yes, to approve an excused absence for Council Member Rodrick.

**APPROVAL OF MINUTES**

A motion was made by Council Member Kubiel, seconded by Council Member Huryk, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent, to approve the **Re-organization Meeting of January 3, 2019**. 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 Hill, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent, to make the following honoring proclamations a part of the Minutes.

Councilman Turnbach introduced Joseph Champagne, former Mayor of South Toms River, and presented a proclamation for Martin Luther King.

**Township of Toms River**

# Proclamation

January 23, 2019

**WHEREAS**, Dr. Martin Luther King, Jr. devoted his life to the advancement of civil rights and public service. He believed in a nation of freedom and justice for all, and challenged all citizens to help build a more perfect union and live up to the purpose and potential of America; and,

**WHEREAS**, Dr. King recognized that everyone can be great because everyone can serve, and during his lifetime encouraged all Americans to serve their neighbors and their communities; and,

**WHEREAS**, In 1994, Congress initiated the King Day of Service, a nationwide effort to transform the federal holiday honoring Dr. Martin Luther King, Jr. into a day of community service, grounded in Dr. King 's teachings, that helps solve social problems while focusing on bringing people together and breaking down the barriers that have divided us as a nation; and,

**WHEREAS**, Hundreds of thousands of volunteers in cities and towns across the nation participate in King Day service projects, in all 50 states, the District of Columbia, Guam, and Puerto Rico; and

**NOW, THEREFORE**, We, Mayor Thomas F. Kelaher and Council President George E. Wittmann Jr. of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, urge our citizens to honor the memory of Dr. King, to put his teachings into action by participating in the King Day of Service, and to find ways to give back not just on January 15<sup>th</sup> but everyday

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**Mayor Thomas F. Kelaher**

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**George E Wittmann Jr.**  
**Council President**

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**Maurice B. Hill**

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**Laurie A. Huryk**

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**Maria L. Maruca**

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**Daniel T. Rodrick**

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**Terrance L. Turnbach**

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**Brian S. Kubiel**

Councilman Hill introduced Dr Parvez Mahmood and spoke of his achievements. He is being honored for years of services at the Urology Department at Community Medical Center.

## Township of Toms River

# Proclamation

January 23, 2019

**WHEREAS, Dr. Parvez Mahmood** is a founding member , and past chair, of the Urology Dept. at Community Medical Center

**WHEREAS, Dr. Mahmood** received his medical degree from King Edward Medical University in Pakistan and subsequently completed his internship at Mt. Sinai Medical center in New York City.

**WHEREAS, Dr. Mahmood** went on to have residencies at VA Medical Center, Memorial Sloan Kettering Cancer center and New York university Medical Center

**WHEREAS, Dr. Mahmood** is currently an Adjunct Clinical Professor at Fox Chase Cancer Center and Clinical Assistant Professor at Rutgers Robert wood Johnson Medical school

**WHEREAS,** In 1975, **Dr. Mahmood** began his tenure at Community Medical Center and has been an integral member of the medical staff, helping hundreds upon hundreds of patients Throughout and Ocean and Monmouth County

**NOW, THEREFORE,** We, Mayor Thomas F. Kelaher and Council President George E. Whitmann Jr. of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, Do Honor **Dr. Parvez Mahmood** for his many years of service and dedication to the medical field and the health and wellbeing of the patients under his care

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**Mayor Thomas F. Kelaher**

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**George E Wittmann Jr.  
Council President**

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**Maurice B. Hill**

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**Laurie A. Huryk**

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**Maria L. Maruca**

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**Daniel T. Rodrick**

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**Terrance L. Turnbach**

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**Brian S. Kubiell**

Alison Carlisle, Township Clerk read the following Ordinance of which the title only was read in full:

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

**ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING: (1) A CHANGE-IN-USE PURSUANT TO N.J.A.C. 7:36-25.6 FOR A SECTION OF BEY LEA PARK (BLOCK 573, LOTS 1, 3, AND 4) FOR THE PURPOSES OF CONSTRUCTING A RECREATIONAL FACILITY FOR SPECIAL-NEEDS AND DISABLED CHILDREN AND ADULTS; AND (2) A LEASE/PROJECT AGREEMENT AND SUBRECIPIENT AGREEMENT WITH TOMS RIVER FIELD OF DREAMS LLC TO LEASE SUBJECT PREMISES AND CONSTRUCT AND OPERATE THE PROPOSED FACILITY**

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 Wittmann announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

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

Council Member Kubiel offered the following ordinance 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 is published in the Asbury Park Press.

The foregoing Ordinance was adopted on roll call by the following vote:

Council Member Huryk	Present
Council Member Kubiel	Present
Council Member Maruca	Present
Council Member Rodrick	Absent
Council Member Turnbach	Present
Council Vice-President Hill	Present
Council President Wittmann	Present

Alison Carlisle, Township Clerk read the following Ordinance of which the title only was read in full:

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

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

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 Wittmann announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

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

Council Member Kubiel offered the following ordinance and moved its adoption, Council Member Turnbach 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 is published in the Asbury Park Press.

The foregoing Ordinance was adopted on roll call by the following vote:

Council Member Huryk	Present
Council Member Kubiel	Present
Council Member Maruca	Present
Council Member Rodrick	Absent
Council Member Turnbach	Present
Council Vice-President Hill	Present
Council President Wittmann	Present

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 SECTION 383-5 E (10) OF CHAPTER 383 (PARKS, MUNICIPAL) THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, TO INCREASE RECREATION PROGRAM FEES FOR CAMP DISCOVERY 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 383-5 E (10) of Chapter 383 (Parks, Municipal) is amended to read as follows:

10) Camp Discovery (children). The fee for participation in Camp Discovery shall be between \$50.00 and \$100.00 per year.

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 383 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

3. If any part of 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 Hill, seconded by Council Member Turnbach and carried, with Council Members Hill, Huryk, Kubiel, Maruca, Turnbach, and Council President Wittmann, and with Council Member Rodrick absent, 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 23, 2019 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 February 24, 2019 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 Saturday, January 26, 2019.

Ordinance was adopted on first reading with Council Members Hill, Huryk, Kubiel, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING SECTION 383-5 E OF CHAPTER 383 (MUNICIPAL PARKS) TO ESTABLISH CHARGES FOR THE CAMP DISCOVERY AND SUMMER PLAYGROUND PROGRAMS**

**JANUARY 23, 2019**

**WHEREAS**, the Department of Recreation requested permission to increase fees for the Camp Discovery and Summer Playground Programs; and

**WHEREAS**, the Township Council of the Township of Toms River has determined that it is the best interest of the Township of Toms River to increase fees for the Camp Discovery and Summer Playground Programs;

**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 an amendment to Section E 10 and 15 of Chapter 383-5 (Park and Recreation Area Fees and Charges; Rules and Regulations), as follows:

**10)** Camp Discovery (children). The fee for participation in Camp Discovery in 2019 shall be \$50.00.

**15)** The fee for participation in the Summer Playground Program in 2019, to include all trips, shall be \$330.00.

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) Business Administrator
- c) Chief Financial Officer
- d) Township Attorney
- e) Township Council
- f) Department of Recreation

Council Member Maruca 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 THE FOLLOWING SALARY RANGES:**

**SCHEDULE "H" – CONFIDENTIAL EMPLOYEES, TO ESTABLISH THE COMPENSATION OF CONSTRUCTION OFFICIAL**

**SCHEDULE "H" – CONFIDENTIAL EMPLOYEES, TO ESTABLISH THE COMPENSATION OF DEPUTY MUNICIPAL CLERK AND FULL-TIME KENNEL AIDE**

**SCHEDULE "C" – SUPERVISORY EMPLOYEES – TO ESTABLISH THE COMPENSATION OF ASSISTANT RINK MANAGER,**

**OF SECTION 147-1 (SALARY RANGES) OF CHAPTER 147 (SALARIES AND COMPENSATION) 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. Schedule "H" (Confidential Employees) of Section 147-1 (Salary Ranges) of Chapter 147 (Salaries and Compensation) of the Code of the Township of Toms River, New Jersey (previously adopted pursuant to Ordinance No. 4576-18) is amended and supplemented to adjust the following salary range:

Construction Official - \$92,893.37 to \$152,950.00

2. Schedule "H" (Confidential Employees) of Section 147-1 (Salary Ranges) of Chapter 147 (Salaries and Compensation) of the Code of the Township of Toms River, New Jersey (previously adopted pursuant to Ordinance No. 4609-18) is amended and supplemented to adjust the following salary range:

Deputy Municipal Clerk - \$35,000.00 to \$70,000.00

Full-Time Kennel Aide - \$10.00 per hour to \$12.00 per hour

3. Schedule "C" (Supervisory Employees) of Section 147-1 (Salary Ranges) of Chapter 147 (Salaries and Compensation) of the Code of the Township of Toms River, New Jersey (previously adopted pursuant to Ordinance No. 4573-18) is amended and supplement to adjust the following salary range:

Assistant Rink Manager - \$40,800.00 to \$70,889.70

4. 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.

5. 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.

6. 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.

7. 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.

A motion was made by Council Member Maruca, seconded by Council Member Kubiell, and carried, with Council Members Hill, Huryk, Kubiell, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent, 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 23, 2019 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 February 24, 2019 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 Saturday, January 26, 2019.

Ordinance was adopted on first reading with Council Members Hill, Huryk, Kubiell, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent.

Council Member Hill 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 VARIOUS SECTIONS OF CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS) 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. Section 348-5.6 (Corner Lots) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented to add Subsection "F" as follows:**



**§ 348-5.6. Corner lots.**

F. In the Residential Barrier Island Zones on corner lots of 50 feet or less on both street frontages, the narrower of the two street frontages shall be considered a side yard solely for purposes of meeting a required combined side yard greater than 12 feet as applied to principal buildings and decks.

**Section 348-5.23 (Storage of boats and trailers), Subsection A(1) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented as follows:**

**§ 348-5.23. Storage of boats and trailers.**

A. The outdoor storage of an unoccupied/empty, travel trailer, single-axle noncommercial open/unenclosed trailer, camper or small boat shall be permitted on single-family properties, provided that:

(1) \*In all residential zones, except R-75, R-50, R-40A, R-40B, R-40E, R-40W, R-B-1, R-B-2, R-B-3, R-B-4, R-B-5, R-B-6, and R-B-7, such storage shall not be permitted within any required front yard, except that in the R-90 Zone such storage shall be permitted not closer than 25 feet from the front property line.

**3. Section 348-8.18 (Multifamily dwellings), Subsection “L” of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented as follows:**

**§ 348-8.18. Multifamily dwellings.**

L. Recreation. Passive recreation areas, such as pathways, natural woods and fields, seating areas and lawns, shall be provided, suitably arranged, throughout any multifamily site. In addition, an active recreation area or areas shall be provided at the rate of at least 250 square feet per dwelling unit. Outdoor play equipment shall be installed in each recreation area in sufficient amount and variety to service the occupants of the project. If a swimming pool area or areas are to be installed, they are to include a pool of a size at least equivalent to 15 square feet per unit, except that no pool less than 500 square feet will be allowed, and no pool greater than 2,000 square feet shall be required. An auxiliary building or buildings providing for lavatories and storage shall also be erected in conjunction with pools. Swimming pools shall be subject to the provisions of § 348-8.8 of this chapter.

**4. Section 348-8.26 (Signs), Subsection A(1)(a), “Items of information” of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented as follows:**

**§ 348-8.26. Signs.**

A. \*Permitted signs and specific requirements. Signs are permitted to be erected and maintained by each establishment in the Township only under the controls and limits set forth in this section. The controls contained in this section are designed to apply to signs which are so located as to be seen from the right-of-way of a street or highway or any vehicular circulation area. The regulations contained herein do not apply to any street which is visible only from the premises owned or occupied by the owner of the sign. In general, subject to specific regulations contained herein, each establishment may

display one ground sign and as many other signs as desired so long as the number of items of information displayed does not exceed the numbers of items allowed.

(1) Items of information.

(a) Each establishment is entitled to display signs containing up to a total of seven items of information on each street or parking lot on which it has either access or frontage. The name of the establishment or proprietor shall count as one item of information so long as it does not exceed seven items. If it does exceed seven items, each additional item shall be counted against the permitted total of seven. Notwithstanding the above, a ground sign of a multitenant commercial facility, such as a shopping center or office complex, may include, within the permitted signable area of a ground sign, the official business name of each establishment located within the center or complex. Such listing of the names of the establishments shall count as one item of information on such ground sign.

