

February 12, 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 Vice-President Hill and opened with the salute to the Flag.

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

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

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

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

APPROVAL OF MINUTES

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, , Turnbach, and Council Vice-President Hill voting yes and Council Member Rodrick abstaining as he was not at the Regular Meeting on January 23, 2019, and with Council Members Kubiel, Maruca and Wittmann absent, to approve the **Regular Meeting of January 23, 2019. The minutes did not have enough voting members to pass and therefore will be moved to the next Council Meeting on February 26, 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 Turnbach, seconded by Council Member Huryk, and carried with Council Members Huryk, Rodrick, Turnbach, and Council Vice-President Hill voting yes, and with Council Members Kubiell, Maruca, and Wittmann absent, to make the following honoring proclamations a part of the Minutes.

Mayor Kelaher and Council Members presented proclamations to the following Eagle Scouts of Troop 29:

Mason Hopson
Matthew Pizzo
Alexander Plaskon
Nicolas Lamana
Joseph Ruggiero

Township of Toms River

Proclamation

Eagle Scout Court of Honor

WHEREAS, Joseph Ruggiero is involved with the Boy Scout Program, currently as a member of Boy Scout Troop 29 in Toms River; and

WHEREAS, Joseph Ruggiero has progressed through the ranks of Cub Scouts and Boy Scouts, and has achieved the rank of Eagle Scout; and

WHEREAS, to achieve the rank of Eagle Scout, a scout must have a minimum of twenty-two months tenure, have earned at least seven skill awards, logged a minimum of eighteen hours community service time, served at least sixteen months as a troop leader in three of eleven leadership positions, and have amassed at least twenty-one merit badges (eleven of which are required by the Boy Scouts of America National Committee); and

WHEREAS, before receiving final approval for the rank of Eagle Scout, a scout's achievements must be reviewed and approved by the Board of Review with the Council District Advancement Chairman and if approved by said Board, then all paperwork is sent to the National Headquarters in Texas for approval. All of these requirements must be completed prior to a scout's 18th birthday; and

WHEREAS, Joseph Ruggiero has successfully completed all requirements to receive the rank of Eagle Scout and will be honored for his achievement of acquiring Eagle Scout at the Toms River Township Council Meeting held on the 12th day of February in the year 2019.

NOW, THEREFORE, I, THOMAS F. KELAHER, Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate Joseph Ruggiero on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and effort for the good of his community.

Mayor Thomas F. Kelaher

George E. Wittmann, Jr.
Council President

Maurice B. Hill

Laurie A. Huryk

Brian S. Kubiel

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River

Proclamation

Eagle Scout Court of Honor

WHEREAS, Matthew Pizzo is involved with the Boy Scout Program, currently as a member of Boy Scout Troop 29 in Toms River; and

WHEREAS, Matthew Pizzo has progressed through the ranks of Cub Scouts and Boy Scouts, and has achieved the rank of Eagle Scout; and

WHEREAS, to achieve the rank of Eagle Scout, a scout must have a minimum of twenty-two months tenure, have earned at least seven skill awards, logged a minimum of eighteen hours community service time, served at least sixteen months as a troop leader in three of eleven leadership positions, and have amassed at least twenty-one merit badges (eleven of which are required by the Boy Scouts of America National Committee); and

WHEREAS, before receiving final approval for the rank of Eagle Scout, a scout's achievements must be reviewed and approved by the Board of Review with the Council District Advancement Chairman and if approved by said Board, then all paperwork is sent to the National Headquarters in Texas for approval. All of these requirements must be completed prior to a scout's 18th birthday; and

WHEREAS, Matthew Pizzo has successfully completed all requirements to receive the rank of Eagle Scout and will be honored for his achievement of acquiring Eagle Scout at the Toms River Township Council Meeting held on the 12th day of February in the year 2019.

*NOW, THEREFORE, I, THOMAS F. KELAHER, Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate **Matthew Pizzo** on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and effort for the good of his community.*

Mayor Thomas F. Kelaher

George E. Wittmann, Jr.
Council President

Maurice B. Hill

Laurie A. Huryk

Brian S. Kubiell

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River

Proclamation

Eagle Scout Court of Honor

WHEREAS, Alexander Plaskon is involved with the Boy Scout Program, currently as a member of Boy Scout Troop 29 in Toms River; and

WHEREAS, Alexander Plaskon has progressed through the ranks of Cub Scouts and Boy Scouts, and has achieved the rank of Eagle Scout; and

WHEREAS, to achieve the rank of Eagle Scout, a scout must have a minimum of twenty-two months tenure, have earned at least seven skill awards, logged a minimum of eighteen hours community service time, served at least sixteen months as a troop leader in three of eleven leadership positions, and have amassed at least twenty-one merit badges (eleven of which are required by the Boy Scouts of America National Committee); and

WHEREAS, before receiving final approval for the rank of Eagle Scout, a scout's achievements must be reviewed and approved by the Board of Review with the Council District Advancement Chairman and if approved by said Board, then all paperwork is sent to the National Headquarters in Texas for approval. All of these requirements must be completed prior to a scout's 18th birthday; and

WHEREAS, Alexander Plaskon has successfully completed all requirements to receive the rank of Eagle Scout and will be honored for his achievement of acquiring Eagle Scout at the Toms River Township Council Meeting held on the 12th day of February in the year 2019.

NOW, THEREFORE, I, THOMAS F. KELAHER, Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate Alexander Plaskon on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and effort for the good of his community.

Mayor Thomas F. Kelaher

George E. Wittmann, Jr.
Council President

Maurice B. Hill

Laurie A. Huryk

Brian S. Kubiell

Township of Toms River

Proclamation

Eagle Scout Court of Honor

WHEREAS, Mason Hopson is involved with the Boy Scout Program, currently as a member of Boy Scout Troop 29 in Toms River; and

WHEREAS, Mason Hopson has progressed through the ranks of Cub Scouts and Boy Scouts, and has achieved the rank of Eagle Scout; and

WHEREAS, to achieve the rank of Eagle Scout, a scout must have a minimum of twenty-two months tenure, have earned at least seven skill awards, logged a minimum of eighteen hours community service time, served at least sixteen months as a troop leader in three of eleven leadership positions, and have amassed at least twenty-one merit badges (eleven of which are required by the Boy Scouts of America National Committee); and

WHEREAS, before receiving final approval for the rank of Eagle Scout, a scout's achievements must be reviewed and approved by the Board of Review with the Council District Advancement Chairman and if approved by said Board, then all paperwork is sent to the National Headquarters in Texas for approval. All of these requirements must be completed prior to a scout's 18th birthday; and

WHEREAS, Mason Hopson has successfully completed all requirements to receive the rank of Eagle Scout and will be honored for his achievement of acquiring Eagle Scout at the Toms River Township Council Meeting held on the 12th day of February in the year 2019.

*NOW, THEREFORE, I, THOMAS F. KELAHER, Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate **Mason Hopson** on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and effort for the good of his community.*

Mayor Thomas F. Kelaher

George E. Wittmann, Jr.
Council President

Maurice B. Hill

Laurie A. Huryk

Brian S. Kubiel

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River

Proclamation

Eagle Scout Court of Honor

WHEREAS, Nicolas Lamana is involved with the Boy Scout Program, currently as a member of Boy Scout Troop 29 in Toms River; and

WHEREAS, Nicolas Lamana has progressed through the ranks of Cub Scouts and Boy Scouts, and has achieved the rank of Eagle Scout; and

WHEREAS, to achieve the rank of Eagle Scout, a scout must have a minimum of twenty-two months tenure, have earned at least seven skill awards, logged a minimum of eighteen hours community service time, served at least sixteen months as a troop leader in three of eleven leadership positions, and have amassed at least twenty-one merit badges (eleven of which are required by the Boy Scouts of America National Committee); and

WHEREAS, before receiving final approval for the rank of Eagle Scout, a scout's achievements must be reviewed and approved by the Board of Review with the Council District Advancement Chairman and if approved by said Board, then all paperwork is sent to the National Headquarters in Texas for approval. All of these requirements must be completed prior to a scout's 18th birthday; and

WHEREAS, Nicolas Lamana has successfully completed all requirements to receive the rank of Eagle Scout and will be honored for his achievement of acquiring Eagle Scout at the Toms River Township Council Meeting held on the 12th day of February in the year 2019.

NOW, THEREFORE, I, THOMAS F. KELAHER, Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate Nicolas Lamana on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and effort for the good of his community.

Mayor Thomas F. Kelaher

George E. Wittmann, Jr.
Council President

Maurice B. Hill

Laurie A. Huryk

Brian S. Kubiak

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Police Chief Little introduced the following new Police Officers and Mayor Kelaher Administered the Oath of Office:

Anthony R. Carafa #436
Brendan M. Hirtes #437
Brittany M. Catalano #438
Sean M. Ryan #439
Michael R. Hader #440

Council Vice-President Hill announced a five minutes break at 6:27 p.m.

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

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

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

On motion by Council Member Turnbach, seconded by Council Member Huryk and carried, the public hearing was closed.

Council Member Turnbach offered the following ordinance and moved its adoption, Council Member Huryk 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 Kubiak	Absent
Council Member Maruca	Absent
Council Member Rodrick	Present
Council Member Turnbach	Present
Council Vice-President Hill	Present
Council President Wittmann	Absent

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

A motion was made by Council Member Turnbach, seconded by Council Member Huryk, 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 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 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 Vice-President Hill announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

On motion by Council Member Turnbach, seconded by Council Member Huryk and carried, the public hearing was closed.

Council Member Turnbach offered the following ordinance and moved its adoption, Council Member Huryk 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	Absent
Council Member Maruca	Absent
Council Member Rodrick	Present
Council Member Turnbach	Present
Council Vice-President Hill	Present
Council President Wittmann	Absent

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

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

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 DEGRESS FAHRENHEIT OR LOWER, REGARDLESS OF
PRECIPITATION**

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

The following people commended the Council for good deed and example made for other municipals.

