

March 9, 2021

A Regular Meeting of the Township Council of the Township of Toms River was held in the L. Manuel Hirshblond Meeting Room, Municipal Complex, 33 Washington Street, Toms River, New Jersey at 6:00 PM.

The meeting was called to order by Council President Geoghegan and opened with the salute to the Flag.

Council President Geoghegan 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 Friday, January 8, 2021, the Press of Atlantic City and the Star Ledger and also forwarded to the Toms River Times, Toms River Patch and WOBN News on Wednesday, January 6, 2021, 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 Tuesday, January 5, 2021. The meeting dates have also been posted on the Township web page.

Roll Call:

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

**APPROVAL OF MINUTES**

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach and Council President Geoghegan voting yes, to approve the **Regular Meeting of February 23, 2021**. 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 Huryk, seconded by Council Member Lotano, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes, to make the following honoring proclamations a part of the Minutes.

Toms River Police Chief Little introduced and spoke regarding Captain Shaun O’Keeffe’s career and retirement.

Council President Geoghegan presented a proclamation for Gambling Awareness Month to Kathleen Healy.

# Township of Toms River

## Proclamation

March 9, 2021

**WHEREAS,** National Problem Gambling Awareness Month is recognized the month of March in the Township of Toms River; and

**WHEREAS,** promoting the awareness month provides individuals in the problem gambling community an opportunity to educate the public and policymakers about the social and financial effectiveness of services available for problem gambling; and

**WHEREAS,** problem gambling is a public health issue affecting millions of Americans of all ages, races, and ethnic backgrounds in all communities and which has a significant societal and economic cost; and

**WHEREAS,** problem gambling is treatable, and treatment is effective in minimizing the harm to both individuals and society as a whole; and

**WHEREAS,** we invite all residents of Toms River, New Jersey, to participate in National Problem Gambling Awareness Month.

**NOW, THEREFORE,** We, Mayor Maurice B. Hill and Council President Kevin M. Geoghegan of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, do hereby proclaim the month of March, 2021, as National Problem Gambling Awareness Month. We encourage all residents to learn about the signs of problem gambling and to help spread the message about the availability of treatment.

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*Mayor Maurice B. Hill, Jr.*

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*Kevin M. Geoghegan  
Council President*

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*Laurie A. Huryk*

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*Joshua D. Kopp*

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*Matthew W. Lotano*

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*Maria L. Maruca*

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*Daniel T. Rodrick*

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*Terrance L. Turnbach*

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

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

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS  
RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING  
AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 348  
(LAND USE AND DEVELOPMENT REGULATIONS) TO REVISE THE  
REGULATIONS GOVERNING ARTISAN DISTILLERIES AND NANO BREWERIES  
IN DOWNTOWN TOMS RIVER.**

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Geoghegan 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 Huryk, seconded by Council Member Kopp and carried, the public hearing was closed.

Council Member Huryk, offered the following ordinance and moved its adoption, Council Member Lotano 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	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	Yes
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS  
RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING COMPLIANCE WITH THE  
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S  
"ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND  
CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE  
CIVIL RIGHTS ACT OF 1964," PURSUANT TO N.J.S.A. 40A:4-5.**

**MARCH 9, 2021**

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183, requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual

budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the Township Council have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto as Schedule "A":

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

1. The Township Council of the Township of Toms River hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance.
2. The Township Clerk is hereby directed to maintain and make available for inspection a certified copy of this resolution and the fully-executed affidavit to show evidence of said compliance.
3. The Chief Financial Officer shall file a certified copy of this resolution and the original, fully-executed affidavit to the Division of Local Government Services as required by law.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Mayor Maurice B. Hill, Jr.
  - b) Township Council
  - c) Business Administrator
  - d) Chief Financial Officer
  - e) Township Attorney

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON MARCH 9, 2021.

\_\_\_\_\_  
Township Clerk

**SCHEDULE A**

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

**GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES**

**NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY  
COUNTY OF OCEAN

We, members of the governing body of the Township of Toms River being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Township Council of the Township of Toms River in the county of Ocean;

2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history;
4. We certify that the local unit’s hiring practices comply with the above-referenced enforcement guidance.

\_\_\_\_\_  
MARIA MARUCA, Council President, Ward 1

\_\_\_\_\_  
KEVIN GEOGHEGAN, Council Vice-President-at-Large

\_\_\_\_\_  
LAURIE HURYK, Councilwoman, Ward 3

\_\_\_\_\_  
JOSHUA KOPP, Councilman-at-Large

\_\_\_\_\_  
DANIEL RODRICK, Councilman, Ward 2

\_\_\_\_\_  
TERRANCE TURNBACH, Councilman, Ward 4

\_\_\_\_\_  
MATTHEW LOTANO, Councilman-at-Large

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2021.  
Notary Public of New Jersey

\_\_\_\_\_  
Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

### **Introduction of Township 2021 Municipal Budget**

A motion was made by Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes, **to introduce 2021 Municipal Budget.**

Township Administrator Lou Amoruso gave presentation and explained the 2021 Budget.