**5. Section 348-10.17.3 (MF-10-AH Multifamily Affordable Housing Zone), Subsection A(1) and (15)(b) of Chapter 348 (Land Use and Development Regulations) of the Township Code, are amended and supplemented as follows:**

**§ 348-10.17.3. MF-10-AH Multifamily Affordable Housing Zone.**

A. Permitted uses.

(1) Multifamily dwelling at a density not to exceed 10 units per gross acre, subject to the provisions of § 348-8.18 and the provisions herein. In the case of any conflicts, the provisions herein shall apply. If the total bedroom count of all market rate units are limited to the same or fewer bedrooms as would be generated if all units were two-bedroom non-age-restricted apartments, the total number of market rate units may be increased by an additional 10 one- and/or two-bedroom apartments. Any development must comply with Article XI, and 10% of the total number of units developed must be provided for low-income households, and 10% of the total number of units developed must be provided for moderate-income households.

E. Area, yard and building requirements.

Development shall be in accordance with §348-8.18. In the event of a conflict, the provisions set forth herein shall control.

(15) Recreation area.

(b) Pool size: 15 square feet per unit, but not less than 500 square feet or more than 2,000 square feet is required.

**6. Section 348-10.15.1 (Barrier Island Residential Zone 1), Subsection E(7) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented as follows:**

**§ 348-10.15.1. Barrier Island Residential Zone 1.**

E. Area, yard and building requirements.

(7) Minimum side yard setback:

(a) Principal building: 2 feet.

(b) Combined principal building: 22 feet, except lots with a width of less than 50 feet, which are permitted a minimum combined side yard of 12 feet (see §348-5.6F)

(c) Accessory buildings: two feet.

(d) Private swimming pools: four feet from lot line; six feet from any fence.

(e) Decks: two feet minimum; 22 feet combined setback except lots with a width of less than 50 feet, which are permitted a minimum combined side yard of 12 feet (see §348-5.6F).

**7. Section 348-10.15.2 (Barrier Island Residential Zone 2), Subsection E (6) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented as follows:**

**§ 348-10.15.2. Barrier Island Residential Zone 2.**

E. Area, yard and building requirements.

(6) Minimum rear yard setback:

(a) Principal building: 10 feet.

(b) Accessory buildings: 10% of lot depth, not to exceed 10 feet

(c) Private swimming pools: eight feet.

(d) Decks: Decks greater than 36 inches in height are subject to the following requirements:

[1] Ten percent of lot depth, not to exceed 10 feet; and

[2] May not be located less than three feet from the rear lot line.  
Section 348-10.15.3

**8. Section 348-10.15.3 (Barrier Island Residential Zone 3), Subsection E(6) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended as follows:**

**§ 348-10.15.3. Barrier Island Residential Zone 3.**

E. Area, yard and building requirements.

(6) Minimum rear yard setback:

(a) Principal building: 10 feet.

(b) Accessory buildings: 10% of lot depth not to exceed 10 feet

(c) Private swimming pools: eight feet.

(d) Decks: Decks greater than 36 inches in height are subject to the following requirements:

[1] Ten percent of lot depth not to exceed 10 feet; and

[2] May not be located less than three feet from the rear lot line.

**9. Section 348-10.15.4 (Barrier Island Residential Zone 4), Subsections E(6) and (7) of Chapter 348 (Land Use and Development Regulations) of the Township Code are amended and supplemented as follows:**

**§ 348-10.15.4. Barrier Island Residential Zone 4.**

E. Area, yard and building requirements.

(6) Minimum rear yard setback:

(a) Principal building: six feet, but no closer than 35 feet to the easterly side of an oceanfront lot.

(b) Accessory buildings: 10% of lot depth, not to exceed principal building setback

(c) Private swimming pools: eight feet.

(d) Decks: Decks greater than 36 inches in height are subject to the following requirements:

[1] Ten percent of lot depth, not to exceed principal building setback; and

[2] May not be located less than three feet from the rear lot line.

(7) Minimum side yard setback:

(a) Principal building: two feet.

(b) Combined principal building: 22 feet, except lots with a width of less than 50 feet, which are permitted a minimum combined side yard of 12 feet (see §348-5.6F).

(c) Accessory buildings: two feet.

(d) Private swimming pools: four feet from lot line; six feet from any fence.

(e) Decks: Decks greater than 36 inches in height are subject to the following requirements:

[1] Two feet minimum; 10 feet combined setback.

**10. Section 348-10.15.6 (Barrier Island Residential Zone 6), Subsection E(6), of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented as follows:**

**§ 348-10.15.6. Barrier Island Residential Zone 6.**

E. Area, yard and building requirements.

(6) Minimum rear yard setback:

(a) Principal building: two feet, but oceanfront lots shall provide a setback of at least 20 feet on the easterly side of the lot.

(b) Accessory buildings: 10% of lot depth, not to exceed principal building setback

(c) Private swimming pools: two feet, six feet from any fence.

(d) Decks: decks greater than 36 inches in height are subject to the following requirements:

[1] Ten percent of lot depth, not to exceed principal building setback.

[2] May not be located less than two feet from the rear lot line.

**11. Section 348-10.15.7 (Barrier Island Residential Zone 7), Subsections E(5) and (6) of Chapter 348 (Land Use and Development Regulations) of the Township Code are amended and supplemented as follows:**

**§ 348-10.15.7. Barrier Island Residential Zone 7.**

E. Area, yard and building requirements.

(5) Minimum rear yard setback:

(a) Principal building: three feet, except that oceanfront lots shall be a minimum of 35 feet to the easterly side property line.

(b) Accessory buildings: 10% of lot depth, not to exceed principal building setback

(c) Private swimming pools: two feet, six feet from any fence.

(d) Decks: Decks greater than 36 inches in height are subject to the following requirements:

[1] Ten percent of lot depth, not to exceed principal building setback; and

[2] May not be located less than two feet from the rear lot line.

(6) Minimum side yard setback:

(a) Principal building: two feet, except oceanfront lots which shall require 10 feet.

(b) Combined principal building: 22 feet, except lots with a width of less than 50 feet oceanfront lots which require 12 feet (see §348-5.6F).

(c) Accessory buildings: two feet, except oceanfront lots, which require 10 feet.

(d) Private swimming pools: two feet from lot line; six feet from any fence.

(e) Decks: Decks greater than 36 inches in height are subject to the same minimum and combined side yard setback requirements as a principal building.

**12. Section 348-10.18.3 (O-10C Office Zone), Subsection E(8) of Chapter 348 (Land Use and Development Regulations) of the Township Code, is amended and supplemented as follows:**

**§ 348-10.18.3. O-10C Office Zone.**

E. Area, yard and building requirements.

(8) Maximum building height: 45 feet subject to the provisions of § 348-5.12.

**13. Section 348-10.19 (O-10 Office Zone), Subsection E(8) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented as follows:**

**§ 348-10.19. O-10 Office Zone.**

E. Area, yard and building requirements.

(8) Maximum building height: 45 feet subject to the provisions of § 348-5.12.

**14. Section 348-10.20 (O-15 Office Zone), Subsection E(8)(2) of Chapter 348 (Land Use and Development Regulations) of the Township Code, is amended and supplemented as follows:**

**§ 348-10.20. O-15 Office Zone.**

E. Area, yard and building requirements.

(8) Maximum building height:

2. All other buildings: 45 feet subject to the provisions of § 348-5.12.

**15. Section 348-10.21 (VO Village Office Zone), Subsection E(8) of Chapter 348 (Land Use and Development Regulations) of the Township Code, is amended and supplemented as follows:**

**§ 348-10.21. VO Village Office Zone.**

E. Area, yard and building requirements.

(8) Maximum building height: 35 feet, subject to the provisions of § 348-5.12.

**16. Section 348-10.22 (VB Village Business Zone), Subsection E(8) of Chapter 348 (Land Use and Development Regulations) of the Township Code, is amended and supplemented as follows:**

**§ 348-10.22. VB Village Business Zone.**

E. Area, yard and building requirements.

(8) Maximum building height: 50 feet subject to the provisions of § 348-5.12. A maximum height of 55 feet is permitted if the first floor is utilized for retail, restaurants, theaters, galleries, nanobreweries and other similar non-office uses only. Minimum required setback for five-story buildings: fourth and fifth floors shall be set back 10 feet from the edges of the maximum building footprint of the first three floors to maintain a pedestrian scale.

**17. Section 348-10.22.1 (VOB Village Office-Business Zone), Subsection E(8) of Chapter 348 (Land Use and Development Regulations) of the Township Code, is amended and supplemented as follows:**

**§ 348-10.22.1. VOB Village Office-Business Zone.**

E. Area, yard and building requirements.

(8) Maximum building height: 35 feet subject to the provisions of § 348-5.12. A maximum height of 45 feet is permitted if the first floor is utilized for retail, restaurants, theaters, galleries, nanobreweries and other similar non-office uses only.

**18. Section 348-10.23 (VS Village Seaport Zone), Subsection E(12)(c) of Chapter 348 (Land Use and Development Regulations) of the Township Code, is amended and supplemented as follows:**

**§ 348-10.23. VS Village Seaport Zone.**

E. Area, yard and building requirements.

(12) Building height:

(c) In the portion of this zone south of Water Street, no building shall exceed a height of 35 feet above ground level or an elevation of 40 feet above mean sea level, whichever is greater.

**19. Section 348-10.24 (DS Downtown Service Zone), Subsection E(8) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented as follows:**

**§ 348-10.24. DS Downtown Service Zone.**

E. Area, yard and building requirements.

(8) Maximum building height: 45 feet subject to the provisions of § 348-5.12.

**20. Section 348-10.25 (RC Regional Commercial Zone), Subsection E(8) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented as follows:**

**§ 348-10.25. RC Regional Commercial Zone.**

E. Area, yard and building requirements.

(8) Maximum building height: 45 feet subject to the provisions of § 348-5.12.

**21. Section 348-10.26 (HB Highway Business Zone), Subsection E(8) of Chapter 348 (Land Use and Development Regulations) of the Township Code, is amended and supplemented as follows:**

**§ 348-10.26. HB Highway Business Zone.**

E. Area, yard and building requirements.

(8) Maximum building height:

2. All other buildings: 45 feet subject to the provisions of § 348-5.12. 22.

**22. Section 348-10.27 (RHB Rural Highway Business Zone), Subsection E(8) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented as follows:**

**§ 348-10.27. RHB Rural Highway Business Zone.**

E. Area, yard and building requirements.

(8) Maximum building height: 45 feet, subject to the provisions of § 348-5.12.

**23. Section 348-10.28 (GB General Business Zone), Subsection E(8) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented as follows:**

**§ 348-10.28. GB General Business Zone.**

E. Area, yard and building requirements.

(8) Maximum building height: 45 feet subject to the provisions of § 348-5.12.

**24. Section 348-10.29 (GB-MF General Business Multifamily Zone), Subsection E(8) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented as follows:**

**§ 348-10.29. GB-MF General Business Multifamily Zone.**

E. Area, yard and building requirements.

(8) Maximum building height: 45 feet subject to the provisions of § 348-5.12.

**25. Section 348-10.30 (LI Light Industrial Zone), Subsection E(8) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented as follows:**

**§ 348-10.30. LI Light Industrial Zone.**

E. Area, yard and building requirements.

(8) Maximum building height: 45 feet subject to the provisions of § 348-5.12.

**26. Section 348-10.32 (HMS Hospital Medical Service Zone), Subsection E(8)(b) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented as follows:**

**§ 348-10.32. HMS Hospital Medical Service Zone.**

E. Area, yard and building requirements.

(8) Maximum building height:

(b) 45 feet subject to the provisions of § 348-5.12.

**27.** 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 348 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

**28.** 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.

**29.** 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 Hill seconded by Council Member Kubiell and carried, with Council Members Hill, Huryk, Kubiell, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent, 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 23, 2019 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 February 24, 2019 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 Saturday, January 26, 2019.

Ordinance was adopted on first reading with Council Members Hill, Huryk, Kubiell, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent.



Council Member Turnbach 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, ADDING ARTICLE V (CODE BLUE ALERTS), SECTION 388-11 (CHIEF OF POLICE) OF CHAPTER 388 (PEACE AND GOOD ORDER) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE CHIEF OF POLICE TO DECLARE A CODE BLUE EVENT WHEN THE WEATHER IS 35 DEGREES FAHRENHEIT OR LOWER, REGARDLESS OF PRECIPITATION**

**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:

Section 1. ARTICLE V. Code Blue Alerts.

§388-10 Chief of Police

The Chief of Police may declare a Code Blue Alert for the Township warming center, consistent with N.S.A. App. A:9-43.18 , *et. seq.*, when the weather in the municipality is 35 degrees Fahrenheit or lower, regardless of precipitation conditions.