Connie Pascal
Bill Southy
Rosemary Goble
Patty Viola
Josh Young
Tom Finnerty
Joy Holman
Paul Hulse

On motion by Council Member Turnbach, seconded by Council Member Huryk and carried, the public hearing was closed.

Council Member Turnbach offered the following ordinance and moved its adoption, Council Member Huryk 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	Absent
Council Member Maruca	Absent
Council Member Rodrick	Present
Council Member Turnbach	Present
Council Vice-President Hill	Present
Council President Wittmann	Absent

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, ADOPTING THE REDEVELOPMENT PLAN FOR THE DOWNTOWN CORE REHABILITATION AREA PURSUANT TO N.J.S.A. 40A:12A-7

WHEREAS, on May 8, 2018, the Township Council of the Township of Toms River (the "Township Council") resolved to refer the study of certain parcels in the Township of Toms River (the "Township") to the Township Planning Board (the "Planning Board") as more fully set forth as Exhibit A attached hereto (the "Study Area"), as an area in need of rehabilitation, pursuant to N..J.S.A. 40A:12A-14; and

WHEREAS, on May 16, 2018, the Planning Board undertook the aforesaid study and recommended that the Study Area be designated as an area in need of rehabilitation; and

WHEREAS, on May 22, 2018, the Township Council considered the recommendation of the Planning Board and resolved to designate the Study Area as an area in need of rehabilitation, pursuant to *N.J.S.A. 40A:12A-14* (the "Rehabilitation Area"); and

WHEREAS, the Township Planner, David Glynn Roberts, AICP/PP, LLA, LEED AP ND and Assistant Township Planner, Erika F. Stahl, AICP/PP, prepared a redevelopment plan for the Rehabilitation Area entitled "Redevelopment Plan – Downtown Core Rehabilitation Area" (the "Redevelopment Plan"), same being reviewed by the Township Council Land Use Committee and recommended for adoption in December of 2018; and

WHEREAS, the Redevelopment Plan was referred by Township Council to the Toms River Planning Board (the "Planning Board") for review and comment in accordance with *N.J.S.A. 40A:12A-7(e)*, and is scheduled for consideration at the Board's February 20, 2019 meeting, for determination that the Redevelopment Plan is consistent with the 2017 Toms River Master Plan, with particular reference to the Land Use Plan Element, adopted by the Planning Board on April 19, 2017; and

WHEREAS, this Ordinance is contingent on the Planning Board issuing such a determination;

NOW, THEREFORE, 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. The aforementioned recitals are incorporated herein as if set forth at length.

Section 2. The Downtown Core Redevelopment Plan, prepared by Township Planner David Glynn Roberts, AICP/PP, LLA, LEED AP ND and Assistant Planner Erika F. Stahl, AICP/PP and dated January 29, 2019, is hereby adopted pursuant to *N.J.S.A. 40A:12A-7* of the Local Redevelopment and Housing Law. Further, the Redevelopment Plan shall supersede conflicting standards of the existing zoning within the designated Downtown Core Rehabilitation Area except as otherwise provided in the said Redevelopment Plan.

Section 3. The Official Zoning Map, dated July 25, 2017, is hereby amended to include the boundaries described in the Redevelopment Plan as the Downtown Core Rehabilitation Area, as "DCRA," for "Downtown Core Rehabilitation Area".

Section 4. 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 5. 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 certified copy of this ordinance shall be provided by the Office of the Township Clerk to the following:

- a) Mayor Thomas Kelaher
- b) Township Council
- c) Township Business Administrator
- d) Township Attorney
- e) Township Planning Board
- f) Township Planner
- g) Township Engineer
- h) Township Chief Financial Officer

- i) Tax Collector
- j) Tax Assessor
- k) Joseph P. Baumann, Jr., Esq.
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue
2nd Floor
Roseland, NJ 07068

A motion was made by Council Member Huryk, seconded by Council Member Turnbach and carried, with Council Members Huryk, Rodrick, Turnbach, and Council Vice-President Hill voting yes, and with Council Members Kubiell, Maruca, and Wittmann absent, 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 February 12, 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 26, 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 Friday, February 15, 2019.

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

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 477-12 (SCHEDULE IV: OVERNIGHT PARKING PROHIBITED), AND SECTION 477-63 (SCHEDULE V: OVERNIGHT PARKING PROHIBITED – TRUCKS AND BUSES) OF CHAPTER 477 (VEHICLES AND TRAFFIC) 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 477-12 (Schedule VI: Overnight Parking Prohibited) of Chapter 477 (Vehicles and Traffic) of the Code of the Township of Toms River, New Jersey is deleted and replaced with the following:

§477-12. Overnight parking prohibited.

No person, firm or corporation shall park or store between the hours of 9:00 p.m. and 6:00 a.m. a motor-drawn vehicle, omnibus, all trailers unattached to a

motor vehicle, or road tractor upon any of the streets or parts thereof described in Schedule V, attached to and made a part of this chapter. No person, firm or corporation shall park or store between the hours of 9:00 p.m. and 6:00 a.m. a commercial motor vehicle having a gross vehicle weight of four tons or more, upon any of the streets or parts thereof described in Schedule V, attached to and made a part of this chapter.

2. Section 477-63. Schedule V: Overnight Parking Prohibited – Trucks and Buses of Chapter 477 (Vehicles and Traffic) of the Code of the Township of Toms River, New Jersey is deleted and replaced with the following:

§477-63. Schedule V: Overnight Parking Prohibited – Trucks and Buses.

A. In accordance with the provisions of Article IV, §477-12, no person, firm or corporation shall park a motor-drawn vehicle, omnibus, all trailers unattached to a motor vehicle, or road tractor upon any of the following described streets or parts below:

Name of Street	Hours
Any street	9:00 p.m. to 6:00 a.m.

B. In accordance with the provisions of Article IV, §477-12, no person, firm or corporation shall park a commercial motor vehicle having a gross vehicle weight of four tons or more between the hours specified, upon any of the following described streets or parts thereof:

Name of Street	Hours
Any street	9:00 p.m. to 6:00 a.m.

3. 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 477 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

4. 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.

5. 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 and the posting of the appropriate signs.

6. This ordinance is subject to the receipt by the New Jersey Department of Transportation of the duly executed certification by the Toms River Township Engineer as required by law.

A motion was made by Council Member Huryk, seconded by Council Member Turnbach and carried, with Council Members Huryk, Rodrick, Turnbach, and Council Vice-President Hill voting yes, and with Council Members Kubiell, Maruca, and Wittmann absent, 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 February 12, 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 26, 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.

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, February 15, 2019.

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 477-79, SCHEDULE XXI: SPEED LIMITS OF CHAPTER 477 (VEHICLES AND TRAFFIC) OF THE TOWNSHIP CODE, REDUCING THE SPEED LIMIT ON BRIAR AVENUE BETWEEN ASTORIA WAY AND BAY AVENUE FROM 30 MILES PER HOUR TO 25 MILES PER HOUR

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

1. Section 477-79. Schedule XXI (Speed Limits) of Chapter 477 (Vehicles and Traffic) is hereby amended and supplemented to reduce the speed limit on Briar Avenue, as follows:

2.

NAME OF STREET:	Briar Avenue
SPEED (MPH):	25
LOCATION:	Between Astoria Way and Bay Avenue

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

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

4. This ordinance is subject to the receipt by the New Jersey Department of Transportation of the duly executed certification by the Toms River Township Engineer as required by law.

A motion was made by Council Member Huryk, seconded by Council Member Turnbach and carried, with Council Members Huryk, Rodrick, Turnbach, and Council Vice-President Hill voting yes, and with Council Members Kubiell, Maruca, and Wittmann absent, 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 February 12, 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 26, 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 Friday, February 15, 2019.

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

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, VACATING THE
PUBLIC RIGHT AND INTEREST IN A PORTION OF SAYERVILLE STREET**

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

1. There is hereby vacated all the right, title and interest of the public for all public use and purposes in a portion of Sayreville Street, located in the Township of Toms River, between the south side of Willow Avenue and the north side of Manhattan Street. Schedule "A", annexed hereto and made a part hereof, depicts the area of Sayreville Street that is being vacated.

The vacation of all the right, title and interest of the public in the above described property is subject to the retention of all rights and privileges possessed by public utilities as defined in N.J.S.A. 48:2-13, by any cable company as defined in N.J.S.A. 48:5A-3, and by the Township of Toms River with respect to drainage, water, sewer, or other public facilities, including the right of all of such entities to maintain, repair, and replace existing and future facilities, in, adjacent to, over and under such street, highway, lane, alley, square, place, or park, or any portion thereof, which is expressly reserved and excepted from vacation provided by this Ordinance.

2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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

4. Since this ordinance is not legislative in nature, it need not be codified in the Code of the Township of Toms River.

5. A copy of this executed ordinance shall be recorded by the Township Clerk in the Ocean County Clerk's Office, pursuant to N.J.S.A. 40:67-21.

6. At least one week prior to the time and date fixed for final passage of this ordinance, a copy of this ordinance shall be mailed to all property owners abutting the area proposed to be vacated by the Township, pursuant to N.J.S.A. 40:49-6

A motion was made by Council Member Huryk, seconded by Council Member Turnbach and carried, with Council Members Huryk, Rodrick, Turnbach, and Council Vice-President Hill voting yes, and with Council Members Kubiel, Maruca, and

Wittmann absent, 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 February 12, 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 26, 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 Friday, February 15, 2019.