Township Administrator Amoruso concluded his presentation and asked if there were any questions.

No comments from the public appearing, the **public portion was closed.**

**CONSENT AGENDA**

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

A motion was made by Council Member Huryk, seconded by Council Member Lotano, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes, to approve all the following items listed on the Consent Agenda except item **F and M**, which were done separately.

*RESOLUTION*

*MARCH 9, 2021*

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

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
<i><b>LERETA, LLC,</b></i>	<i><b>1090.01</b></i>	<i><b>20</b></i>	<i><b>2021/1</b></i>	<i><b>\$1,518.85</b></i>
<i><b>LERETA, LLC.</b></i>	<i><b>794.21</b></i>	<i><b>20</b></i>	<i><b>2021/1</b></i>	<i><b>\$1,972.76</b></i>
<i><b>UNISOURCE NATIONAL LENDER SERVICES, LLC</b></i>	<i><b>643</b></i>	<i><b>6</b></i>	<i><b>2021/1</b></i>	<i><b>\$2,456.59</b></i>
<i><b>TOTALS:</b></i>				<i><b>\$5,948.20</b></i>

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

*Approved as to content:*

RESOLUTION

MARCH 9, 2021

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO HOME OWNER SOLD THE PROPERTY, AND HAD AN AUTOMATIC WITDRAWL, AND FAILED TO NOTIFY THE TAX COLLECTOR TO DISCONTINIUE THE DIRECT WITHDRAWL, NOW MONIES MUST BE REFUNDED TO THE PRIOR OWNER; AND;

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

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

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

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

NAME	BLOCK	LOT	Qual, Year	Amount
<b>MAROTTO, VINCENT</b>	<b>1102.05</b>	<b>7</b>	<b>2021/1</b>	<b>\$1,980.24</b>
<b>OSBORN, JAMES</b>	<b>443.50</b>	<b>5</b>	<b>2021/1</b>	<b>\$1,815.01</b>
<b>LESKOW, THOMAS</b>	<b>394</b>	<b>29.04</b>	<b>2021/1</b>	<b>\$1,964.73</b>
<b>PIERCE FAMILY REVOCABLE TRUST</b>	<b>1501.17</b>	<b>8</b>	<b>2021/1</b>	<b>\$1,009.45</b>
<b>TOTALS:</b>				<b>\$6,769.43</b>

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

Approved as to content:

RESOLUTION

MARCH 9, 2021

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

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
<b>STEIGELMAN, MARK &amp; MADELINE</b>	<b>944.28</b>	<b>28</b>	<b>-D0030</b>	<b>\$ 224.88</b>
			<b>2020/4</b>	<b>\$224.88</b>
			<b>2020/3</b>	
<b>TOTALS:</b>				<b>\$449.76</b>

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

*Approved as to content:*

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF OPEN-ENDED CONTRACTS FOR THE SUPPLY OF GRASS SEED, FERTILIZER, HERBICIDES, FUNGICIDES, INSECTICIDES, INFIELD MIX, TOP DRESSING AND BUNKER SAND TO VARIOUS VENDORS**

**MARCH 9, 2021**

**WHEREAS**, bids were invited for the Supply of Grass Seed, Fertilizer, Herbicides, Fungicides, Insecticides, Infield Mix, Top Dressing and Bunker Sand; and

**WHEREAS**, bids were received from the following vendors on February 3, 2021:

Davisson Golf, Inc.  
7462 Railroad Ave.  
Harmans, MD 21077

Seeton Turf Warehouse LLC  
25 Roland Ave.  
Mt. Laurel, NJ 08054

Levitt's LLC  
621 Edwards Rd.  
Parsippany, NJ 07054

Nutrien AG Solutions Inc.  
1470 Jersey Ave.  
North Brunswick, NJ 08902

Tuckahoe Sand and Gravel Co., Inc.  
2819 Fire Road  
Egg Harbor Township, NJ 08234

Grass Roots Turf Products, Inc.  
4 Middlebury Blvd., Suite 7  
Randolph, NJ 07869

**WHEREAS**, the bids have been reviewed by the Division of Purchasing and Bey Lea Golf Course, and they have recommended that open-ended contracts be awarded to the lowest responsive, responsible bidders, as follows:



**Davisson Golf, Inc.** for item numbers: 101 – 103, 107, and 110.

**Seeton Turf Warehouse LLC** for item numbers: 16, 23, 44, 56, 65, 80, 92, 112, 114, 119, and 144.

**Levitt's LLC** for item numbers: 1, 4, 6, 12 and 97.

**Nutrien AG Solutions Inc.** for item numbers: 5, 10, 11, 15, 18, 20, 21, 25, 26, 29 – 31, 33, 35, 36, 38 – 42, 45 – 48, 50, 55, 57, 59, 60, 62, 69 – 73, 108, 118, and 128.