Section 2. All other ordinances and parts of ordinances inconsistent herewith are repealed.

Section 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.

Section 4. This ordinance shall take effect following its final passage by the Township Council, approved by the Mayor, and 20 days after publication as required by law.

A motion was made by Council Member Turnbach, seconded by Council Member Huryk, and carried, with Council Members Hill, Huryk, Kubiel, Maruca, Turnbach, and Council President Wittmann, and with Council Member Rodrick absent, 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 23, 2019 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 February 24, 2019 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 Saturday, January 26, 2019.

Ordinance was adopted on first reading with Council Members Hill, Huryk, Kubiell, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent.

**CONSENT AGENDA**

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

A motion was made by Council Member Kubiell, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent, to approve all the following items listed on the Consent Agenda, except item **F, T, U and II**, which were done separately.

*R E S O L U T I O N*

*JANUARY 23, 2019*

*WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO A STATE TAX APPEAL(S), AND:*

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Year</i>	<i>Amount</i>
<b>619 MAIN STREET LLC@ANDREW S. KESSLER</b>	<b>615</b>	<b>11</b>	<b>2017/4</b>	<b>\$4,819.71</b>
			<b>2018/4</b>	<b>4,861.01</b>
<b>TOTAL:</b>				<b>\$9,680.72</b>

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

*Approved as to content:*

*R E S O L U T I O N*

JANUARY 23, 2019

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO THE HOMEOWNER HAD A DIRECT WITHDRAWL, SOLD PROPERTY AND FAILED TO REMOVE THE DIRECT WITHDRAWL; AND;

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

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

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

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

NAME	BLOCK	LOT	Year	Amount
<b>LEVY, PAUL &amp; ROSLYN</b>	<b>192.40</b>	<b>25</b>	<b>2018/4</b>	<b>\$1,068.05</b>
<b>TOTAL:</b>				<b>\$1,068.05</b>

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

Approved as to content:

R E S O L U T I O N

JANUARY 23, 2019

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO A DUPLICATE/AND OR ERRONEOUS TAX PAYMENT; AND;

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

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

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

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

NAME	BLOCK	LOT	Year	Amount

<b>KRASNIK, ANNA</b>	<b>172</b>	<b>11.04/C07 01</b>	<b>2018/4</b>	<b>\$ 892.28</b>
			<b>2019/1</b>	<b>9.09</b>
<b>TOTAL:</b>				<b>\$ 901.37</b>
<b>MACINTYRE, RONALD</b>	<b>694.07</b>	<b>21</b>	<b>2018/4</b>	<b>1,572.65</b>
<b>TOTALS:</b>				<b>\$2474.02</b>

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

Approved as to content:

*R E S O L U T I O N*

*JANUARY 23, 2019*

*WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO A DUPLICATE TAX PAYMENT;*

*AND;*

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Year</i>	<i>Amount</i>
<b>MARK PROPERTIES, LLC</b>	<b>135.02</b>	<b>106.02</b>	<b>2017/4</b>	<b>\$ 283.22</b>
<b>MARK PROPERTIES, LLC</b>	<b>135.02</b>	<b>108.01</b>	<b>2017/4</b>	<b>\$7697.08</b>
<b>MARK PROPERTIES, LLC</b>	<b>191</b>	<b>21</b>	<b>2018/4</b>	<b>10.53</b>
<b>MARK PROPERTIES, LLC</b>	<b>756</b>	<b>36.05</b>	<b>2017/4</b>	<b>62.46</b>

<b>MARK PROPERTIES, LLC</b>	<b>756</b>	<b>36.06</b>	<b>2017/4</b>	<b>75.99</b>
<b>TOTALS:</b>				<b>\$8,129.28</b>

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 OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE EXECUTION OF A SCHEDULE "C" AGREEMENT WITH THE COUNTY OF OCEAN FOR 2019 FOR THE PROVISION OF SERVICES, MATERIALS, AND EQUIPMENT (ROAD DEPARTMENT SERVICES - \$45,000.00, VEHICLE SERVICES - \$17,000.00)**

**JANUARY 23, 2019**

WHEREAS, the Uniform Shared Services and Consolidations Act, N.J.S.A. 40A:65-1 et. seq., authorizes the Township of Toms River to enter into a contract for the provision of certain governmental services with the County of Ocean; and

WHEREAS, N.J.S.A. 40A:65-5, requires such a contract to be authorized by resolution; and

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

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

1. Thomas F. Kelaher, Mayor of the Township of Toms River is hereby authorized to execute and Alison Carlisle, Township Clerk, to attest to a Schedule "C" agreement with the County of Ocean in accordance with the provisions of the law to include \$45,000.00 for Road Department Services, \$17,000.00 for Vehicle Services, for a total maximum amount not to exceed \$62,000.00, and funds are available in Account No. 9-01- -L25-547, contingent upon availability of funds and the adoption of the CY19 budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. A copy of the said agreement is attached hereto and made part hereof as Schedule "C".

2. This agreement is for the period retroactive to January 1, 2019 through December 31, 2019.

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

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

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

- d) Chief Financial Officer
- e) Public Works Department
- f) Purchasing Division
- g) Ocean County Road Department  
129 Hooper Avenue  
PO Box 2191  
Toms River, NJ 08754-2191  
Attn: J. Thomas Curcio  
County Road Supervisor

**CERTIFICATION**

I, Alison Carlisle, Municipal Clerk of the Township of Toms River, do hereby certify that the foregoing resolution was duly adopted by the Township Council of the Township of Toms River, Ocean County, New Jersey at the regular meeting of January 23, 2019.

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ALISON CARLISLE  
MUNICIPAL CLERK

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN OPEN-ENDED CONTRACT FOR SPECIAL DUTY MANAGEMENT SERVICES, TO VISUAL COMPUTER SOLUTIONS, INC., AS SOLE RESPONSIBLE BIDDER MEETING ALL THE SPECIFICATIONS**

**JANUARY 23, 2019**

WHEREAS, bids were invited on January 9, 2019 for Special Duty Management Services; and

WHEREAS, only one bid was received, as follows:

Visual Computer Solutions, Inc.  
4400 U.S. Highway 9, Suite 3500  
Freehold, NJ 07728

Administrative Fee for Performing  
Special Duty Management Services  
Per the Bid Specifications:

Traffic Fee Not to Exceed 8% Per Billing	-	8.00%
Security Fee Not to Exceed 5% Per Billing	-	5.00%

WHEREAS, the bid has been reviewed by the Purchasing Division, Finance Department and Police Department, and recommendation has been made to award an open-ended contract to Visual Computer Solutions, Inc., as the sole responsible bidder meeting all the specifications, for Special Duty Management Services;

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

1. It hereby awards an open-ended contract for Special Duty Management Services to Visual Computer Solutions, Inc., as sole responsible bidder meeting all the bid specifications, as stated above. This contract shall be open-ended with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

2. Term of contract shall be effective from January 23, 2019 through January 22, 2011.

3. The Township has the option of renewing the agreement for two additional one-year terms or one additional two-year term, pursuant to N.J.S.A. 40A:11-15.

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) Police Department
- e) Visual Computer Solutions, Inc.  
4400 US Highway 9, Suite 3500  
Freehold, NJ 07728

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended contract awarded to Visual Computer Solutions, Inc., are contingent upon 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.

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: January 23, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF  
CONTRACT FOR THE BAY BREEZE AND SEA BREEZE DRIVE ROAD ELEVATION  
PROJECT TO EARLE ASPHALT COMPANY, AS SOLE BIDDER MEETING ALL THE  
SPECIFICATIONS, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$2,251,213.13**

**JANUARY 23, 2019**

WHEREAS, bids were invited on January 9, 2019 for the Bay Breeze and Sea Breeze Drive Road Elevation Project; and

WHEREAS, only one bid was received, as follows:

Earle Asphalt Company  
PO Box 556  
Farmingdale, NJ 07727 . . . . . Total Bid: \$2,251,213.13

WHEREAS, the bids have been reviewed by the Purchasing Division and the Engineering Division, and they have recommended that the award of contract be made to Earle Asphalt Company, as sole bidder meeting all the specifications, for a total contract price not to exceed \$2,251,213.13;

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 Earle Asphalt Company, as sole bidder meeting all the specifications, for the Bay Breeze and Sea Breeze Drive Road Elevation Project, for a total contract price not to exceed \$2,251,213.13. Funds in the maximum contract price not to exceed \$2,251,213.13, are available in Account No. X-04- -230-001 - \$1,988,213.13 and X-99- -907-703 - \$263,000.00.

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) Engineering Division
- e) Aforementioned Bidder

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract awarded to Earle Asphalt Company, for a total contract price not to exceed \$2,251,213.13, are available in Account No. X-04- -230-001 - \$1,988,213.13 and X-99- -907-703 - \$263,000.00.

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

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: January 23, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE ADDITION OF TWO (2) ADDITIIONAL SNOW PLOWING CONTRACTORS, POSEIDON POOLS DESIGN, INC., AND ALL-TECH ASSEMBLY AND MAINTENANCE, TO THE LIST OF CONTRACTORS FOR SNOW REMOVAL SERVICES APPROVED BY RESOLUTION DATED SEPTEMBER 25, 2018, FOR A TWO (2) YEAR TERM COMMENCING OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2020**

**JANUARY 23, 2019**

**WHEREAS**, resolution of the Township Council dated September 25, 2018, authorized the award of negotiated contracts for Snow Plowing Services commencing October 1, 2018 through September 30, 2020; and

**WHEREAS**, the Township Council authorized the addition of Q.P. Consulting, Inc., to be added to the list of snow plowing contractors for Snow Plowing Services by resolution dated December 11, 2018 as item (bb), for the period commencing October 1, 2018, through September 30, 2020; and

**WHEREAS**, the Township Council authorized the addition of R Dai Trucking, LLC, to be added to the list of snow plowing contractors for Snow Plowing Services by resolution dated December 26, 2018, as item (cc), for the period commencing October 1, 2018 through September 30, 2020; and



**WHEREAS**, the Township Council hereby authorizes the addition of two (2) additional snow plowing contractors, Poseidon Pools Design, Inc., and ALL-TECH Assembly and Maintenance, to be added to the list of snow plowing contractors for Snow Plowing Services commencing October 1, 2018 through September 30, 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. The following contractors are hereby added to the list of contractors for snow removal services commencing October 1, 2018 through September 30, 2020, previously approved by resolution dated September 25, 2018:

- dd) Poseidon Pools Design, Inc.  
1889 Lakewood Road, Unit 96  
Toms River, NJ 08755
- ee) ALL-TECH Assembly and Maintenance  
600 New Hampshire Avenue  
Lakewood, NJ 08701

2. The contract shall include the following hourly rates for equipment and operator:

Graders, articulating loaders, rubber tire loaders (644, 744, 844 & 944, 1.75 to 5 cu. yd. bucket):	\$ 169.00
Small Articulating Loaders:	\$ 156.00
Tandem Axle Trucks with Contractor's Own Plow:	\$ 149.00
Tandem Axle Trucks with Township's Snow Plow and Full-Size Backhoe:	\$ 142.00
Single Axle Dump Trucks with 5 cu. yd. or larger bodies with Contractor's Own Snow Plow, minimum 26,000 GVW or larger:	\$ 109.00
Single Axle Dump Trucks with 5 cu. yd. or larger bodies with Township's Snow Plow, minimum 26,000 GVW or larger:	\$ 104.00
Mason Dumps (under 5 cu. yd.), Small Rack and Utility Body Trucks with Contractor's own Snow Plow, 4x4, 1/2, 3/4, and 1 Ton Pick-ups with Contractor's Own Snow Plow:	\$ 98.00
Skid Loader/Bobcat:	\$ 83.50

3. These contracts shall be open-ended with funds being encumbered each time services are required, contingent upon the availability of funds in the applicable municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. All snow plowing services are contingent upon execution of a contract with the Township of Toms River. All terms and conditions of the original specifications and contract will apply.