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, ADOPTING THE REDEVELOPMENT PLAN FOR THE HOOPER-CAUDINA REDEVELOPMENT AREA PURSUANT TO N.J.S.A. 40A:12A-7

WHEREAS, the Township Council of the Township of Toms River, by resolution, dated July 10, 2018, authorized the Toms River Township Planning Board (hereinafter "Planning Board") to undertake a preliminary investigation to determine whether certain lands situated in the Township of Toms River, inclusive of the lands depicted in the following table:

Street	Block	Lots
Caudina Avenue, Salerno Avenue, Sarno Avenue	605	421-433; 489-501
1094 Nocero Place, 400 Sarno Avenue	594	139-158
1015 Reggio Avenue	592	72-95
Sarno Avenue, Reggio Avenue, Cipriano Avenue, Salerno Avenue	595	159, 162, 163, 188, 198-202
Cipriano Avenue, Reggio Avenue, Castlebuono Avenue, Salerno Avenue	596	203-246
Castlebuono Avenue, Reggio Avenue	597	16-71
Sarno Avenue, Cipriano Avenue, Hooper Avenue	606.01	369-387
Sarno Avenue, Salerno Avenue, Cipriano Avenue	606.02	336-420
Cipriano Avenue, Salerno Avenue, Castlebuono Avenue, Hooper Avenue	607	247
ROW of Reggio Avenue		
ROW of Salerno Avenue		
ROW between Block 606.01 and 606.02		
ROW of Sarno Avenue		
ROW of Cipriano Avenue		
ROW of Castlebuono Avenue		

(collectively the “Delineated Area” or “Hooper Caudina Redevelopment Area”) should be designated as an area in need of redevelopment with the potential use of eminent domain (a “Condemnation Redevelopment Area”), as set forth in the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-6*; and

WHEREAS, the Planning Board, by Resolution dated October 17, 2018, recommended that the Delineated Area be designated as a Condemnation Redevelopment Area; and

WHEREAS, the Township Council, by Resolution dated October 23, 2018, accepted the recommendation of the Planning Board and designated the Delineated Area as a Condemnation Redevelopment Area; and

WHEREAS, the Township Planner, David Glynn Roberts, AICP/PP, LLA, LEED AP ND prepared a redevelopment plan entitled “The Hooper-Caudina Redevelopment Plan” (the “Redevelopment Plan”) for the Hooper-Caudina Redevelopment Area in November of 2018, and the draft Redevelopment Plan was reviewed by the Council Land Use Committee and recommended for adoption in December of 2018; and

WHEREAS, said Redevelopment Plan, dated December 4, 2018, was referred to and reviewed by the Toms River Planning Board in accordance with *N.J.S.A. 40A:12A-7(e)*; and

WHEREAS, the Planning Board determined that the Redevelopment Plan is consistent with the 2017 Toms River Master Plan, with particular reference to the Land Use Plan Element, adopted by the Board on April 19, 2017;

NOW, THEREFORE, 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. The aforementioned recitals are incorporated herein as if set forth at length.

Section 2. The Hooper-Caudina Redevelopment Plan, prepared by Township Planner David Glynn Roberts, AICP/PP, LLA, LEED AP ND and dated December 4, 2018, is hereby adopted pursuant to the terms of *N.J.S.A. 40A:12A-7* of the Local Redevelopment and Housing Law. Further, the Redevelopment Plan shall supersede the existing zoning within the designated Hooper-Caudina Redevelopment Area except as otherwise provided in the said Redevelopment Plan.

Section 3. The Official Zoning Map, dated July 25, 2017, is hereby amended to include the boundaries described in the Redevelopment Plan as the Hooper-Caudina Redevelopment Area as “RDV” for “Redevelopment Area”.

Section 4. 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 5. 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 certified copy of this ordinance shall be provided by the Office of the Township Clerk to the following:

- a) Mayor Thomas Kelaher
- b) Township Council
- c) Township Business Administrator
- d) Township Attorney
- e) Township Planning Board
- f) Township Planner
- g) Township Engineer
- h) Township Chief Financial Officer
- i) Tax Collector
- j) Tax Assessor
- k) Joseph P. Baumann, Jr., Esq.

McManimon, Scotland & Baumann, LLC
75 Livingston Avenue
2nd Floor
Roseland, NJ 07068

A motion was made by Council Member Huryk, seconded by Council Member Turnbach and carried, with Council Members Huryk, Rodrick, Turnbach, and Council Vice-President Hill voting yes, and with Council Members Kubiell, Maruca, and Wittmann absent, 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 February 12, 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 26, 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 Friday, February 15, 2019.

Emergency Basis Resolution introduced by Council Member Hill, seconded by Council Member Turnbach, and carried with Council Members Huryk, Rodrick, Turnbach, and Council Vice-President Hill in favor of defeated by insufficient number of votes.

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE
IMMEDIATE IMPLEMENTATION OF THE "CODE BLUE"
ORDINANCE ON AN EMERGENT BASIS PURSUANT TO N.J.S.A.
40:69A-181(b)**

February 12, 2019

WHEREAS, under N.J.S.A. 40:69A-181(b), the Township Council may, by resolution approved by a two-thirds of the authorized membership, in emergent situations dispense with the 20-day estoppel period applicable to ordinances following adoption on second reading; and

WHEREAS, on this date, the Township Council adopted on second reading the following ordinance:

ORDINANCE of the Township Council, Township of Toms River, 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, authorizing the Chief of Police to declare a Code Blue event when the weather is 35 degrees Fahrenheit or lower, regardless of precipitation.

WHEREAS, the State of New Jersey is, on this date, under a state of emergency declared by the Governor due to a severe winter storm which subjected the state to snow, freezing rain, and ice; and

WHEREAS, in the past several weeks, New Jersey has experienced several bouts of extremely cold weather, with below freezing temperatures and sub-zero wind chills; and

WHEREAS, more severe and brutally cold weather is forecast and likely to occur during the statutory estoppel period, which will run through the remainder of February and early March; and

WHEREAS, delaying implementation of the ordinance will leave the local homeless population without refuge during the estoppel period, undermining the humanitarian purpose and intent of the Code Blue ordinance; and

WHEREAS, two-thirds of the Township Council has determined there are emergent circumstances that justify immediate implementation of the Code Blue ordinance:

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

1. The imminent prospect of more severe and extremely cold winter weather over the next three weeks creates an emergency situation demanding immediate action to provide relief for the local homeless population.

2. Pursuant to N.J.S.A. 40:69A-181(b), the 20-day estoppel period is hereby waived, and the following ordinance, adopted on second reading today, shall take effect immediately upon the Mayor's signature:

ORDINANCE of the Township Council, Township of Toms River, 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, authorizing the Chief of Police to declare a Code Blue event when the weather is 35 degrees Fahrenheit or lower, regardless of precipitation.

3. This resolution was approved by a two-thirds vote of the full authorized membership of the Township Council.

4. A certified copy of this resolution shall remain on file in the Office of the Township Clerk and provided to the following parties:

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

- d. Chief of Police
- e. Director of Parks, Buildings and Grounds

Assistant Township Attorney Merlino explained that the Mayor has the executive authority to call a code blue during 20 day estoppel period.

CONSENT AGENDA

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

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

R E S O L U T I O N

FEBRUARY 12, 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 / 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:*

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Year</i>	<i>Amount</i>
BARNEY, CASEY, SHARON	1108.10	189.02	2019/1	\$5,029.33
			2019/2	4,772.92
TOTAL:				\$9,802.25
PRECEDENT MANAGEMENT	443.19	135.03	2018/1	\$1,444.84
			2018/2	25.00
TOTAL:				\$1,469.84

TRIDENT ABSTRACT TITLE	<i>572</i>	6.14	<i>2018/3</i>	\$1,640.00
TOTALS:				\$12,912.09

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

FEBRUARY 12, 2019

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO CONSOLIDATED PROPERTIES, 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:

2. *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>
BAY BEACH CORP.	950.12	1QUALX	2018/4	\$2,065.59

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

R E S O L U T I O N

FEBRUARY 12, 2019

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO SUBDIVISIONS, 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>
ARYA PROPERTIES, LLC	191	1	2018/4	\$1,557.14
ARYA PROPERTIES, LLC	191	29	2018/4	21.05
ARYA PROPERTIES, LLC	191	38	2018/4	15.21
ARYA PROPERTIES, LLC	688.03	112	2017/4	641.26
			2017/3	641.27
			2017/2	608.59
			2017/1	608.60
			2018/2	4.78
			2018/1	624.93
TOTAL				\$3,129.43
ARYA PROPERTIES	693	42	2018/4	2,631.59
ARYA PROPERTIES	693	43.01	2018/4	3,104.22
ARYA PROPERTIES	724.70	134	2018/4	1,170.51
ARYA PROPERTIES	807	18.02	2018/4	866.95

TOTAL:				\$12,496.10
---------------	--	--	--	--------------------

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

FEBRUARY 12, 2019

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO NEW JERSEY STATE TAX APPEALS,

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>
HEMMERT, ERIC D. 2 JACOBUS & ASSOCIATES, ESQ.	1062	52.01 C-01B	2018/4	\$ 1,612.49
ROUTE 37 ASSOC LLC @ FRANK E. FERRUGGIA ESQ @MCARTER & ENGLISH	504	2	2018/4	2,354.00
ROUTE 37 ASSOCIATES LLC @				
@ FRANK FERRUGGIA ESQ @ MCARTER @ ENGLISH	504	3	2018/4	2354.00

TOTAL:				\$4,708.00
TOMS RIVER FIRE CO. NO. 1 @ BECK, MICHAEL ESQ.	411	6	2018/4	\$4,865.72
TOTALS:				\$11,186.21

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, CERTIFYING ENTITLEMENT
OF A 100% OF A DISABLED VETERAN STATUS FOR THE OWNER OF BLOCK
135.24 LOT 3, EFFECTIVE JANUARY 1ST, 2019, AND PROVIDING THAT
PROPERTY TAXES FOR 2019, AS OF THE EFFECTIVE DATE, BE CANCELLED
AND/OR REFUNDED**

FEBRUARY 12, 2019

WHEREAS, the owner of real property in the Township of Toms River known as Block 135.24 Lot 3, located at 2755 Lenox Street, has been certified by the Tax Assessor as a 100% Disabled Veteran, effective January 1st, 2019, and

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

WHEREAS, any taxes paid after the date of this resolution by the property owner (or on his behalf), are to be cancelled and/or refunded from the date of this resolution;

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

1. All 2019 real property taxes for Block 135.24 Lot 3 due on or after January 1st 2019 shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 135.24 Lot 3 if any, shall be refunded on a pro-rated basis from January 1st, 2019.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor Thomas F. Kelaher
 - b) Donald Guardian, Business Administrator
 - c) Kenneth B. Fitzsimmons, Township Attorney
 - d) Sharon Smith, Chief Financial Officer
 - e) Richard Kenny, Township Tax Assessor

f) Carl Dileo, Township Tax Collector

FEBRUARY 12, 2019

RESOLUTION AUTHORIZING THE ISSUANCE OF DUPLICATE TAX SALE CERTIFICATES

WHEREAS TLF NATIONAL TAX LIEN TRUST 2017-1 IS THE HOLDER OF THE TAX SALE CERTIFICATE LISTED BELOW, AND;

WHEREAS, THE TAX OFFICE LOST THE ORIGINAL TAX SALE CERTIFICATE, NOW THEREFORE;

BE IT RESOLVED, THAT THE TAX COLLECTOR IS HEREBY AUTHORIZED, PURSUANT TO NJSA 54:5-52.1 TO PREPARE AND ISSUE A DUPLICATE TAX CERTIFICATE TO THE OUTSIDE LIEN HOLDERS AS FOLLOWS;

TAX SALE CERTIFICATE 15-00438 BLOCK/LOT 443.36/7

CARL M DILEO, CTC

FEBRUARY 12, 2019

RESOLUTION AUTHORIZING THE ISSUANCE OF DUPLICATE TAX SALE CERTIFICATES

WHEREAS, EDWARD J. GALBIERCYZK, LAKEWOOD N.J. IS THE HOLDER OF THE TAX SALE CERTIFICATE LISTED BELOW: AND;

WHEREAS, SAID LIEN HOLDER LOST ITS ORIGINAL TAX SALE CERTIFICATE, AND;

WHEREAS A DUPLICATE TAX SALE CERTIFICATE IS REQUESTED FOR A FEE OF \$100.00 EACH; NOW THEREFORE;

B IT RESOLVED, THAT THE TAX COLLECTOR IS HEREBY AUTHORIZED, PURSUANT TO NJSA 54:5-52.1 TO PREPARE AND ISSUE A DUPLICATE TAX CERTIFICATE TO THE OUTSIDE LIEN HOLDERS AS FOLLOWS;

TAX SALE CERTIFICATE 06-00040 BLOCK/LOT 413 LOT 55 ASSESSED TO; ALAIMO, GAETANO & ANTOINETTE.

TAX SALE WAS RECORDED IN THE OFFICE OF THE COUNTY CLERK, FOR THE COUNTY ON JULY 5, 2006 MORTGAGE BOOK 13238 ON PAGE NO. 275.

CARL M DILEO, CTC

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE BUSINESS ADMINISTRATOR TO EXECUTE A MUNICIPAL RECYCLING TONNAGE REPORT FORM FOR 2018 FOR SUBMISSION TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY

FEBRUARY 12, 2019

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed;

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 Business Administrator to execute the Municipal Recycling Tonnage Reporting Form for 2018, for submission to the Department of Environmental Protection and Energy.
2. It also authorizes the appropriate Township officials to execute any future related documentation in connection with this Municipal Tonnage Reporting Form.
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) Township Attorney
- d) Chief Financial Officer
- e) Public Works Department
- f) Business Administrator
- g) N.J. Department of Environmental Protection
Division of Solid & Hazardous Waste
Bureau of Recycling and Planning
401 East State Street
P.O. Box 402
Trenton, N.J. 08625-0402
- h) Ocean County Solid Waste Management Dept.
129 Hooper Avenue
Toms River, N.J. 08754
Attn: Recycling Coordinator

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SECOND AND FINAL EXTENSION OF THE EXISTING CONTRACT FOR LICENSED ELECTRICIAN SERVICES WITH BRICKTOWN ELECTRICAL CONTRACTING, LLC, NOT TO EXCEED \$250,000.00 PER YEAR UPON EXTENSION, COMMENCING MARCH 22, 2019 THROUGH MARCH 21, 2020

FEBRUARY 12, 2019

WHEREAS, resolution of the Township Council dated March 22, 2016, authorized the award of an open-ended contract for Licensed Electrician Services to Bricktown Electrical Contracting, LLC, in an amount not to exceed \$500,000.00 over

two (2) years, or until not-to-exceed cost limitations have been met, effective March 22, 2016 through March 21, 2018; and

WHEREAS, resolution of the Township Council dated February 13, 2018 authorized award of the first extension of this contract for Licensed Electrician Services to Bricktown Electrical Contracting LLC, effective March 22, 2018 through March 21, 2019, for an additional amount of \$250,000.00, up to a revised maximum amount of \$750,000.00, at the second year contract rate of \$77.50 for Journeyman/Electrician, \$38.00 for Apprentice and 5% for the Cost of Materials above Dealer's Cost, commencing March 22, 2018 through March 21, 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 contract terms upon expiration of the original contract; and

WHEREAS, the Departments of Purchasing and Parks, Buildings and Grounds have determined, due to the Township's utilization of this contract for multiple projects, it is in the best interest of the Township of Toms River to extend the contract with Bricktown Electrical Contracting LLC, for the second and final one (1) year extension, at the second year contract hourly rate of \$77.50 for Journeyman/Electrician, \$38.00 for Apprentice and 5% for the Cost of Materials above Dealer's Cost. As noted in the bid specifications, the contract shall not exceed \$250,000.00 per year upon extension;

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 one-year extension at the second year contract hourly rate of \$77.50 for Journeyman/Electrician, \$38.00 for Apprentice and 5% for the Cost of Materials above Dealer's Cost with Bricktown Electrical Contracting LLC, for Licensed Electrician Services, effective March 22, 2019 through March 21, 2020. As noted in the bid specifications, the contract shall not exceed \$250,000.00 per year upon extension.

2. The extended contract will be an open-ended contract with funds being encumbered each time a request for service is placed, contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract extension is subject to all the terms and conditions of the original contract award.

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) Bricktown Electrical Contracting LLC
1103B Industrial Parkway
Brick, NJ 08724

CERTIFICATION

THIS IS TO CERTIFY that the funds for the second and final one-year extension of the contract with Bricktown Electrical Contracting, LLC, at the second year contract rate of \$77.50 for Journeyman/Electrician, \$38.00 for Apprentice and 5% for the Cost of Materials above Dealer's Cost, are available contingent upon the availability of funds in the appropriate municipal budget. As noted in the bid specifications, the contract shall not exceed \$250,000.00 per year upon extension.

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: February 12, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING 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 \$12,000.00 FOR CY2019

FEBRUARY 12, 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, the maximum amount of the contract to be awarded under this resolution shall not exceed \$12,000.00 for CY2019; and

WHEREAS, Dynamic Testing Services has provided services to the Township in the past, and find their services to be professional and responsive:

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 retains Dynamic Testing Services, for the aforesaid purpose as outlined hereinabove, in the total maximum amount not to exceed \$12,000.00 for CY2019, commencing retroactive to January 1, 2019 up to and including December 31, 2019, and funds in the amount of \$12,000.00, are available in Account No. 9-01- -H03-534. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. This contract shall commence retroactive to January 1, 2019 up to and including December 31, 2019.

2. The Mayor is authorized to execute an agreement with Dynamic Testing Services, which is attached herewith as Schedule "A", and made a part hereof. The agreement will be kept on file in the Office of the Township Clerk upon execution.

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

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

SCHEDULE "A"

SEE ATTACHMENTS

CERTIFICATION

THIS IS TO CERTIFY that the funds for payment to Dynamic Testing Services, for a total maximum amount not to exceed \$12,000.00 for CY2019, are available in Account No. 9-01- -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: February 12, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING A CONTRACT TO RUSS BASSETT
CORP., TO PURCHASE FURNITURE FOR THE DEPARTMENT OF POLICE, IN THE TOTAL
MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$24,952.25**

FEBRUARY 12, 2019

WHEREAS, the Purchasing Division has requested the Township to authorize a contract for the Purchase of Furniture for the Department of Police; and

WHEREAS, the Division of Purchasing has issued Requests for Quotes for this project; and

WHEREAS, Russ Bassett Corp., has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure Form, which certifies that the firm has not made any contributions in contravention of New Jersey's Pay to Play Law, N.J.S.A. 19:44A-20.4 et seq., which are on file in the Municipal Clerk's Office; 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 authorize this 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 authorizes a contract to Russ Bassett Corp., for the Purchase of Furniture for the Department of Police, in the total maximum contract amount not to exceed \$24,952.25.

2. Funds for this contract in the total maximum amount not to exceed \$24,952.25, are available in Account No. X-04- -178-066 - \$23,717.15 and Account No. X-04- -214-009 - \$1,235.10. 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) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) Russ Bassett Corp.
8189 Byron Road
Whittier, CA 90606

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with Russ Bassett Corp., in the total contract amount not to exceed \$24,952.25, are available in Account No. X-04- -178-066 - \$23,717.15 and Account No. X-04- -214-009 - \$1,235.10.