4. A complete list of snow plowing contractors with the Township of Toms River as of this resolution, is as follows:

- a) Accurate Towing
- b) AC Hesse LLC
- c) Always Immaculate Inc.
- d) American Coring and Supply, Inc.
- e) Best Paving, Inc.
- f) BillAnn LLC (Bill's Famous Hot Dogs)
- g) Chapman Construction Services

- h) Chappelle Mechanical, Inc.
- i) Dover Excavating
- j) Erbe Builders, Inc.
- k) Felton Trucking, Inc.
- l) Forte Excavating, LLC
- m) Freedom Tow and Recovery LLC
- n) Guzzi Masonry & Paving
- o) Handyman & Remodeling LLC
- p) H&D Rosetto, Inc.
- q) Hydro-Science Group Corp.
- r) John Jenusz
- s) Matt Monagas Decorative Stone, LLC
- t) Midlantic Construction
- u) Nicholas Pools, Inc.
- v) Precision Auto Motorcycle and Marine Service
- w) Sousa Construction
- x) TC Landscape Construction Group
- y) Toms River Tree Service
- z) TSF Contracting
- aa) Zarrilli Homes, LLC
- bb) Q.P. Consulting, Inc.
- cc) R Dai Trucking, LLC
- dd) Poseidon Pools Design, Inc.
- ee) ALL-TECH Assembly and Maintenance

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

- a) Chief Financial Officer
- b) Purchasing Division
- c) Public Works Department
- d) Township Attorney
- e) Poseidon Pools Design, Inc.  
1889 Lakewood Road  
Toms River, NJ 08755
- f) ALL-TECH Assembly and Maintenance  
600 New Hampshire Avenue  
Lakewood, NJ 08701

**AMENDMENT TO RESOLUTION OF THE TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, DATED JULY 24,  
2018, AUTHORIZING A CONTRACT TO DYNAMIC TESTING SERVICES FOR  
DRUG AND ALCOHOL TESTING FOR EMPLOYEES OF THE TOWNSHIP IN  
SAFETY-SENSITIVE POSITIONS, IN AN AMOUNT NOT TO EXCEED \$10,000.00  
FOR CY2018,  
TO INCREASE THE CONTRACT PRICE BY AN ADDITIONAL \$460.40  
FOR A TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$10,460.40**

**JANUARY 23, 2019**

WHEREAS, there exists a need for testing services with regard to drug and alcohol testing for employees of the Township of Toms River in safety-sensitive positions; and

WHEREAS, resolution of the Township Council dated July 24, 2018 authorized a contract to Dynamic Testing Services for Drug and Alcohol Testing for Employees of the Township in Safety-Sensitive Positions, in an amount not to exceed \$10,000.00 for CY2018; and

WHEREAS, it is necessary to increase the contract with Dynamic Testing Services, for an additional amount of \$460.40, for CY2018;

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 an amendment to the contract with Dynamic Testing Services, in the amount of \$460.40, for a total maximum amount not to exceed \$10,460.40 for CY2018, and funds in the amount of \$460.40, are available in Account No. 8-01- -H03-534. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. All other terms and conditions of the original resolution shall remain in full force and effect.

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) Purchasing Division
- c) Chief Financial Officer
- d) Department of Human Resources
- e) Dynamic Testing Services  
Attention: Patricia Lukowiak, President  
230 Main Street  
Suite C  
Toms River, N.J. 08753

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the amended funds for payment to Dynamic Testing Services, in the additional amount of \$460.40, for a total maximum amount not to exceed \$10,460.40 for CY2018, are available in Account No. 8-01- -H03-534.

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.

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: January 23, 2019

### **RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE FIRST EXTENSION OF A NEGOTIATED, OPEN-ENDED CONTRACT WITH SAF-GARD SAFETY SHOE COMPANY, FOR THE SUPPLY OF WORK SHOES AND BOOTS FOR TOWNSHIP EMPLOYEES**

**JANUARY 23, 2019**

WHEREAS, resolution of the Township Council dated May 8, 2018, authorized the award of a negotiated, open-ended contract for the Supply of Work Shoes and Boots for Township Employees to Saf-Gard Safety Shoe Company, commencing March 10, 2018 through March 9, 2019; and

WHEREAS, the terms of the original contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15, which allows for the contract to be extended for up to two (2) additional one (1) year terms upon expiration of the original contract; and

WHEREAS, the Purchasing Division and the Public Works Department have determined that it is in the best interest of the Township to extend this contract for the first one (1) year term, commencing March 10, 2019 through March 9, 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. It hereby authorizes the first extension of the contract with Saf-Gard Safety Shoe Company, for the Supply of Work Shoes and Work Boots for Township Employees, for a one (1) year term, commencing March 10, 2019 through March 9, 2020.

2. The extension of this contract shall be subject to all the terms and conditions of the original contract award. Prices are based upon the current price list.

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

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) Public Works Dept.
- e) Parks, Buildings & Grounds
- f) Recreation Dept.
- g) Bey Lea Golf Course
- h) Winding River Skating Center
- i) Saf-Gard Safety Shoe Company  
2222 Hessler Blvd.  
New Castle, DE 19720

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the first extension of the open-ended contract with Saf-Gard Safety Shoe Company, 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.

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: January 23, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT  
FOR RIVERWOOD PARK SOCCER FIELD LIGHTING TO JOHN J. FACCAS, INC. T/A  
QUALITY ELECTRICAL CONSTRUCTION CO., AS LOW BIDDER MEETING ALL THE  
SPECIFICATIONS, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$487,600.00 (BASE  
BID ONLY)**

**JANUARY 23, 2019**

WHEREAS, bids were invited on January 9, 2019 for Riverwood Park Soccer Field Lighting; and

WHEREAS, bids were received, as follows:

Vendor	Base Bid	Alternate Bid A
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	Sub-Total	Sub-Total	Total
John J. Faccas, Inc. t/a Quality Electrical Construction Co. 290 Laurel Avenue Hazlet, NJ 07734	\$ 487,600.00	\$ 234,100.00	\$ 721,700.00
FAI-GON Electric Inc. 140 11 <sup>th</sup> Street Piscataway, NJ 08854	\$ 610,000.00	\$ 299,040.00	\$ 909,040.00
Kane Communications, LLC 572 Whitehead Road Suite 201 Trenton, NJ 08619	\$ 658,006.25	\$ 325,747.50	\$ 983,753.75
MECO Electric Company, Inc. 500 Rt. 33 West Millstone, NJ 08535	\$1,223,000.00	\$655,000.00	\$1,878,000.00

WHEREAS, the bids have been reviewed by the Purchasing Division and the Engineering Division, and they have recommended that the award of contract be made to John J. Faccas, Inc. t/a Quality Electrical Construction Co., as low bidder meeting all the specifications, for a total contract price not to exceed \$487,600.00, for Base Bid only;

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 John J. Faccas, Inc. t/a Quality Electrical Construction, Co., as low bidder meeting all the specifications, for Riverwood Park Soccer Field Lighting, for a total contract price not to exceed \$487,600.00 (Base Bid only). Funds in the maximum contract price not to exceed \$487,600.00 (Base Bid only), are available in Account Nos. X-04- -208-001 - \$5,567.86, X-04- 207-001 - \$10,748.49, X-04- -219-001 - \$259,346.11, and X-04- -236-001 - \$211,937.54.

2. The Engineering Department has recommended that it would be in the best interest of the Township to award just the Base Bid for this contract, due to budget allowances. 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) Engineering Division
- e) Recreation Dept.
- f) Aforementioned Bidders

## CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the contract awarded to John J. Faccas, Inc. t/a Quality Electrical Construction Co., for a total contract price not to exceed \$487,600.00 (Base Bid only), are available in the following Account Nos.:

X-04- -208-001 - \$ 5,567.86  
 X-04- 207-001 - \$ 10,748.49  
 X-04- -219-001 - \$259,346.11  
 X-04- -236-001 - \$211,937.54

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.

SHARON SMITH  
 CHIEF FINANCIAL OFFICER

Dated: January 23, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF AN OPEN-ENDED TWO (2) YEAR NEGOTIATED CONTRACT WITH BLAIR’S RENTAL SERVICE, INC. AS SOLE BIDDER FOR THE SUPPLY OF STIHL AND HONDA REPAIR PARTS AND EQUIPMENT**

**JANUARY 23, 2019**

**WHEREAS**, the Division of Purchasing for the Township of Toms River (“Township”) has requested authorization to award an open-ended negotiated contract for the Supply of Stihl and Honda Repair Parts and Equipment; and

**WHEREAS**, bids were invited on December 11, 2018, wherein no bids were received; and

**WHEREAS**, a rebid was held on January 3, 2019, where one bid was received from Blair’s Rental Service, Inc. but said bid was rejected due to incomplete paperwork; and

**WHEREAS**, based on N.J.S.A. 40A:11-5(3)(a), items were negotiated with Blair’s Rental Service, Inc., as the sole bidder, on the rebid, and upon review by the Division of Purchasing and Bey Lea Golf Course, recommendation has been made to award an open-ended two (2) year negotiated contract to Blair’s Rental Service, Inc., with items to be awarded as follows:

- |    |   |                   |
|----|---|-------------------|
| 1. | Discount off Stihl Repair Parts Price List:       | <u>17.00%</u>     |
|    | Percentage Discount for Payment within 30 Days:   | <u>17.00%</u>     |
|    | Availability of Parts after Receipt of Order:     | <u>5 – 7 Days</u> |
| 2. | Discount off Stihl Equipment Price List:          | <u>17.00%</u>     |
|    | Percentage Discount for Payment within 30 Days:   | <u>17.00%</u>     |
|    | Availability of Equipment after Receipt of Order: | <u>5 – 7 Days</u> |
| 3. | Discount off Honda Repair Parts Price List:       | <u>17.00%</u>     |
|    | Percentage Discount for Payment within 30 Days:   | <u>17.00%</u>     |
|    | Availability of Parts after Receipt of Order:     | <u>5 – 7 Days</u> |
| 4. | Discount off Honda Equipment Price List:          | <u>15.00%</u>     |
|    | Percentage Discount for Payment within 30 Days:   | <u>15.00%</u>     |
|    | Availability of Equipment after Receipt of Order: | <u>5 – 7 Days</u> |

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

1. It hereby awards a negotiated contract with Blair's Rental Service, Inc. for the Supply of Stihl and Honda Repair Parts and Equipment, for a two (2) year term, commencing February 1, 2019 through January 31, 2021. The award of this contract is subject to all the terms and conditions of the bid specifications.

2. This will be an open-ended contract with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this Resolution is on file in the Office of the Township Clerk.

3. Pursuant to N.J.S.A. 40A:11-15, this contract may be extended for no more than one (1) two-year, or two (2) one-year, extensions, after the expiration of the original contract period, contingent upon the approval of the Township Council by resolution with the agreement of the Contractor. 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.

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
- d) Department of Parks, Buildings & Grounds
- e) Blair's Rental Service, Inc.  
1782 Hooper Avenue  
Toms River, NJ 08753

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the negotiated contract awarded to Blair's Rental Service, Inc. for the Supply of Stihl and Honda Repair Parts and Equipment shall be open-ended, contingent upon the availability of funds in the appropriate municipal budget.

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

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SHARON SMITH  
CHIEF FINANCIAL OFFICER

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE FIRST EXTENSION OF AN OPEN-ENDED, ONE (1) YEAR CONTRACT WITH TURF EQUIPMENT AND SUPPLY COMPANY, INC., FOR THE SUPPLY OF TORO (OEM) REPAIR PARTS AND ACCESSORIES**

**JANUARY 23, 2019**

WHEREAS, resolution of the Township Council dated March 14, 2017, authorized the award of a contract for the Supply of Toro (OEM) Repair Parts and Accessories to Turf Equipment and Supply Company, Inc., as sole bidder meeting all the specifications, effective March 7, 2017 through March 6, 2019; and

WHEREAS, the terms of the original contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15 (45), which allows for the contract to be extended for up to two (2) additional one (1) year terms or, one (1) two-year term upon expiration of the original contract; and

WHEREAS, the Bey Lea Golf Course has determined that it is in the best interest of the Township to extend the contract with Turf Equipment and Supply Company, Inc., pursuant to the Local Public Contracts Law, for an additional one (1) year term commencing March 7, 2017 through March 6, 2020, under the same terms and conditions and conditions as the original contract :

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 extension of the contract with Turf Equipment and Supply Company, for the Supply of Toro (OEM) Repair Parts and Accessories, for a one (1) year term, commencing March 7, 2019 through March 6, 2020 under the same terms and conditions as the original contract.

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

1. 5% discount off current equipment repair parts price list
2. 5% discount off current irrigation repair parts price list
3. 0% discount off current "After-Market" repair parts price list
4. 0% discount for payment within 30 days
5. 45 days availability of parts after receipt of order

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) Bey Lea Golf Course
- f) Turf Equipment and Supply Company, Inc.  
8015 Dorsey Run Road  
Jessup, Maryland 20794

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended, first one year extension of the contract with Turf Equipment and Supply Company, Inc., is 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.

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: January 23, 2019



**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SECOND AND FINAL EXTENSION OF AN OPEN-ENDED CONTRACT WITH E.R.S. FLEET REPAIR INC., FOR SERVICE AND REPAIRS TO EMERGENCY VEHICLES FOR THE OFFICE OF EMERGENCY MANAGEMENT AND OTHER DEPARTMENTS**

**JANUARY 23, 2019**

WHEREAS, resolution of the Township Council dated February 21, 2017, authorized the award of a contract for Service and Repairs to Emergency Vehicles for the Office of Emergency Management and other Departments to E.R.S. Fleet Repair, Inc., commencing February 25, 2017 through February 24, 2018; and

WHEREAS, the terms of the original contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15, which allows for the contract to be extended for up to two (2) additional one (1) year terms upon expiration of the original contract; and

WHEREAS, resolution of the Township Council dated February 13, 2018, authorized the first extension of an open-ended contract with E.R.S. Fleet Repair Inc., for Service and Repairs to Emergency Vehicles for the Office of Emergency Management and other Departments, for a one (1) year term commencing February 25, 2018 through February 24, 2019, under the same terms and conditions as the original contract; and

WHEREAS, the Office of Emergency Management has determined it is in the best interest of the Township to extend the contract for the second and final extension of the existing contract with E.R.S. Fleet Repair Inc.; and

WHEREAS, E.R.S. Fleet Repair Inc. has agreed to extend their current contract for a second and final extension of one (1) year, commencing February 25, 2019 through February 24, 2020, under the same terms and conditions as the original contract;

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 second and final extension of the current contract with E.R.S. Fleet Repair Inc., for Service and Repairs to Emergency Vehicles for the Office of Emergency Management and other Departments, for a one (1) year term, commencing February 25, 2019 through February 24, 2020, under the same terms and conditions as the original contract.

2. The extension of this contract shall be subject to all the terms and conditions of the original contract award, at the Second Year Hourly Rate of \$95.00 per hour and the Bidder's Cost of Materials (Parts) Above Dealer's Cost of 30.00%.

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

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) Office of Emergency Management
- e) E.R.S. Fleet Repair Inc.  
1562 Partridge Street  
Toms River, NJ 08753

## CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the second and final extension of the open-ended contract with E.R.S. Fleet Repair, Inc., are contingent upon the availability of funds in the appropriate municipal budget.

The extension of this contract shall be subject to all the terms and conditions of the original contract award, at the Second Year Hourly Rate of \$95.00 per hour and the Bidder's Cost of Materials (Parts) Above Dealer's Cost of 30.00%.

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

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: January 23, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF TWO (2) AUTOMATED REFUSE COLLECTION SYSTEMS CAB & CHASSIS, NEW AND UNUSED, 2019 MODEL NO. 520, 66,000 LB GVW MINIMUM, OR EQUAL, FOR THE DEPARTMENT OF PUBLIC WORKS, FROM HUNTER JERSEY PETERBILT FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$559,184.00**

**JANUARY 23, 2019**

**WHEREAS**, the Division of Purchasing for the Township of Toms River ("Township") has requested the authorization to purchase two (2) additional Automated Refuse Collection Systems Cab and Chassis, New and Unused, 2019 or newer, Peterbilt Model 520, 66,000 LB, GVW, Minimum, for the Department of Public Works from Hunter Jersey Peterbilt; and

**WHEREAS**, a contract was awarded on April 10, 2018, to Hunter Jersey Peterbilt for the purchase of two (2) Automated Refuse Collection Systems Cab & Chassis with the option to purchase two additional units over the next twelve months; and

**WHEREAS**, the Department of Public Works is requesting authorization to purchase two (2) additional Automated Refuse Collection Systems Cab & Chassis, New and Unused, 2019 Model No. 520, 66,000 LB GVW Minimum, or Equal, for the Department of Public Works from Hunter Jersey Peterbilt; and

**WHEREAS**, the agreed upon price for two (2) Automated Refuse Collection Systems Cab & Chassis, New and Unused, 2019 Model No. 520, 66,000 LB GVW Minimum, or Equal, are as follows:

	<u>Price Per Each</u>	<u>Price for Two</u>
Automated Refuse Collection Systems Cab & Chassis, New And Unused, 2019 Model, 66,000 LB GVW Minimum (or Equal)	\$ 279,592.00	\$ 559,184.00

Make Cab/Chassis Bid: Peterbilt

Model Bid: 520

**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 for the purchase of two (2) Automated Refuse Collection Systems Cab & Chassis, New and Unused, 2019 Model No. 520, 66,000 LB, GVW Minimum, or equal, to Hunter Jersey Peterbilt, who meets all of the bid specifications for the Department of Public Works, for a total contract price not to exceed \$559,184.00. All the terms and conditions of the bid specifications are applicable on this contract.

2. Funds for this contract are available in Account #X-04- -243-001. The certification of funds available statement with respect to this Resolution is on file in the Office of the Township Clerk.

3. 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) Business Administrator
- d) Township Attorney
- e) Township Council
- f) Township Clerk
- f) Department of Public Works
- g) Hunter Jersey Peterbilt  
524 Monmouth Road  
Clarksburg, NJ 08510

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract with Hunter Jersey Peterbilt are available in Account No. X-04- -243-001 in an amount not to exceed \$559,184.00.

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

\_\_\_\_\_  
SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: January 23, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE DIVISION OF PURCHASING TO DISPOSE OF, BY SCRAPPING, ONE (1) 2002 KANN RECYCLING TRUCK BODY AT THE DEPARTMENT OF PUBLIC WORKS, WHICH IS NOT WORTH AUCTIONING/NO LONGER NEEDED FOR PUBLIC USE, OR BY THE TOWNSHIP  
PURSUANT TO N.J.S.A. 40A:11-36**

**JANUARY 23, 2019**

WHEREAS, the Division of Purchasing is requesting authorization to dispose of, by scrapping, one (1) 2002 Kann recycling truck body, Model VA 20, Serial #1039, which is no longer needed for public use or by the Township and not worth auctioning, pursuant to N.J.S.A. 40A:11-36; and

WHEREAS, the best course of action is to have the 2002 Kann recycling truck body scrapped;

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

1. Pursuant to N.J.S.A. 40A:11-36, it hereby authorizes the Division of Purchasing to scrap the 2002 Kann recycling truck body, Model VA 20, Serial #1039, which is no longer needed for public use by the Township of Toms River, and not worth auctioning. Accordingly, sound business judgment would indicate that the best course of action to be taken in this matter is to scrap it.

2. There is no fixed asset tag number assigned.

3. 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) Township Attorney
- c) Chief Financial Officer
- d) Department of Public Works
- f) L. Knemoller, Clerk's Office

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE USE OF ESCNJ COOPERATIVE CONTRACT #15/16-08 TO PURCHASE GROUNDS EQUIPMENT FOR BEY LEA GOLF COURSE FROM TURF EQUIPMENT & SUPPLY COMPANY IN THE TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$85,141.82**

**JANUARY 23, 2019**

**WHEREAS**, the Division of Purchasing for the Township of Toms River has requested authorization to utilize ESCNJ Cooperative Contract #15/16-08 to Purchase Grounds Equipment for Bey Lea Golf Course from Turf Equipment & Supply Company, 8015 Dorsey Run Road, Jessup, MD, 20794, for a total contract amount not to exceed \$85,141.82, for the following:

Turf Equipment & Supply  
Company  
8015 Dorsey Run Road  
Jessup, MD 20794  
Contract 15/16-08

	<u>Item #</u>	<u>MSRP Pricing</u>	<u>20% ESCNJ Discounted Price</u>	<u>Qty</u>	<u>Total Extended</u>
Greensmaster 3320	04530	\$33,371.00	\$26,696.80	@2	\$53,393.60
(3)11 blade Reels	04653	\$8,007.00	\$6,405.60	@ 4	\$25,622.40
(3)Narrow Weihle Roller	04626	\$1,107.00	\$885.60	@ 4	\$ 3,542.40
(3) Spring Loaded Rear Scraper	04646	\$269.00	\$215.20	@ 4	\$ 860.80
Light Kit LED	04554	\$591.00	\$472.80	@2	\$945.60
Canopy 115-Arm Rest Kit	-4510 30707	\$256.54 \$181.00	\$243.71 \$144.80	@2 @2	\$ 487.42 <u>\$ 289.60</u>
	<b>Total</b>				<b>\$85,141.82</b>

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

1. It authorizes the use of ESCNJ Cooperative Contract #15/16-08 to purchase Grounds Equipment for Bey Lea Golf Course from Turf Equipment & Supply Company.

2. Funds for this purchase are for a total contract amount not to exceed \$85,141.82, and are available in Account X-04- -243-004.

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) Township Attorney
- c) Township Clerk
- d) Division of Purchasing
- g) Department of Recreation
- g) Bey Lea Golf Course

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the purchase of Grounds Equipment for Bey Lea Golf Course from ESCNJ Cooperative Contract #15/16-08 from Turf Equipment & Supply Company for a total maximum contract amount not to exceed \$85,141.82, are available in Account No. X-04- -243-004.

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.

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SHARON SMITH  
CHIEF FINANCIAL OFFICER

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CRAIG AMBROSIO, DIRECTOR OF PARKS, BUILDINGS AND GROUNDS, TO EXECUTE A COOPERATIVE SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) ANIMAL AND PLANT HEALTH AND INSPECTION SERVICE (APHIS), WILDLIFE SERVICES (WS), FOR WILDLIFE DAMAGE MANAGEMENT, IN AN AMOUNT NOT TO EXCEED \$11,675.00**

**JANUARY 23, 2019**

**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. Craig Ambrosio, Director of Parks, Buildings and Grounds is authorized to execute a Cooperative Service Agreement between the Township of Toms River and the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS), for wildlife damage management, in connection with Canada geese control at Huddy Park, Shelter Cove, and other properties owned by the Township of Toms River. A copy of the Agreement is attached to this resolution as Schedule "A", and made a part hereof.

2. Funds for this service in the amount not to exceed \$11,675.00, are available in Account No. 9-01- -R20-534, contingent upon availability of funds and adoption of the CY19 Municipal Budget.

3. Term of Agreement shall become effective February 1, 2019 and shall expire on September 30, 2019.

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

- a) Township Attorney
- b) Business Administrator
- c) Township Council
- d) Department of Public Works
- e) Director, Parks, Buildings & Grounds
- f) Chief Financial Officer
- g) Department of Recreation
- h) U.S. Department of Agriculture Animal and Plant Health Inspection Service  
Wildlife Services  
Aaron Guikema, State Director  
140-C Locust Grove Road  
Pittstown, NJ 08867-4049

**SCHEDULE A**

**“SEE ATTACHMENTS”**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN OPEN-ENDED CONTRACT TO PM AM CORPORATION WHO MEETS ALL OF THE BID SPECIFICATIONS FOR ALARM REGISTRATION AND MANAGEMENT SERVICES FOR THE TOMS RIVER POLICE DEPARTMENT**

**JANUARY 23, 2019**

**WHEREAS**, the Division of Purchasing for the Township of Toms River has requested authorization to award an open-ended contract for Alarm Registration and Management Services for the Toms River Police Department; and

**WHEREAS**, bids were received on January 3, 2019, from the following vendors and were reviewed by the Division of Purchasing and the Toms River Police Department:

Central Square Technologies  
1000 Business Center Dr.  
Lake Mary, FL 32746

PM AM Corporation  
5430 LBJ Freeway, Suite 370  
Dallas, TX 75240

**WHEREAS**, the bid received from Central Square Technologies was rejected because of too many exceptions to the bid document, therefore rendering them non-conforming; and

**WHEREAS**, upon review by the Toms River Police Department, they have recommended that an open-ended two (2) year contract be awarded to PM AM Corporation as follows:

- |    |  |             |
|----|--|-------------|
| 1. | Percentage Bid to be retained by the Bidder (Service Supplier):    | <u>18%</u>  |
| 2. | Percentage (balance) to be remitted to the Township of Toms River: | <u>82%</u>  |
|    | Total:   | <u>100%</u> |

**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 an open-ended contract for Alarm Registration and Management Services for the Toms River Police Department to PM AM Corporation, who meets all of the bid specifications, for a two (2) year term, commencing January

24, 2019 through January 23, 2021. The award of this contract is subject to all the terms and conditions of the bid specifications.

2. This will be an open-ended contract with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this Resolution is on file in the Office of the Township Clerk.

3. Pursuant to N.J.S.A. 40A:11-15, this contract may be extended for no more than one (1) two-year, or two (2) one-year, extensions, after the expiration of the original contract period, contingent upon the approval of the Township Council by resolution with the agreement of the Contractor. 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.