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: February 12, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CONTRACT TO CDW-G INC. FOR THE PURCHASE OF TECHNOLOGY SUPPLIES AND SERVICES FOR BARRACUDA WEB SECURITY, USING EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PRICING SYSTEM, CONTRACT NO. 18/19-03, IN THE TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$59,579.85

FEBRUARY 12, 2019

WHEREAS; the Township of Toms River is a member of the Educational Services Commission of New Jersey #18/19-03 (formerly Middlesex Regional Cooperative Pricing System), in accordance with N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.4; and

WHEREAS, pursuant to bids received, a contract was awarded to CDW-G Inc. by the Educational Services Commission of New Jersey, (formerly Middlesex Regional Cooperative Pricing System), of which Toms River Township is an active participant, in accordance with N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.4; and

WHEREAS, the Purchasing Division is requesting authorization to Purchase Technology Supplies and Services, for Barracuda Web Security, in an amount not to exceed \$59,579.85, from the Educational Services Commission of New Jersey, Contract #18/19-03, using the following vendor:

CDW-G Inc.
230 North Milwaukee Avenue
Vernon Hills, IL 60061

ESCNJ CONTRACT
MRESC 18/19-03

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

1. It hereby authorizes the Purchase of Technology Supplies and Services for Barracuda Web Security from CDW-G Inc., in an amount not to exceed \$59,579.85 using the Educational Services Commission of New Jersey, Contract #18/19-03, as stated above.

2. Funds in the amount of \$59,579.85, are available in Account No. X-04- -226-001. 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) Purchasing Division
- b) Chief Financial Officer

- c) Township Attorney
- d) IT Services
- e) CDW-G Inc.
230 North Milwaukee Avenue
Vernon Hills, IL 60061

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with CDW Inc., in the total maximum contract amount not to exceed \$59,579.85, are available in Account No. X-04- -226-001.

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 SMITHH
CHIEF FINANCIAL OFFICER

Dated: February 12, 2019

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 AN AMENDMENT TO THE INTERIM SETTLEMENT AGREEMENT BETWEEN UNION CARBIDE CORPORATION AND THE TOWNSHIP OF TOMS RIVER

FEBRUARY 12, 2019

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

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

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

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

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

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

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

WHEREAS, the Township Council and Union Carbide Corporation entered into a Seventh Amendment to Interim Settlement Agreement dated April 25, 2006, which postponed future litigation until February 5, 2007 and tolled the statute of limitations until May 3, 2007, or until 30 days written notice by either party; and

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

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

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

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

WHEREAS, the Township Council and Union Carbide Corporation entered into a Twelfth Amendment to Interim Settlement Agreement dated May 12, 2011 which postponed future litigation until February 6, 2012, to toll the statute of limitations until May 7, 2012, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Thirteenth Amendment to Interim Settlement Agreement dated April 2, 2013 which postponed future litigation until February 6, 2013, to toll the statute of limitations until May 7, 2013 or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Fourteenth Amendment to Interim Settlement Agreement dated March 6, 2013 which postponed future litigation until February 6, 2014, to toll the statute of limitations until May 7, 2013 or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Fifteenth Amendment to Interim Settlement Agreement dated February 26, 2014; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Sixteenth Amendment to Interim Settlement Agreement dated March 11, 2015 and March 13, 2015, to postpone future litigation until February 8, 2016, to toll the statute of limitations until May 9, 2016, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Seventeenth Amendment to Interim Settlement Agreement dated February 8, 2017, to toll the statute of limitations until May 9, 2017, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into an Eighteenth Amendment to Interim Settlement Agreement dated February 28, 2017, 2018 to postpone future litigation until February 8, 2018, to toll the statute of limitations until May 9, 2018, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Nineteenth Amendment to Interim Settlement Agreement dated February 27, 2018, to postpone future litigation until February 8, 2019, to toll the statute of limitations until May 9, 2019, or until 30 days written notice by either party; and

WHEREAS, the parties wish to amend that agreement to postpone future litigation until February 10, 2020, to toll the statute of limitations until May 11, 2020, or until 30 days written notice by either party; and

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

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to a Twentieth Amendment to Interim Settlement Agreement with Union Carbide Corporation, which will postpone future litigation until February 10, 2020, to toll the statute of limitations until May 11, 2020, or until 30 days written notice by either party. A copy of this agreement will be kept on file in the Office of the Township Clerk upon execution.

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

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Paul Shives, Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Engineering Division
- g) Thomas J. Trautner, Esq.
Lauren Tardanico, Esq.
Chiesa, Shahinian & Giantomasi, PC
One Boland Drive
West Orange, NJ 07052
- h) William L. Warren, Esq.
Drinker, Biddle & Reath, LLP
105 College Road East
P.O. Box 627
Princeton, N.J. 08542-0627
- i) Mr. James Struck, Jr.
The Dow Chemical Company
310 George Patterson Blvd.
Suite 100
Bristol, PA. 19007
- j) Joel F. Visser, Esq.
The Dow Chemical Company
2040 Dow Center
Midland, Michigan 48674

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A CONTRACT WITH CHAS. S. WINNER, INC. D/B/A WINNER FORD, FOR THE PURCHASE OF TWO (2) FORD F550 TRUCKS WITH STEEL DUMP BODY FOR THE DEPARTMENT OF PARKS, BUILDINGS & GROUNDS, UTILIZING THE OCEAN COUNTY COOPERATIVE PRICING SYSTEM, CONTRACT NO. B2018-158, IN THE MAXIMUM AMOUNT NOT TO EXCEED \$115,736.00

FEBRUARY 12, 2019

WHEREAS, pursuant to bids received, a contract was awarded by the County of Ocean, as Lead Agency for the Ocean County Cooperative Pricing System, Contract

No. B2018-158, of which Toms River Township is an active participant, as authorized by N.J.S.A. 40A:11-11(6); and

WHEREAS, the aforementioned contract was awarded to Chas. S. Winner, Inc. d/b/a Winner Ford;

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 Chas. S. Winner, Inc. d/b/a Winner Ford, for the Purchase of Two (2) Ford F550 Trucks with Steel Dump Body for the Department of Parks, Buildings & Grounds, utilizing the Ocean County Cooperative Pricing System, Contract No. B2018-158, for a total maximum contract amount not to exceed \$115,736.00, pursuant to N.J.S.A. 40A:11-11(6), as follows:

OCEAN COUNTY STATE CONTRACT NO. B2018-158

Chas. S. Winner, Inc.
d/b/a Winner Ford
250 Haddonfield Berlin Road
Cherry Hill, NJ 08034-3409

Contract No. B2018-158

	Price	Quantity	Total
Item 1 Model Year 2019, F550 Regular Cab with Steel Dump Body	\$54,578.00	2	\$109,156.00
Item 1c Upgrade to Regular Cab Chassis w/84" cab to Axle	\$ 160.00	2	\$ 320.00
Item 1m I-Pack Tool Box-Knapheide	\$ 3,130.00	2	\$ 6,260.00
TOTAL:			\$ 115,736.00

2. Funds for this contract in the amount not to exceed \$115,736.00, are available in Account No. X-04- -243-003. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all terms and conditions of the bid specifications and the Master Contract as awarded by the Ocean County Cooperative Pricing System, Contract #B2018-158.

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) Chas. S. Winner, Inc.
d/b/a Winner Ford
250 Haddonfield Berlin Road
Cherry Hill, NJ 08034-3409

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with Chas. S. Winner, Inc. d/b/a Winner Ford, in the total contract amount not to exceed \$115,736.00, are available in Account No. X-04- -243-003.

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: February 12, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE USE OF VARIOUS COOPERATIVE CONTRACTS TO PURCHASE ITEMS FOR THE WATCH COMMANDER'S OFFICE AT THE TOMS RIVER POLICE DEPARTMENT IN THE TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$25,489.29

FEBRUARY 12, 2019

WHEREAS, the Township of Toms River has a need to acquire items for the Watch Commander's Office at the Toms River Police Department; and

WHEREAS, the Division of Purchasing is requesting authorization to use various cooperative contracts to purchase items for the Watch Commander's Office at the Toms River Police Department from Trendway Corporation c/o EJ Schuster's Office Furniture (NJ Contract #81642), The HON Company, c/o EJ Schuster's Office Furniture (NJ Contract #81641), CDW-G (Contract #ESCNJ 18/19-03) and Metropolitan Contract Carpet Inc. (Contract #81754), for a total contract amount not to exceed \$25,489.29, as follows:

Trendway
Corporation
C/O EJ Schuster's Office Furniture
P.O. Box 9016
Holland, MI 49422-
9016
NJ Contract
#81642

CD2436.C.H.GY	Trendway Choices Corner Desk 24"Dx36"W w/ half Modesty Panels and C-Legs	1	799.17	\$799.17
CU48	Trendway Choices Series Cabinet Unit 48" W	3	828.75	\$2,486.25
CU60	Trendway Choices Cabinet Unit 60"W	2	850.68	\$1,701.36
FRCS36	Trendway Choice Series Freestanding Corner Shelf Unit 36"W	1	666.57	\$666.57
PSP6612	Trendway Pack Series Box/Box/File Pedestal	3	294.27	\$882.81
SD2460.H.P.L.GY	Trendway Choices Standard Desk 24"Dx48"W w/ Half Modesty Panel, Panel Leg and C-Leg	1	489.60	\$489.60
SR2448.G.L.GY.RH	Trendway Choices Standard Return 24"Dx48"W w/ Half Modesty Panel and C-Leg	1	350.88	\$350.88
SR2448.H.P.GY.RH	Trendway Choices Standard Return 24"Dx48"W w/ Half Modesty Panel and Panel End	2	305.49	\$610.98
SR2460.H.P.GY	Trendway Choices Standard Return 24"Dx48"W w/ Half Modesty Panel	1	335.58	\$335.58

Top Laminate: Pewter Brush
Base & Trim:
Charcoal

Tackboard: Momentum Script Sterling KHY Grade 3 **\$8,323.20**

The HON
 Company
 C/O EJ Schuster's Office Furniture
 200 Oak Street
 Muscatine, IA
 52761
**NJ Contract
 #81641**

H5721	HON Volt Series Task Swivel Chair H5721.S.WP40.T Vinyl: Whisper Black WP40 Casters: Soft Arms: None	5	196.40	\$982.00
-------	--	---	--------	-----------------

CDW-G
 200 N. Milwaukee Avenue
 Vernon Hills, IL
 60061
Contract # ESCNJ 18/19-03