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
- d) Toms River Police Department
- e) PM AM Corporation  
5430 LBJ Freeway, Suite 370  
Dallas, TX 75240

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the negotiated contract awarded to PM AM Corporation for Alarm Registration and Management Services for the Toms River Police Department shall be open-ended, contingent upon the availability of funds in the appropriate municipal budget.

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

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SHARON SMITH  
CHIEF FINANCIAL OFFICER

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO ENTER INTO AND THE MAYOR TO EXECUTE AN AGREEMENT IN LIEU OF CONDEMNATION AND PEDESTRIAN ACCESS EASEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND OCEAN BEACH SURF CLUB, LLC, IN CONNECTION WITH  
BLOCK 1103, LOT 16 IN THE TOWNSHIP OF TOMS RIVER, NJ**

**JANUARY 23, 2019**

**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 is authorized to enter into and the Mayor to execute an Agreement in Lieu of Condemnation and Pedestrian Access Agreement between the Township of Toms River and the Ocean Beach Surf Club, LLC, in connection with Block 1103, Lot 16 in the Township of Toms River, NJ.

2. A copy of the Agreement in Lieu of Condemnation and Pedestrian Access Agreement is attached to the resolution and made a part hereof.

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

- a) Mayor Thomas Kelaher
- b) Township Council
- c) Business Administrator
- d) Chief Financial Officer
- e) Township Attorney
- f) Purchasing Division
- g) Township Tax Collector
- h) Township Tax Assessor
- i) Paul R. Rizzo, Esq.  
DiFrancesco Law Firm  
15 Mountain Blvd.  
Warren, NJ 07059

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE USE OF PROJECT LABOR AGREEMENTS FOR PROJECTS IN EXCESS OF FIVE MILLION DOLLARS**

**JANUARY 23, 2019**

**WHEREAS**, the Project Labor Agreement Act (“PLA”), P.L. 2002, Chapter 44, was signed into law on July 21, 2002; and

**WHEREAS**, project labor agreements are pre-hire collective bargaining agreements with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project; and

**WHEREAS**, the use of project labor agreements is beneficial for construction projects in excess of five million dollars as they lead to less disputes, delays, fair and agreed to employment terms and more efficient project management; and

**WHEREAS**, the Township find the use of such agreements for projects in excess of five million dollars beneficial, as they:

- (a) Set forth effective, immediate and mutually binding procedures for resolving jurisdictional, labor disputes and grievances arising before the completion of work; and
- (b) Contain guarantees against strikes, lockouts or other similar actions; and
- (c) Standardize the terms and conditions of employment of labor on the public works projects;
- (d) Permit flexibility in work scheduling and shift hours and times;
- (e) Ensure a reliable source of skilled and experienced labor; and
- (f) Further public policy objectives by improving employment opportunities for minorities, women and the economically disadvantaged; and permit the selection of the lowest responsible bidder, without regard to union or non-union status at other construction sites; and
- (g) Are on all contractors and subcontractors, or whatever tier, on the public works project through the inclusion of appropriate bid specifications in all relevant documents; and

**WHEREAS**, the Township endorses project labor agreements and pledges to utilize same for construction projects in excess of five million dollars;

**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 Township does hereby endorse the use of project labor agreements for construction projects in excess of five million dollars and pledges to utilize same for such projects.

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

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Human Resources

### **CERTIFICATION**

I, **ALISON CARLISLE**, Township Clerk of the Township of Toms River, do hereby certify that the foregoing resolution was duly adopted by the Township Council of the Township of Toms River at a meeting held on the 23rd day of January, 2019.

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ALISON CARLISLE, Township Clerk  
Toms River Township

### **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**

**JANUARY 23, 2019**

**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) Business Administrator
- c) Chief Financial Officer
- d) Tax Collector
- e) Township Attorney
- f) Housing & Property Maintenance
- g) Code Enforcement
- h) Director, Parks, Buildings & Grounds
- i) Loidice, George & Pesce, Lisa  
710 Morris Boulevard  
Toms River, NJ 08753
- j) US Bank Trust NA  
2711 N. Haskell Avenue  
Dallas, TX 75204
- k) Caliber Home Loans, Inc.  
P.O. Box 24610  
Oklahoma City, OK 73124
- l) Hogar Community Reinvestment, LLC  
555 Brookside Drive  
Toms River, NJ 08753
- m) Oszmanski, Dominic  
1034 Yellowbank Road  
Toms River, NJ 08753
- n) Graham, Gregory & Stephanie  
921 Hardenbrook Avenue  
Toms River, NJ 08753
- o) Mikhli, E. & E. & Marushka, V.  
105 Liberty Bell Road  
Toms River, NJ 08755
- p) Property Preservation Department/KML Law Group  
216 Haddon Avenue, Suite 406  
Westmont, NJ 08108
- q) Marino, Robert  
198 Lamdan Lane  
Toms River, NJ 08753
- r) U.S. Bank National Assoc.  
1000 Abernathy Road Northpark Tower Center  
Building 400, Suite 200  
Atlanta, GA 30328
- s) PC7 REO LLC  
1000 Haddonfield Berlin  
Voorhees, NJ 08043
- t) Loancare LLC  
P.O. Box 202049  
Florence, SC 29502
- u) Shellpoint Mortgage Services  
27720 Jefferson Avenue, Suite 210  
Temecula, CA 92590
- v) Select Portfolio  
3217 S. Decker Lake Drive  
West Valley City, UT 84119
- w) Fay Servicing  
27720 Jefferson Avenue, Suite 210  
Temecula, CA 92590
- x) Specialized Loan Servicing, LLC  
8742 Lucent Blvd., Suite 300  
Highlands Ranch, CO 80129
- y) Bank of America  
16001 N. Dallas Pkwy.  
Addison, TX 75001
- z) A & A Investment LLC  
431 Bradley Avenue  
Staten Island, NY 10314

**SCHEDULE "A"**

**CERTIFICATION OF COSTS**

	<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>PROPERTY ADDRESS</u></b>	<b><u>TOTAL</u></b>
1.	841	5	710 Morris Boulevard	\$975.98
2.	840	21	603 McKinley Avenue	\$658.22
3.	647	16	596 Clifton Avenue	\$441.61
4.	1694.02	15	555 Brookside Drive	\$728.77
5.	1501.29	1	1034 Yellowbank Road	\$857.78
6.	628	1	921 Hardenbrook Avenue	\$792.54
7.	171.05	15	105 Liberty Bell Road	\$691.82
8.	608.08	23	198 Carol Drive	\$685.82
9.	410.02	35	198 Lamdan Lane	\$13,384.03
10.	444.22	27	1292 Hancock Road	\$441.61
11.	1501.19	27	1085 Ruby Drive	\$441.61
12.	232.11	6	133 Silver Bay Road	\$874.83
13.	1501.36	12	1101 Hazelwood Road	\$333.31
14.	297.13	4	230 Aldo Drive	\$387.46
15.	1082.03	20	2211 Second Avenue	\$333.31
16.	192.02	18	24 Newport Place	\$686.72
17.	192.15	3	2181 Hovsons Boulevard	\$973.88
18.	192.05	66	2220 Church Road	\$840.62

\*\*\*If there are any questions concerning the work/labor liens, please  
contact Craig Ambrosio at 732-341-1000 Ext. 8417. Thank you\*\*\*

**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  
OFFICE OF THE OCEAN COUNTY PROSECUTOR FOR POLICE SERVICES –  
FOR THE PROSECUTOR'S PROGRAM - 2019, FORMERLY KNOWN AS FATAL  
ACCIDENT  
SUPPORT TEAM (F.A.S.T.)**

**JANUARY 23, 2019**

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to a Shared Services Agreement between the Township of Toms River and the Office of the Ocean County Prosecutor for the Prosecutor's Program - 2019, formerly known as the Fatal Accident Support Team (F.A.S.T.), for the term commencing January 1, 2019 and terminating December 31, 2019. A copy of this Agreement will be kept on file in the Office of the Township Clerk upon execution.

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

- a) Mayor Thomas Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Township Grant Coordinator
- f) Police Department, Attn: Chief Mitchell Little
- g) Chief Financial Officer
- h) Ocean County Board of Freeholders  
P.O. Box 2191  
Toms River, N.J. 08754-2191
- i) Ocean County Prosecutor's Office  
Attn: Detective Michael Proto  
Major Crime/Vehicular Homicide Unit  
119 Hooper Avenue  
P.O. Box 2191  
Toms River, N.J. 08754-2191

**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GREEN ACRES ENABLING RESOLUTION  
FOR MATCHING GRANTS ASSOCIATED WITH THE  
FIELD OF DREAMS PROJECT**

**JANUARY 23, 2019**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Toms River desires to further the public interest by obtaining funding in the amount of \$902,875.00, in the form of a matching grant from the State to fund a portion of the following project: Toms River Field of Dreams project, a portion of which includes the development of a fully inclusive active and passive recreation space, including a playground and freestanding equipment; fitness equipment; safety surface for basketball, bocce, shuffleboard, mini golf, and playground areas; restroom, concession and storage structure; pavilion shelter, site amenities including benches, ADA tables, tables and receptacles, baseball shelter, backstop and arch; and tree clearing at a project cost of \$3,611,500.00;

NOW, THEREFORE, the Township Council resolves that Donald A. Guardian or the successor to the office of the Business Administrator is hereby authorized to:

- a) make application for such a loan and/or such a grant,
- b) provide additional application information and furnish such documents as may be required; and
- c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE Township Council of the Township of Toms River:

1. That the Mayor of the Township of Toms River is hereby authorized to execute an agreement and any amendment thereto with the State known as Toms River Field of Dreams;

2. That Toms River Field of Dreams, LLC, will be responsible for providing the matching share of the project, if match is required, in the amount of \$2,708,625.00

3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;

4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project;

5. That this resolution shall take effect immediately.

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

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Engineering Division
- g) Recreation Dept.
- h) Maser Consulting, PA  
331 Newman Springs Road, Suite 203  
Red Bank, NJ 07701
- i) NJDEP Green Acres Program  
501 East State Street, 1<sup>st</sup> Floor  
P.O. Box 412  
Trenton, N.J. 08625-0412

## **CERTIFICATION**

I, Alison Carlisle, Township Clerk of the Township of Toms River, do hereby certify that the foregoing is a true copy of a resolution adopted by the Township Council of the Township of Toms River at a meeting held on the 23<sup>rd</sup> day of January, 2019.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 23<sup>rd</sup> day of January, 2019.

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Alison Carlisle  
Township Clerk  
Township of Toms River

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP OF TOMS RIVER TO ACCEPT A GRANT FROM THE STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE, IN THE AMOUNT OF \$60,000.00, UNDER THE FY2019 SAFE AND SECURE COMMUNITIES PROGRAM, SUBAWARD GRANT NUMBER 19-1507, AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A SUBGRANT AWARD**

**JANUARY 22, 2019**

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

1. The Township of Toms River is authorized to accept a subaward grant from the State of New Jersey, Department of Law and Public Safety, Division of Criminal Justice, in the amount of \$60,000.00, under the Safe and Secure Communities Program, Grant No. 19-1507, with a Match - Fringe Benefits, for a total project cost of \$60,000.00

2. The Mayor is authorized to execute and the Township Clerk to attest to a Subgrant Award in connection with this grant.

3. The Township of Toms River is accepting this grant of funds for the purpose described in the application.

4. Subaward Period: June 26, 2019 to June 25, 2020.

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 Attorney
- c) Chief Financial Officer
- d) Purchasing Division
- e) Police Department, Attention: Chief Mitchell Little
- f) Police Department, Attention: Captain James Harris
- g) Township Grant Coordinator
- h) State of New Jersey  
Office of Attorney General  
Department of Law and Public Safety  
Division of Criminal Justice  
PO Box 085  
Trenton, NJ 08625-0085
- i) Office of the Attorney General  
Department of Law and Public Safety  
Division of Criminal Justice  
PO Box 085  
Trenton, NJ 08625-0085

**STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CRIMINAL JUSTICE**

**SAFE AND SECURE COMMUNITIES PROGRAM**

**CERTIFICATION OF RECORDING OFFICER**

This is to certify that the foregoing Resolution is a true and correct copy of a resolution which was duly and regularly introduced and finally adopted at

the meeting of the Township Council of the Township of Toms River, held on the 22<sup>nd</sup> day of January, 2019, and duly recorded in my office; that all requirements of law pertaining to the conduct of said meeting and the passage of this resolution were observed; and that I am duly authorized to execute this certificate.

DATED: This 22<sup>nd</sup> day of January, 2019.

SEAL

Signature of Certifying Officer	Title (Mayor)
	<b>Grant # 19-1507</b>

Name of Certifying Officer

**RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE 1507-33-010-004 FROM NEW SURF CLUB INC. TO BJ'S RESTAURANT OPERATIONS COMPANY (POCKET)**

**January 23, 2019**

WHEREAS, an application has been filed for **PERSON-TO-PERSON TRANSFER** for Plenary Retail Consumption License Number **1507-33-010-004**, heretofore issued to BJ's Restaurant Operations Company, with a mailing address of 7755 Center Avenue Suite 300 Huntington Beach, CA 92647; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, funding sources have been disclosed 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 and has disclosed the source of funds for said purchase;

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 does authorize the **Person-To Person Transfer** of Plenary Retail Consumption Liquor License Number **1507-33-010-004** from **New Surf Club Inc.**, to **BJ's Restaurant Operations Company** with a mailing address of: 7755 Center Avenue Suite 300, Huntington Beach, CA 92647.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Police Department
  - b) Chief Financial Officer
  - c) Township Attorney
  - d) State of New Jersey  
Division of Alcoholic Beverage Control  
140 E. Front Street  
P.O. Box 087  
5th Floor  
Trenton, N.J. 08625-0087

- e) BJ's Restaurant Operations Company  
7755 Center Avenue, Suite 300  
Huntington Beach, CA 92647

**RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF PLENARY  
RETAIL DISTRIBUTION LIQUOR LICENSE 1507-44-043-003 FROM PARIS  
INC. TO MARGAUX D'ONOFRIO T/A EZ LIQUORS**

**January 23, 2019**

WHEREAS, an application has been filed for **PERSON-TO-PERSON TRANSFER** for Plenary Retail Distribution License Number **1507-44-043-003**, heretofore issued to Margaux D'Onofrio, with an address of 35 Route 37 East, Toms River, NJ 08753 and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, funding sources have been disclosed 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 and has disclosed the source of funds for said purchase;

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 does authorize the **Person-To-Person Transfer** of Plenary Retail Distribution Liquor License Number 1507-44-043-003 from **Paris Inc. t/a EZ Liquors to Margaux D'Onofrio t/a EZ Liquors**.

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

- a) Police Department
- b) Chief Financial Officer
- c) Township Attorney
- d) NJ Division of Taxation  
PO Box 999  
Trenton, NJ 08646-0999
- e) Margaux D'Onofrio  
35 Route 37 East  
Toms River, NJ 08753

**RESOLUTION APPOINTING MEMBERS OF THE ZONING BOARD OF  
ADJUSTMENT**

**JANUARY 23, 2019**

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

1. The following persons be and they are hereby appointed as members of the Toms River Township Board of Adjustment, as follows:

**Alternate #4 Member**

Matthew Yezzi  
342 Cokes Drive  
Toms River, NJ 08753

1/1/2019 - 12/31/2020



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

- a. Office of the Township Council
- b. Office of the Mayor
- c. Township Attorney
- d. Board of Adjustment
- e. Each appointee listed above, who shall present themselves before the Township Clerk and take the Oath of Office

**RESOLUTION APPOINTING A REGULAR MEMBER TO THE RENT LEVELING BOARD**

**January 23, 2019**

WHEREAS, the Township Council has appointed members 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 shall be and is hereby appointed as members of the Township of Toms River Rent Leveling Board with term as noted below effective January 1, 2019:

**REGULAR MEMBER**

Robin Longstreet  
212 Roberts Road  
Toms River, NJ 08755

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) 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 AUTHORIZING THE SALE OF ABANDONED AND/OR UNCLAIMED MOTOR VEHICLES PURSUANT TO N.J.S.A. 39:10A-1 ET SEQ.**

JANUARY 23, 2018

**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 sale at public auction of the following abandoned and/or unclaimed motor vehicles pursuant to the provisions of N.J.S.A. 39:10A-1 et seq., on February 6, 2019 at 10:00 a.m. at Accurate Automotive, 11:00 a.m. at Priced-Rite Towing and 12 noon at Freedom Towing:

**Vehicles for Auction with Titles:**

Request to hold abandoned vehicle auctions on February 6, 2019 at the following locations and times:

Accurate Automotive, 14 James St., Toms River, NJ at 10:00 a.m.

YEAR	MAKE	VIN#
2003	BUELL	4MZAX12J233402239
2002	FORD	1FMYU04112KD22241
2009	HONDA	JH2SC590X9K100325

Priced-Rite Towing, 24 Germania Station Rd., Toms River, NJ at 11:00 a.m.

YEAR	MAKE	VIN#
2007	FORD	1FMFU18567LA06085
2005	BMW	WBANA73555CR59500

Freedom Towing, 1725 Lakewood Road, Unit 1, Toms River, NJ at 12 noon

YEAR	MAKE	VIN#
2002	VOLVO	YV1TS92D421252465
1998	VW	3VWAB81E0WM801408
2003	MERCURY	4M2DU86WX3ZJ40454
2005	HONDA	JHMCN36475C010460
1991	HONDA	2HGED6459MH571136
2002	HONDA	1HGCG56732A036709
2003	LEXUS	JT8BD69S630188983
2005	JEEP	1J4HR58N35C729003

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 Mitch Little
- c) Chief Financial Officer
- d) Accurate Automotive  
14 James St.  
Toms River, NJ 08753
- e) Priced-Rite Towing  
24 Germania Station Road  
Toms River, NJ 08755
- f) Freedom Towing  
1725 Lakewood Road, Unit 1,  
Toms River, NJ

**LEGAL NOTICE  
TOWNSHIP OF TOMS RIVER  
PUBLIC SALE**

**TAKE NOTICE** that the undersigned shall expose for sale in accordance with R.S. 39:10A-1, at public auction on **February 6, 2019 at 10:00 a.m. at Accurate Automotive, 11:00 a.m. at Priced-Rite Towing, and 12 noon at Freedom Towing**, the below described motor vehicle(s) which came into the possession of the Township of Toms River Police Department through abandonment or failure to claim same within 30 days. The public auction will take place at the above indicated date, time and location(s). The motor vehicle(s) may be examined at the indicated location(s) Monday through Friday, 9:00 a.m. to 5:00 p.m.

All vehicle(s) listed have clear title. Failure to inspect said vehicle(s) will not be considered as cause for any claim for adjustment whatsoever. **ALL SALES WILL BE FINAL.** Cash or check will be required at the time of the sale when the sale is

completed. Vehicle(s) must be removed from the premises at the purchaser's expense within 48 hours of sale date. Opening bids start at tow expense.

**Vehicles For Auction with Titles:**

Accurate Automotive, 14 James St., Toms River, NJ at 10:00 a.m.

YEAR	MAKE	VIN#
2003	BUJELL	4MZAX12J233402239
2002	FORD	1FMYU04112KD22241
2009	HONDA	JH2SC590X9K100325

Priced-Rite Towing, 24 Germania Station Rd., Toms River, NJ at 11:00 a.m.

YEAR	MAKE	VIN#
2007	FORD	1FMFU18567LA06085
2005	BMW	WBANA73555CR59500

Freedom Towing, 1725 Lakewood Road, Unit 1, Toms River, NJ at 12 noon

YEAR	MAKE	VIN#
2002	VOLVO	YV1TS92D421252465
1998	VW	3VWAB81E0WM801408
2003	MERCURY	4M2DU86WX3ZJ40454
2005	HONDA	JHMCN36475C010460
1991	HONDA	2HGED6459MH571136
2002	HONDA	1HGCG56732A036709
2003	LEXUS	JT8BD69S630188983
2005	JEEP	1J4HR58N35C729003

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING MAINTENANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS WAWA, BLOCK 1092.01, LOT 1.01 (Route 37 East)**

**January 23, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Wawa, Block 1092.01, Lot 1.01.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Cash Bond in the amount of \$450.00, on account # X-19- -601-801, accepted by way of Resolution 'U', dated July 26, 2016, is hereby accepted and will remain on account to represent the Maintenance Cash Bond;

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

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

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

- 1) Previously posted 90% Surety Bond # 106502500 in the amount of \$4,050.00 is hereby released;

2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Wawa, Inc.  
260 West Baltimore Pike  
Wawa, PA 19063

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS BLOCK 394 LOT 103.01 (1770 Hooper Avenue)**

**January 23, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 394 Lot 103.01.

WHEREAS, Maintenance Bonds have been posted as follows:

1) Cash Bond in the amount of \$500.00, originally accepted by way of Resolution 'L', dated July 24, 2018, in the original amount of \$5,000.00, is hereby accepted and will remain on account to represent the Maintenance Cash Bond;

WHEREAS, the Township Engineer has made an inspection of said Minor Site Plan and finds that all improvements have been satisfactorily completed; and WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees and the acceptance of the Maintenance Guarantees;

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

1) Previously posted Cash Bond in the amount of \$4,500.00, in account # 9-14- -902-101, in the original amount of \$5,000.00 is hereby released;

2) Maintenance Surety Bond listed in the preamble hereof be and the same is hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Hooper Partners, LLC  
811 Woodland Drive  
Lakewood, NJ 08701

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING ENGINEERING INSPECTION FEES FOR A MINOR SITE PLAN KNOWN AS, BLOCK 1108.40, LOT 4 (642 Fischer Blvd)  
January 23, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 1108.40 Lot 4

WHEREAS, Engineering Inspection Fees have been posted as follows:

1) Check in the amount of \$500.00 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 inspection fees set forth in the preamble hereto are hereby approved.

2) Said bond approval is conditioned upon compliance by Oak Tree Holdings 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. Oak Hill Holdings, LLC  
199 Route 46 West  
Lodi, NJ 07644

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING REDUCED PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS RIVERWOOD CHASE (AKS NOBILITY CREST AT DOVER, LLC), PHASE IV BLOCK 166, LOTS 3, 4, 9 AND 15 (Cox Cro Road)**

**January 23, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Riverwood Chase, AKA Nobility Crest at Dover, LLC, Phase IV, Block 166, Lots 3, 4, 9 and 15.

WHEREAS, Reduced Performance Bonds have been posted as follows:

1) Cash Bond in the amount of \$24,330.00, originally accepted by way of Resolution 'M' dated December 12, 2017 in the amount of \$ 81,100.00 will remain on account to represent the reduced Performance Guarantee.

2)

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:

The bonds set forth in the preamble hereto are hereby approved.

1) Cash Bond in the amount of \$56,770.00 in account # 9-14 - -902-101, originally accepted in the amount of \$81,100.00, is hereby released.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Nobility Crest at Dover, LLC  
2101 State Route 34, Suite A  
Wall, NJ 07719-9104  
Attn: Greg Hnat

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING REDUCED PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS RIVERWOOD CHASE (AKS NOBILITY CREST AT DOVER, LLC), PHASE I BLOCK 166, LOTS 3, 4, 9 AND 15 (Cox Cro Road)**

**January 23, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Riverwood Chase, AKA Nobility Crest at Dover, LLC, Phase I, Block 166, Lots 3, 4, 9 and 15.

WHEREAS, Reduced Performance Bonds have been posted as follows:

Surety Rider # S276345 in the amount of \$91,260.00 issued by NGM Insurance Company, which represents a portion of the performance guarantee amount.

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) Cash Bond in the amount of \$11,960.00 in account # 9-14 - -902-101, originally accepted in the amount of \$33,800.00 and reduced by \$11,700.00, is hereby released.
- 3) Bond # S276345 in the amount of \$338,000.00 issued by NGM Insurance Company is hereby released.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Nobility Crest at Dover, LLC  
2101 State Route 34, Suite A  
Wall, NJ 07719-9104  
Attn: Greg Hnat

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING REDUCED PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS RIVERWOOD CHASE (AKS NOBILITY CREST AT DOVER, LLC), PHASE III BLOCK 166, LOTS 3, 4, 9 AND 15 (Cox Cro Road)**

**January 23, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Riverwood Chase, AKA Nobility Crest at Dover, LLC, Phase III, Block 166, Lots 3, 4, 9 and 15.

WHEREAS, Reduced Performance Bonds have been posted as follows:

- 1) Surety Rider # S298513 in the amount of \$22,599.00 issued by NGM Insurance Company, which represents a portion of the performance guarantee amount.

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) Cash Bond in the amount of \$5,859.00 in account # 9-14 - -902-101, originally accepted in the amount of \$8,370.00, is hereby released.
- 3) Bond # S298513 in the amount of \$75,330.00 issued by NGM Insurance Company is hereby released.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Nobility Crest at Dover, LLC  
2101 State Route 34, Suite A  
Wall, NJ 07719-9104  
Attn: Greg Hnat

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MINOR SUBDIVISION FORMERLY KNOWN AS PATRA CONSTRUCTION, BLOCK 589, Lots 70 AND 75. (Iovino Street)**

**January 23, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision formerly known as Patra Construction, Block 589, Lots 70 & 75.