5143621	HP EliteDesk 800 G4-SFF-Core i5 8500 3 GHz - 8GB-1TB-US	8	892.71	\$7,141.68
5027207	NVIDIA Quadro P620 - graphics card - Quadpro P620 - 2 GB	2	178.13	\$356.26
3438319	StarTech.com Mini DisplayPort to HDMI 4K Audio/Video Adaptor Converter	8	31.27	\$250.16
4402765	Acer V246HL - LED Monitor - Full HD (1080p) - 24"	8	135.27	\$1,082.16
5090993	Samsung UN40NU7100F 7 Series - 40" Class (39.5" viewable) LED TV	1	458.39	\$458.39
2435842	Tripp Lite 1000ft Cat5 / Cat5e Bulk Cable Solid CMR PVC 350 MHz Blue 1000'	4	92.99	\$371.96
2956632	Acer V246HL - LED Monitor - Full HD (1080p) - 24"	4	103.83	\$415.32
4527016	APC Back-UPS Pro BX1000M - UPS - 600 Watt - 1000 VA	4	147.13	\$588.52
1227472	Tripp Lite 25ft High Speed HDMI shielded Cable - Ultra HD 1080p, M/M 25'	10	29.58	\$295.80
3348649	Tripp Lite Display TV LCD Monitor Wall Mount Tilt Flat Screens 13" - 27"	6	19.04	\$114.24
3006282	Logitech Wireless Combo MK270 - keyboard and mouse set - English	10	20.96	\$209.60
				\$11,284.09

WATCH COMMANDER'S OFFICE

Metropolitan Contract Carpet Inc
 625 Chapel
 Avenue East
 Cherry Hill, NJ
 08034
**NJ Contract
 #81754**

<i>Labor</i>	Installation - Carpet Tile & Base Labor & Travel (Including Carpet Removal and Disposal)	1	1092.00	\$1,092.00
<i>Material</i>				
Carpet Tile	40 sq. yds @ \$20.50/yd (Including 5% required overage on all orders)	40	20.50	\$820.00
Base	120 lf @ \$1.10/lf	120	1.10	\$132.00
Adhesives and Supplies		1	141.00	\$141.00

Supplies and Delivery		1	265.00	\$265.00
				\$2,450.00

REPORT WRITING ROOMS

Metropolitan Contract Carpet Inc
625 Chapel
Avenue East
Cherry Hill, NJ
08034
**NJ Contract
#81754**

<i>Labor</i>	Installation - Carpet Tile & Base Labor & Travel (Including Carpet Removal and Disposal)	1	1092.00	\$1,092.00
<i>Material</i>				
Carpet Tile	40 sq. yds @ \$20.50/yd (Including 5% required overage on all orders)	40	20.50	\$820.00
Base	120 lf @ \$1.10/lf	120	1.10	\$132.00
Adhesives and Supplies		1	141.00	\$141.00
Supplies and Delivery		1	265.00	\$265.00
				\$2,450.00
			TOTAL	\$25,489.29

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 various cooperative contracts to purchase items for the Watch Commander's Office at the Toms River Police Department, from the following: Trendway Corporation c/o EJ Schuster's Office Furniture, The HON Company c/o EJ Schuster's Office Furniture, CDW-G and Metropolitan Contract Carpet, Inc.

2. Funds for these purchases for a total contract amount not to exceed \$25,489.29 are available in Account X-04- -214-009.

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) Division of Purchasing
- d) Police Department
- e) Trendway Corporation
c/o EJ Schuster's Office Furniture
PO Box 9016
Holland, MI 49422-9016
- f) The HON Company
c/o EJ Schuster's Office Furniture
200 Oak Street
Muscatine, IA 52761
- g) CDW-G
200 N. Milwaukee Avenue
Vernon Hills, IL 60061
- h) Metropolitan Contract Carpet, Inc.
625 Chapel Avenue East
Cherry Hill, NJ 08034

CERTIFICATION

THIS IS TO CERTIFY that the funds for the use of various cooperative contracts to purchase items for the Watch Commander's Office at the Toms River Police Department from Trendway Corporation c/o EJ Schuster's Office Furniture, The HON Company c/o EJ Schuster's Office Furniture, CDW-G and Metropolitan Contract Carpet, Inc., for a total maximum contract amount not to exceed \$25,489.29, are available in Account No. X-04- -214-009.

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: February 12, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING ON-LINE AUCTION OF SURPLUS TOWNSHIP PROPERTY AND/OR TANGIBLE PERSONAL PROPERTY FOUND OR RECOVERED BY THE TOMS RIVER POLICE DEPARTMENT, NO LONGER NEEDED FOR PUBLIC USE, USING THE EXISTING CONTRACT WITH USGOVBID AUCTION LIQUIDATION SERVICES

FEBRUARY 12, 2019

WHEREAS, the Township of Toms River is the owner of vehicles and surplus equipment which are no longer needed for public use; and

WHEREAS, the Township of Toms River also may have tangible personal property found or recovered by the Toms River Police Department; and

WHEREAS, the Purchasing Division is requesting authorization to sell the equipment attached herein as Schedule "A", and made a part hereof, pursuant to N.J.S.A. 40A:11-36 and 40A:14-157 to the highest bidder; and

WHEREAS, the Local Unit Technology Program and Study Act (PL 2001, c. 30) authorizes the sale of this property through the use of an online auction service; and

WHEREAS, the Township plans to continue the use of USGovBid Auction Liquidation Services, a full-service New Jersey State approved vendor, to perform the online auction services at a fee of 6.5% of the proceeds and no Buyer's Premium; and

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 On-Line Auction of Surplus Township Personal Property and/or Tangible Personal Property Found or Recovered by the Toms River Police Department, no longer needed for public use, using the existing contract with USGovBid Auction Liquidation Services, a full-service New Jersey State approved vendor, to perform the online auction services at a fee of 6.5% of the proceeds and no Buyer's Premium.

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

a) Purchasing Division

- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) Public Works Department
- f) Department of Parks, Buildings & Grounds
- g) Animal Control
- h) USGovBid Auction Liquidation Services
P.O. Box 1216
Eatontown, N.J. 07724
- i) USGovBid Auction Liquidation Services
1 Industrial Way West
Bldg. A
Eatontown, N.J. 07724
- j) Department of Community Affairs
Division of Local Government Services
Attn: Director
P.O. Box 803
Trenton, N.J. 08625-0803

SCHEDULE "A"

SEE ATTACHMENTS

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, AND STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP OF TOMS RIVER TO ACCEPT A FFY18 EMERGENCY MANAGEMENT AGENCY ASSISTANCE (EMAA) GRANT FROM THE STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF STATE POLICE, WHICH WILL PROVIDE FUNDING TO THE COUNTY OF OCEAN, FOR DISTRIBUTION TO THE TOWNSHIP IN THE AMOUNT OF \$10,000.00, FOR THE PURPOSE OF ENHANCING EMERGENCY MANAGEMENT PERFORMANCE

(THIS IS A \$20,000.00 GRANT OF WHICH THIS GRANT INCLUDES A \$10,000.00 FEDERAL SHARE AWARD AND A \$10,000.00 LOCAL MATCH)

FEBRUARY 12, 2019

WHEREAS, the Emergency Management Agency Assistance is a program run by the Ocean County Sheriff's Office for the purpose of assisting counties with their Emergency Management Performance in accordance with the New Jersey Office of Emergency Management criteria; and

WHEREAS, this resolution will authorized the Township of Toms River to accept a FFY18 Emergency Management Agency Assistance (EMAA) Grant from the State of New Jersey, Department of Law and Public Safety, Division of State Police; and

WHEREAS, the Division of State of State Police has requested that additional Information be included in the Township 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 of Toms River is authorized to submit a subgrant application and does accept a FFY18 Emergency Management Agency Assistance (EMAA) Grant from the State of New Jersey, Department of Law and Public Safety, Division of State Police, in the amount of \$10,000.00. Performance period shall be July 1, 2018 through June 30, 2019. Subaward No. FFY18-EMPG-EMAA-1507. This is a \$20,000.00 grant of which this grant includes a \$10,000.00 Federal Award share and a \$10,000.00 local match. Funds for the grant match in the amount of \$10,000.00 will be contingent upon adoption of the 2019 municipal budget.

2. The Subgrant, consisting of a total of up to \$20,000.00, including up to \$10,000.00 Federal Award and up to \$10,000 Local Matching Funds is for the purpose of enhancing Toms River Township's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies. Funds will be used for salary, wages, and fringe benefits.

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

- a) Township Attorney
- b) Chief Financial Officer
- c) Chief Mitchell Little, Police Department
- d) Police Department, Attention: Paul Daly
Office of Emergency Management
- e) Tom Rodgers
Office of Emergency Management
- f) Grant Coordinator
- g) Michael Mastronardy, Sheriff
Office of the Sheriff
Ocean County Justice Complex
120 Hooper Avenue
PO Box 2191
Toms River, N.J. 08754-2191
- h) SFC Deborah L. Coutts #6309
New Jersey State Police
Assistant Unit Head
Support Services Unit
Preparedness Bureau
State of New Jersey
Office of the Attorney General
Department of Law and Public Safety
Division of State Police
PO Box 7068
West Trenton, NJ 08628-0068
Emergency Management Section

CERTIFICATION

THIS IS TO CERTIFY that the funds for the Emergency Management Agency Assistance Grant local match in the amount of \$10,000.00, will be contingent upon adoption of the 2019 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: February 12, 2019

RESOLUTION APPOINTING MEMBERS OF THE TOWNSHIP OF TOMS RIVER VETERANS COMMISSION

February 12, 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. That the following individual shall be and are hereby appointed or reappointed by the Council, as a member of the Veterans Commission, pursuant to Chapter 76-2 of the “Code of the Township of Toms River, New Jersey,” terms to expire December 31, 2019.

David Corbin
1036 Roanoke Drive
Toms River, NJ 08753

2. The Township Clerk shall provide a copy of this resolution to each of the following:
 - a. Office of the Mayor
 - b. Office of the Township Council
 - c. Township Attorney
 - d. Personnel Office
 - e. Appointee

**RESOLUTION OF THE TOWNSHIP OF TOMS RIVER
CONSENTING TO THE ISSUANCE OF CERTAIN
SHORT-TERM NOTES BY THE TOMS RIVER
MUNICIPAL UTILITIES AUTHORITY**

WHEREAS, the Toms River Municipal Utilities Authority (the “Authority”) is a municipal utilities authority organized and existing under the provisions of the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq. (the “Act”); and

WHEREAS, the Authority was originally established by the Township of Toms River (formerly known as the Township of Dover) (the “Township”) under the provisions of the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et seq., as a sewerage authority known as the Dover Sewerage Authority, by ordinance adopted on April 26, 1949; and

WHEREAS, the Authority was subsequently reorganized by the Township under the provisions of the Act as a municipal utilities authority known as the Township of Dover Municipal Utilities Authority, by ordinance adopted on January 23, 1979; and

WHEREAS, the Authority subsequently changed its name, first to the Dover Municipal Utilities Authority and later to the Toms River Municipal Utilities Authority, by resolutions adopted on May 23, 1979 and November 28, 2007, respectively; and

WHEREAS, the Authority has issued various series of bonds and notes from time to time in order to finance various costs relating to its sewage system; and

WHEREAS, the Township and the Authority have previously entered into a Service Contract dated as of Jun 1, 1975 (the “Service Contract”), by which the Township agrees, inter alia, to pay certain “Annual Charges” to the Authority in the event the revenues of the Authority are not sufficient to pay the expenses of the Authority (including debt service on the Authority’s bonds and notes); and

WHEREAS, the Authority desires to undertake a capital project as described generally in Exhibit A-1 hereto and to acquire certain equipment as described generally in Exhibit A-2 hereto (collectively, the “2019 Projects”), and in furtherance thereof has, on December 18, 2018, adopted a resolution expressing its intention to issue tax-exempt obligations to finance all or a portion of the costs thereof (the “Reimbursement Resolution”); and

WHEREAS, the Authority has applied to the New Jersey Infrastructure Bank (the “NJIB”) for financing of the 2019 Projects through the NJIB’s clean water financing program, under which borrowers initially fund projects through short-term notes that are subsequently refinanced by permanent bonds after the projects have been completed; and

WHEREAS, the Authority’s participation in the NJIB financing program is conditioned upon eligibility for an “investment grade” credit rating, which in turn is dependent

upon the applicability of the Service Contract to the Authority's short term notes and permanent bonds to be issued to the NJIB and the State of New Jersey in connection therewith; and

WHEREAS, Section 411 of the Service Contract provides, in pertinent part, that the Township is relieved from making any payments to the Authority on account of the principal of or interest on Authority obligations that mature within three years from their date (the "Short Term Bonds"), unless the Authority takes certain actions to timely authorize, sell and issue refunding obligations prior to the maturity of such Short Term Bonds; and

WHEREAS, on or about February 28, 2019, the Authority expects to adopt a resolution, amending the Reimbursement Resolution and authorizing the issuance of up to \$3,900,000 in short-term Authority note(s) from time to time (collectively, the "2019 Notes") in order to temporarily finance all or a portion of the costs of the 2019 Projects; and

WHEREAS, if issued, the 2019 Notes will constitute Short Term Bonds within the meaning of the Service Contract; and

WHEREAS, on or about February 28, 2019, the Authority also expects to adopt a resolution (the "Bond Resolution"), authorizing the issuance of up to \$3,900,000 in Authority bonds from time to time in order to permanently finance the costs of the Project, including through the refunding of any 2019 Notes, following completion of the 2019 Projects; and

WHEREAS, although the Authority anticipates that the NJIB and the State of New Jersey will agree to the timely refinancing of the 2019 Notes with permanent bonds issued under the Bond Resolution, neither the NJIB nor the State of New Jersey may contractually commit in advance to effectuate such future refinancing; and

WHEREAS, Section 411 of the Service Contract also provides that the Township may, by its written consent, release the Authority from the requirements of said Section 411; and

WHEREAS, in order for the 2019 Notes to be unconditionally entitled to the benefit of the Service Contract (and therefore be eligible for an "investment grade" credit rating), it is therefore necessary for the Township to waive the requirements of Section 411 of the Service Contract, insofar as applicable to the Authority's financing of the 2019 Projects through the NJIB financing program;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF TOMS RIVER, AS FOLLOWS:

Section 1. The Township hereby waives the provisions of Section 411 of the Service Contract, insofar as applicable to the Authority's financing of the 2019 Projects through the issuance of up to \$3,900,000 in short-term debt obligations under the NJIB financing program.

Section 2. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED that a certified copy of this resolution be provided by the Office of the Township Clerk to each of the following:

- A) Director of Finance/CFO
- B) Executive Dir., Toms River Municipal Utilities Authority
- C) Auditor

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CONCURRING AND SUPPORTING THE DEPARTMENT OF TRANSPORTATION'S PLAN TO ESTABLISH VARIOUS BUS STOPS ALONG ROUTE US 9 IN THE TOWNSHIP OF TOMS RIVER

FEBRUARY 12, 2019

WHEREAS, the New Jersey Department of Transportation ("NJDOT") conducted a survey to inventory all bus stops along State and US Routes in New Jersey; and

WHEREAS, based upon an investigation conducted by an engineering firm, and a field review by the NJDOT Bureau of Traffic Engineering, the bus stop locations indicated below can be recommended for approval; and

WHEREAS, based upon this survey, all currently recommended and existing approved bus stop locations will be approved by a new Traffic Regulation Order; and

WHEREAS, this consolidation will enable the NJDOT to update their regulation files of all existing bus stop locations along Route US 9 in the Township of Toms River, County of Ocean; and

WHEREAS, in order to legally establish the bus stops, the NJDOT is required to promulgate a Traffic Regulations Order (TRO); and

WHEREAS, the Township Council of the Township of Toms River, in the County of Ocean, has received a request from the NJDOT in support of various bus stops along Route US 9 in the Township of Toms River; and

WHEREAS, the establishment of such designated bus stops requires a resolution of concurrence/support by the Township Council; and

WHEREAS, the Township Council is in agreement with said recommendation;

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

1. It hereby indicates its concurrence/support in the establishment of the following locations at bus stops along Route US 9 in the Township of Toms River on the attached Schedule "A".

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) Township Engineer
- c) Police Department
- d) Public Works Department
- e) State of New Jersey
Department of Transportation
Bureau of Traffic Engineering
P.O. Box 600
Trenton, N.J. 08625-0600
Attn: Mark A. Hiestand
Supervisor, Traffic Investigations
Bureau of Traffic Engineering

SCHEDULE "A"

See Attachments

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS, ERBE BUILDERS SUBDIVISION, BLOCK 697, LOTS 7, 8 AND 9 (Holly Street)

February 12, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Erbe Builders Subdivision, Block 697, Lots 7, 8 and 9.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #B1210448 in the amount of \$5,400.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$600.00 which represents the ten percent portion of the performance guarantee amount.
- 3) 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 bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Erbe Builders, Inc., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Erbe Builders, Inc.
PO Box 4680
Toms River, NJ 08754

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS, BLOCK 506.03, LOT 28.03 (1050 Route 37 West)

February 12, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 506.03, Lot 28.03.

WHEREAS, Performance Bonds 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 bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Stonefield Engineering and Design, 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. Stonefield Engineering and Design, LLC

92 Park Avenue
Rutherford, NJ 07070

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS ST. JOSEPH'S ROMAN CATHOLIC CHURCH, BLOCK 608, LOT 45 (Cedar Grove Road)

February 12, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as St. Joseph's Roman Catholic Church, Block 608, Lot 45.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$19,666.25 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$3,768.25 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 St. Joseph's Roman Catholic Church, 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. St. Joseph's Roman Catholic Church
685 Hooper Avenue
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS MADHU ANANT SUBDIVISION, BLOCK 442.07, LOT 24 (Sage Road and South Shore Drive)

February 12, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Madhu Anant, Block 442.07, Lot 24.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$7,800.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$800.00 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 Madhu Anant, 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. Madhu Anant
27 Riverbend Drive
North Brunswick, NJ 08902

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, RELEAESING PERFORMANCE GUARAMTEES
AND ACCEPTING MAINTENANCE GUARANTEES FOR A MINOR SUBDIVISION
KNOWN AS BLOCK 1048, LOTS 363 THRU 366
(Fort Avenue)**

February 12, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 1048, Lots 363-366.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Check in the amount \$270.00 which represents the 10% Maintenance Guarantee, is accepted and will remain on account to represent the Maintenance Cash Bond;

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

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

- 1) Previously posted Cash Bond in the amount of \$2,700.00 currently on account # X-19-601-815, is hereby released with applicable interest if any;
- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. T & H Homes, Inc.
70 East Water Street, Suite 5B
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE**

**GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS GOODSKIN,LLC,
BLOCK 533.06, LOT 35 (453 Lakehurst Road)**

February 12, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Goodskin, LLC, Block 533.06, Lot 35.

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

1) Maintenance Cash Bond in the amount of \$2,270.00 currently on deposit in account #X-19- -601-780 is hereby released with applicable interest;

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

- a. Township Engineer
- b. Chief financial Officer
- c. Township Attorney
- d. Goodskin, LLC
453 Lakehurst Road
Toms River, NJ 08753
Attn: Dr. Emanuel Kuflik

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING ROBERT J. CHANKALIAN, TOWNSHIP ENGINEER, TO EXECUTE A NJDEP LAND USE REGULATION PERMIT FORM (LURP), AND US ARMY CORPS OF ENGINEERS (USACE) APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT FORM NO. 4345, FOR THE CONSTRUCTION OF A PUBLIC KAYAK RAMP AT THE DOCKSIDER MARINA IN ORTLEY, AND AUTHORIZING PAYMENT FOR THE REQUIRED PERMIT FEE IN THE AMOUNT OF \$3,000.00

FEBRUARY 12, 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. Robert J. Chankalian, Township Engineer is hereby authorized to execute a NJDEP Land Use Regulation Permit Form (LURP), and US Army Corps of Engineers (USACE) Application for Department of the Army Permit Form No. 4345, for the Construction of a Public Kayak Ramp at the Docksider Marina in Ortley, and authorizing payment for the required permit fee in the amount of \$3,000.00.