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) Maintenance Cash Bond in the amount of \$5,900.00 currently on deposit in account # 9-14- -902-101 is hereby released with applicable interest to the former owner of Patra Construction. By way of this resolution, a Certificate of Dissolution has been accepted to show that Patra Construction is no longer an active business and Mr. Christos Koutsoumpas, former owner of the corporation is to receive all funds. No new accounts are required to be opened on Mr. Christos Koutsoumpas' behalf, because all site work is 100 percent complete.

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

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

d. Christos Koutsoumpas  
1275 Coulter Street  
Toms River, NJ 08755

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR  
A MINOR SUBDIVISION KNOWN AS LONGFELLOW AVENUE, BLOCK 708, LOTS  
398 THRU 405 (Longfellow Avenue)**

**January 23, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Longfellow Avenue, Block 708, Lots 398-405.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #4422759 in the amount of \$8,550.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$950.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$475.00 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 Carl Horrocks, 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. Carl Horrocks  
1721 Certainty Drive  
Point Pleasant, NJ 08742

Councilman Wittmann spoke regarding boat ramp project to Township Engineer Chankalian.

Councilwoman Maruca thanked Township Engineer Chankalian for the efforts.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF  
CONTRACT FOR THE GILFORD PARK BOAT RAMP PROJECT TO R. KREMER & SON  
MARINE CONTRACTORS, LLC, AS LOW BIDDER MEETING ALL THE  
SPECIFICATIONS, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$998,107.70**

**JANUARY 23, 2019**



WHEREAS, bids were invited on December 19, 2018 for the Gilford Park Boat Ramp Project; and

WHEREAS, only one bid was received, as follows:

R. Kremer & Son Marine Contractors, LLC  
253 Drum Point Road  
Brick, NJ 08723 . . . . . \$998,107.70

WHEREAS, the bids have been reviewed by the Purchasing Division and the Engineering Division, and they have recommended that the award of contract be made to R. Kremer & Son Marine Contractors, LLC, as sole bidder meeting all the specifications, for a total contract price not to exceed \$998,107.70;

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 R. Kremer & Son Marine Contractors, LLC, as sole bidder meeting all the specifications, for the Gilford Park Boat Ramp Project, for a total contract price not to exceed \$998,107.70. Funds in the maximum contract price not to exceed \$998,107.70, are available in Account No. X-04- -238-003.

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) Engineering Division
- e) Aforementioned Bidder

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract awarded to R. Kremer & Son Marine Contractors, LLC, for a total contract price not to exceed \$998,107.70, are available in Account No. X-04- -238-003.

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.

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: January 23, 2019

Councilwoman Huryk explained the difference between the Ordinance and Resolution.

Councilman Turnbach thanked the people behind the code blue.

Connie Pascale, 101 Dewey Street, thanked the Council and the people behind Code Blue.

Bill Southeny, Director and CEO of Haven Beat thanked everyone.

Doctor Marian Sorenson thanked the Council for hard work.

The following people all thanked the Council for helping the homeless during the cold weather:

Rosemary, Gobel, Saint Joseph Church  
Paul Hulse  
Theodore Barnett, faith Ministries Outreach in Toms River  
Edward DeFreitis  
Jay Holman

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, URGING THE NEW JERSEY LEGISLATURE TO PERMIT THE OPENING OF CODE BLUE-NEW JERSEY EMERGENCY WARMING CENTER, WHEN THE TEMPERATURE REACHES 32 DEGREES FAHRENHEIT, REGARDLESS OF PRECIPITATION CONDITIONS**

**JANUARY 23, 2019**

**WHEREAS**, a Code Blue alert is declared whenever the temperature drops below 32 degrees Fahrenheit when there is precipitation, and 25 degrees Fahrenheit when there is no precipitation as set forth in N.J.S.A. App. A:9-43-20(a); and

**WHEREAS**, the Township of Toms River provides a warming center with up to 30 beds for at-risk individuals during a Code Blue event; and

**WHEREAS**, at-risk individuals have been forced to leave the warming center when temperatures rose to 27 degrees Fahrenheit because there was no precipitation at that time; and

**WHEREAS**, Snowy conditions should not be a bright line to determine whether at-risk individuals are permitted to enter a warming center, when the temperature is freezing; and

**WHEREAS**, it is the finding of this Council that when the temperature is 32 degrees Fahrenheit or below, the health safety and welfare of at-risk individuals are jeopardized regardless of precipitation:

**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 strongly objects to refusing access to a warming center for at-risk individuals when the weather is 26 -32 degrees Fahrenheit if there is no precipitation.

2. It hereby urges the New Jersey Legislature to amend N.J.S.A. App. A:9-43-20(a), allowing at risk individuals to have access to a warming center at any time when the weather is 32 degrees Fahrenheit or lower.

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

- a) Mayor Thomas Kelaher
- b) Township Council
- c) Township Attorney
- d) Business Administrator
- e) Chief of Police
- f) Chief Financial Officer
- g) Buildings and Grounds Dept.
- h) Recreation Dept.
- i) Haven Beat the Streets, Inc  
231 North New Road  
Absecon, New Jersey 08201

- j) Phil Murphy, Governor of N.J.
- k) 9th Legislative District
- l) 10th Legislative District
- m) 30th Legislative District

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE SILVERTON VOLUNTEER FIRST AID SQUAD, INC., REGARDING BILLING AND COLLECTION SERVICES**

**JANUARY 23, 2019**

**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 Silverton Volunteer First Aid Squad, Inc. regarding billing and collection services, for a term commencing retroactive to January 1, 2019 and terminating on December 31, 2019. This agreement shall be automatically renewed for additional one-year periods unless one of the parties shall notify the other, in writing, of its desire to terminate the agreement at the end of the then current term. A copy of each of the Agreement is attached to this resolution as Schedule "A", and made a part hereof. A copy of the Shared Services Agreement will be kept on file in the Office of the Township Clerk upon its execution.

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

- a) Mayor Thomas F. Kelaher
- b) Members of the Township Council
- c) Donald Guardian, Business Administrator
- d) Kenneth B. Fitzsimmons, Township Attorney
- e) Sharon E. Smith, Chief Financial Officer
- f) Purchasing Division
- g) Police Department
- h) Silverton Volunteer First Aid Squad, Inc.

**SCHEDULE A**

**"SEE ATTACHMENTS"**

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING REDUCED PERFORMANCE GUARANTEES FOR A MAJOR SUBDIVISION KNOWN AS RAIDER ESTATES, BLOCK 764 AND 768, LOTS 51-55 AND 16-30 (Pantzer Street)**

**January 23, 2019**

Whereas, the Township Engineer has reported to the Township Council with respect to a Major Subdivision known as Raider Estates, Block 764, & 768, Lots 51-55 & 16-30.

Whereas, Reduced Performance Bonds have been posted as follows:

1) Rider #CT023028 in the amount of \$145,916.10 issued by First Indemnity of America Insurance Company, which represents the ninety percent portion of the performance guarantee amount.

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 ARYA 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.

3) Surety Bond #CT023028 in the amount of \$286,110.00 issued by First Indemnity of America Insurance Company originally accepted by way of Resolution 'Q', dated September 26, 2017 is hereby released.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. ARYA Properties, LLC  
130 Central Avenue  
Island Heights, NJ 08732

## REPORTS

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

	2018	2017
Bey Lea Golf Course – December	\$52,280.30	\$51,351.99
Bey Lea Golf Course – YTD through December	\$1,138,710.78	\$1,233,259.07
Winding River Ice Rink – November	\$112,814.00	\$104,898.48
Winding River Ice Rink – YTD through November	\$776,876.05	\$812,588.57
Winding River Ice Rink – December	\$130,481.50	\$111,942.89
Winding River Ice Rink – YTD through December	\$907,357.55	\$924,531.46
Building Permits - December	\$204,524.00	\$271,512.00
Building Permits – YTD through December	\$2,437,186.00	\$2,742,338.00

## APPROVAL OF BILLS

Council President Wittmann asked for a report on the bills.

The Bill List, dated **January 22, 2019** was approved on motion by Council Member Maruca, seconded by Council Member Kubiel, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 19-00126, payable to Arya Properties LLC in the amount of \$8,300.00.

Purchase Order 19-00076, 19-00077, 19-00080, 1900083 and 19-00104, payable to Mark Properties in the amount of \$8,129.28.

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

Purchase Order 19-00159, payable to Toms River Schools B.O.E. in the amount of \$11,876,811.92.

Purchase Order 19-00015, 19-00016, 19-00017, 19-00018 and 19-00038, payable to Owen Little & Associates Inc., in the amount of \$8,300.50.

Purchase Order 19-00225 & 19-00138, payable to St Luke's Church in the amount of \$936.00.

Purchase Order 19-00225 & 19-00138, payable to Toms River Schools in the amount of \$1,060.00.

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

Purchase Order 18-00709, payable to Borough of Lavallette in the amount of \$1,250.12.

Purchase Order 14-03696, 17-00117 and 19-00037, payable to Remington & Venick Engineers in the amount of \$10,036.47.

Purchase Order 19-00225, payable to Toms River Township Recreation Salaries in the amount of \$8,325.34.

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

Purchase Order 19-00215, payable to Toms River Bureau of Fire in the amount of \$39,610.00.

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

Purchase Order 18-07378, 19-00140 and 19-00225, payable to NJ Motor Vehicle Commission in the amount of \$3,258.50.

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

Purchase Order 19-00225, payable to Magistrate Salaries in the amount of \$7,635.44.

Purchase Order 19-00138, payable to Special Duty Fee in the amount of \$8,971.00.

Purchase Order 19-00138, payable to St. Luke's Church in the amount of \$96.00.

## **ELECTED OFFICIALS COMMENTS**

Mayor Kelaher spoke regarding no knock permits.

Councilman Hill thanked the voters for support with the schools budget.

Councilman Kubiel had no comments.

Councilwoman Maruca thanked to former Mayor Champagne inspiring speech; beaches finally replenished, and beach buggy permits.

Councilman Turnbach thanked former Mayor Joseph Champagne for his presentation.

Councilwoman Huryk thanked voters for passing referendum.

Councilman Wittmann thanked former Mayor Champagne for his speech. He also spoke regarding Code Blue Ordinance.

## **PUBLIC COMMENTS**

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

Anthony DeVeca suggested a public skate park for the resident of Toms River. Follow up with Township Administrator Guardian.

Jerry Boyko wanted to discuss handicapped accessibility in Toms River.

Alizar Zorojew spoke regarding winter Business Improvement District events.

Richard Casslo thanked Councilwoman Maruca for assisting with Code Enforcement to address condition on a property in Ortlely Beach.

Joe Cerami, 6 Oak Glen Road< spoke regarding a skate park for kids in Toms River.

Colin Lewis, Old Freehold Road, commended for Code Blue; and spoke regarding Martin Luther King speech.

Tyler Nelson was a skateboarder for 20 years.

Michelle Williams thanked the Council for their public support.

Elizabeth Davecco supported skate park idea..

Jennifer Luyster, skateboarding advocate.

Paul Hulse advocated for skate park.

Susan Gato, spoke regarding Ocean County Polio Support Group; and spoke about Curb cuts at traffic lights; sidewalks and Home Depot.

No further comments from the public appearing, a motion was made by Council Member Kubiel, seconded by Council Member Maruca, and carried to enter into a private Executive Session at 7:45 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:

Matters of Personnel  
Matters of Litigation

Attorney Client Privilege  
Land Acquisitions

3. The following specific topics were announced.

1. Executive Session Minutes: January 3, 2019 Re-organization 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 Kubiell	- Present
Council Member Maruca	- Present
Council Member Rodrick	- Absent
Council Member Turnbach	- Present
Council Vice-President Hill	- Present
Council President Wittmann	- Present

The Council **reconvened** the public portion at 8:26 P.M., a motion was made by Council Member Hill, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Turnbach, and Council Present Wittmann voting yes, and with Council Member Rodrick absent..

A motion was made by Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent, 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:

**January 3, 2019 Re-organization Meeting**

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

No other business appearing, the meeting was **adjourned** at 8:32 P. M., on motion with Council President Wittmann, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent..

\_\_\_\_\_  
GEORGE WITTMANN, COUNCIL PRESIDENT

\_\_\_\_\_  
ALISON CARLISLE, TOWNSHIP CLERK