2. Funds for the payment for the required permit fee in the amount of \$3,000.00, are available in Account No. X-04- -238-010. 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) Township Attorney
- b) Chief Financial Officer
- c) Township Engineer
- d) State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation
PO Box 420
501 East State Street –Mail Code 501-02A
Trenton, NJ 08625-0420

CERTIFICATION

THIS IS TO CERTIFY that the funds for the required permit fee in connection with the Construction of a Public Kayak Ramp at the Docksider Marina in Ortley, in the amount of \$3,000.00, are available in Account No. X-04- -238-010.

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: February 12, 2019

RESOLUTION

February 12, 2019

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

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

Renewals

- | | | | | |
|----|--|-------------|---------|-------|
| 1. | Alex Taxi
802 Main Street Bldg 3 Apt 8
Toms River, NJ 08754
Alex Lartey | 490-19 2007 | Mercury | 00079 |
| 2. | TC USA Service
244 Edgewood Dr
Toms River, NJ 08755
Balwinder Chandi | 274-19 2007 | Toyota | 34881 |
| 3. | DRK Cab
504 Lafayette Ave
Toms River, NJ 08753
Jaswinder Lal | 735-19 2016 | Nissan | 61418 |
| 4. | AA Always Available LLC
16 Pulaski Blvd
Toms River, NJ 08757
Chris Marashlian | 710-19 2002 | Mercury | 29981 |
| 5. | EZ Taxi Service
160 James Street
Toms River, NJ 08753
Balkar Mola | 511-19 2011 | Toyota | 64319 |
| 6. | Ocean Taxi
5 Walnut St Apt 22
Toms River, NJ 08753
Navjot Singh | 700-19 2005 | Toyota | 77572 |
| 7. | 7 Star Taxi
2210 Royal Oaks Drive Apt 2210
Toms River, NJ 08753
Hardil Singh | 423-19 2006 | Toyota | 65258 |
| 8. | All Pro Tax | 492-19 1999 | Ford | 50551 |

27 Cedar Brook Lane
 Little Egg Harbor, NJ, 08087
 Sam DeGennaro

9.	AA-1 Taxi PO Box 3054 Toms River, NJ 08757 Liz Fry	390-19 1997 391-19 1997 392-19 1997 393-19 2001 394-19 2000	Mercury Ford Lincoln Mercury Ford	55361 14936 37424 89784 04956
10.	Ace Livery Service, Inc. 239 Drum Pt Rd Brick, NJ 08723 Richard DeGraff	605-18 2010	Ford	00907
11.	Toms River Taxi LLC PO Box 1786 Toms River, NJ 08753 Stephen Delmar	253-18 1998 254-18 1999 255-18 2005	Lincoln Ford GMC	74450 87046 37300
12.	A Absolutely the Best P.O. Box 125 Toms River, NJ 08754 Carol Smith	311-18 2002	Lincoln	57702

WHEREAS, the Township Clerk has reported to this Council that said applications and requirements are in order;

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

1. That the Clerk of this Township is hereby authorized and directed to issue the TAXI LICENSE to the applicants listed above, in accordance with Chapter 457 (Taxicab and Taxicab Drivers) the "Code of the Township of Toms River".
2. The applicant is required to conform to all provisions of Chapter 457 (Taxi cabs and Taxi Drivers)
3. The Township Clerk shall send a certified copy of Resolution to the:

- a. Police Department
- b. Licensee (s)
- c. Clerk's File
- d. Law Dept.

RESOLUTION

February 12, 2019

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

<u>Name</u>	<u>Type of License</u>	<u>Taxi Company</u>
01-19 Chris Marashlian	Taxi Driver (Renewal)	AA Always Available
02-19 Alex Lartey	Taxi Driver (Renewal)	Alex Taxi
03-19 Jaswinder Lal	Taxi Driver (Renewal)	DKR Cab LLC
04-19 Sam DeGennaro	Taxi Driver (Renewal)	All Pro Taxi

WHEREAS, the Township Clerk has reported to this Council that said applications and requirements are in order;

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

1. That the Clerk of this Township is hereby authorized and directed to issue the TAXI LICENSE to the applicants listed above, in accordance with Chapter 457 (Taxicab and Taxicab Drivers) the "Code of the Township of Toms River".
2. The applicant is required to conform to all provisions of Chapter 457 (Taxi cabs and Taxi Drivers)
3. The Township Clerk shall send a certified copy of Resolution to the:
 - a. Police Department
 - b. Licensee (s)
 - c. Clerk's File
 - d. Law Dept.

This resolution was removed due to conflict by Assistant Township Attorney Merlino and **tabled to the next Council Meeting on February 26, 2019.**

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH THE FIRM OF REMINGTON & VERNICK ENGINEERS, TO ASSIST THE TOWNSHIP ENGINEERING DIVISION IN COMPLETING THE STORM SEWER PIPE REPLACEMENT AND MILL AND OVERLAY PROJECT FOR THE GARDENS AT PLEASANT PLAINS (ALSO INCLUDING UPDATING HANDICAPPED RAMPS TO THE LATEST A.D.A. REQUIREMENTS), FOR A TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$100,000.00

FEBRUARY 12, 2019

REPORTS

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

	2019	2018
Bey Lea Golf Course – January	\$35,926.52	\$29,038.92
Bey Lea Golf Course – YTD through January	\$35,926.52	\$29,038.92
Winding River Ice Rink – January	\$103,412.01	\$134,978.00
Winding River Ice Rink – YTD through January	\$103,412.01	\$134,978.00
Building Permits - January	\$225,336.00	\$187,069.00
Building Permits – YTD through January	\$225,336.00	\$187,069.00

APPROVAL OF BILLS

Council Vice-President Hill asked for a report on the bills.

The Bill List, dated **February 13, 2018** was approved on motion by Council Member Turnbach, seconded by Council Member Huryk, and carried with Council Members Huryk, Rodrick, Turnbach, and Council Vice-President Hill voting yes, and with Council Members Kubiel, Maruca and Wittmann absent. The following respective exceptions to their votes were noted as abstentions to this vote:

NOTE: The following bills were removed due to lack of quorum and not approved.

Council Vice-President Hill abstained due to Business conflicts on the following:

Purchase Order 19-00394 and 19-00485, payable to Toms River Schools B.O.E. in the amount of \$3,569.38.

Purchase Order 18-07404, 17-07437, 19-00228, payable to Owen Little & Associates Inc., in the amount of \$4,074.36.

Purchase Order 19-00245, payable to Saint Barnabas Health in the amount of \$1,148.76.

Purchase Order 19-00485, 19-00352, and 19-00596, payable to Saint Luke's Church in the amount of \$1,032.00.

Purchase Order 19-00352 and 19-000596, payable to Toms River Schools in the amount of \$1,697.00.

Purchase Order 19-01556, payable to Ocean County Board of Health in the amount of \$1,332.00.

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

Purchase Order 14-03696, 17-00117, 19-00035, 19-00223, 19-00226 & 19-00485, payable to Remington & Vernick Engineers in the amount of \$34,375.95.

Purchase Order 19-00485, payable to Recreation Salaries in the amount of \$8,372.86.

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

Purchase Order 19-00485, payable to Magistrate Salaries in the amount of \$7,635.44.

Purchase Order 18-00824 & 19-00039, payable to Dasti & McGuckin in the amount of \$15,295.50.

Purchase Order 18-01309 & 19-00231, payable to Gregory McGuckin in the amount of \$5,346.00.

ELECTED OFFICIALS COMMENTS

Mayor Kelaher announced that Code Blue is to be open immediately for any days falling under the new 35 degree requirement..

Councilman Turnbach spoke regarding Assembly Bill #4177 regarding the Code Blue being supported by Ocean County for Homelessness Trust Fund and by the Board of Chosen Freeholders. Councilman Turnbach urged Freeholders to get it for Ocean County, as a plan to end homelessness.

Councilwoman Huryk supported the Code Blue and implements a Trust Fund for the homelessness.

Councilman Rodrick thanked Council Members Turnbach and Huryk for their work on Code Blue.

Councilman Hill announced that Senator Kean and Senator Singer are both co-sponsored for Code Blue's Homelessness Trust Fund.

PUBLIC COMMENTS

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

Rosemary Gable thanked the Council for the Trust Fund for the Homelessness.

Pat Klaslo spoke regarding the used of more buses downtown.

Connie Pascal commend Council for the Homeless Trust Fund.

No further comments from the public appearing, a motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried to enter into a private Executive Session at 7:25 PM.

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

R E S O L U T I O N

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

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

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

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

Matters of Personnel
Matters of Litigation
Land Acquisitions
Contract Negotiations

3. The following specific topics were announced.
 1. Executive Session Minutes Review:: January 23, 2018.
 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.
 6. Possible acquisition of real property for open space purposes.
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 Kubiak	- Absent
Council Member Maruca	- Absent

Council Member Rodrick	- Present
Council Member Turnbach	- Present
Council Vice-President Hill	- Present
Council President Wittmann	- Absent

The Council **reconvened** the public portion at 7:56 P.M., a motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, Rodrick, Turnbach, and Council Vice-President Hill voting yes, and with Council Members Kubieli, Maruca and Wittmann absent.

No other business appearing, the meeting was **adjourned** at 8:17 P. M., on motion with Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, Rodrick, Turnbach, and Council Vice-President Hill voting yes, and with Council Members Kubieli, Maruca, and Wittmann absent.

MAURICE B. HILL, COUNCIL VICE-PRESIDENT

ALISON CARLISLE, TOWNSHIP CLERK