**Tuckahoe Sand and Gravel Co., Inc.** for item number: 76.

**Grass Roots Turf Products, Inc.** for item numbers: 3, 8, 19, 22, 24, 27, 32, 34, 37, 43, 49, 51, 53, 58, 61, 63, 64, 66, 67, 79, 81, 82, 87, 95, 98, 125 – 127, and 145 – 148.

**WHEREAS**, Item numbers: 16, 21, 24, 26, 27, 30, 31, 32, 33, 34, 37, 38, 43, 44, 46, 48, 53, 55, 57, 58, 61, 62, 63, 64, 65, 66, 67, 69, 80, 81, 82, 98, 126, 127, 128, and 144 were tied and award was determined via tiebreaker; and

**WHEREAS**, Item numbers: 2, 7, 9, 13, 14, 17, 28, 52, 54, 68, 74, 75, 77, 78, 83 - 86, 88 – 91, 93, 94, 96, 99, 100, 104 – 106, 109, 111, 113, 115 – 117, 120 – 124, 129 – 143, 149 – 155 received no bids and will be rebid; 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 awards open-ended contracts for the Supply of Grass Seed, Fertilizer, Herbicides, Fungicides, Insecticides, Infield Mix, Top Dressing and Bunker Sand to the following vendors, as the lowest responsive, responsible bidders, who meet all of the bid specifications, as follows:

**Davisson Golf, Inc.** for item numbers: 101 – 103, 107, and 110.

**Seeton Turf Warehouse LLC** for item numbers: 16, 23, 44, 56, 65, 80, 92, 112, 114, 119, and 144.

**Levitt's LLC** for item numbers: 1, 4, 6, 12 and 97.

**Nutrien AG Solutions Inc.** for item numbers: 5, 10, 11, 15, 18, 20, 21, 25, 26, 29 – 31, 33, 35, 36, 38 – 42, 45 – 48, 50, 55, 57, 59, 60, 62, 69 – 73, 108, 118, and 128.

**Tuckahoe Sand and Gravel Co., Inc.** for item numbers: 76.

**Grass Roots Turf Products, Inc.** for item numbers: 3, 8, 19, 22, 24, 27, 32, 34, 37, 43, 49, 51, 53, 58, 61, 63, 64, 66, 67, 79, 81, 82, 87, 95, 98, 125 – 127, and 145 – 148.

2. Item numbers: 16, 21, 24, 26, 27, 30, 31, 32, 33, 34, 37, 38, 43, 44, 46, 48, 53, 55, 57, 58, 61, 62, 63, 64, 65, 66, 67, 69, 80, 81, 82, 98, 126, 127, 128, and 144 were tied and award was determined via tiebreaker.

3. Item numbers: 2, 7, 9, 13, 14, 17, 28, 52, 54, 68, 74, 75, 77, 78, 83 - 86, 88 – 91, 93, 94, 96, 99, 100, 104 – 106, 109, 111, 113, 115 – 117, 120 – 124, 129 – 143, 149 – 155 received no bids and will be rebid.

4. All terms and conditions of the bid specifications are applicable on these contracts. These will be open-ended contracts with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget.

5. The contract term shall be effective from March 11, 2021 through March 10, 2022.

6. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Division of Purchasing
- b) Chief Financial Officer
- c) Township Attorney
- d) Department of Parks, Buildings & Grounds
- e) Bey Lea Golf Course

- f) Recreation Department
- g) All Aforementioned Bidders

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contracts for Grass Seed, Fertilizer, Herbicides, Fungicides, Insecticides, Infield Mix, Top Dressing and Bunker Sand awarded to:

Davisson Golf, Inc.  
 Seeton Turf Warehouse LLC  
 Levitt's LLC  
 Nutrien AG Solutions  
 Tuckahoe Sand and Gravel Co., Inc.  
 Grass Roots Turf Products, Inc.

shall be open-ended with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget.

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

ALEXANDER DAVIDSON  
 CHIEF FINANCIAL OFFICER

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF POLICE VEHICLES FOR THE POLICE DEPARTMENT FROM CHAS S. WINNER, INC., D/B/A WINNER FORD, UTILIZING NJ STATE CONTRACT #20-FLEET-01189, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$316,250.00 (10 REPLACEMENTS)**

**MARCH 9, 2021**

**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. In accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State contract are hereby approved.

2. State Contract No. 20-FLEET-01189, for the purchase of 10 Replacement Police Vehicles from Chas S. Winner, Inc. D/B/A Winner Ford, for a total contract amount not to exceed \$316,250.00, as follows:

**CHAS S. WINNER INC  
 DBA WINNER FORD  
 250 BERLIN RD.  
 CHERRY HILL, NJ 08034  
 20-FLEET-01189**

Item #	Description	Quantity	Price with 6% Discount	Total Cost
K8A	2021 Police Interceptor Utility K8A AWD	8	\$29,763.00	\$238,104.00
YZ	Oxford White Exterior Paint	8	\$0.00	\$0.00
60R	Radio Noise Suppression	8	\$94.00	\$752.00

43D	Courtesy Lamps Disable	8	\$24.00	\$192.00
51T	Drivers Side LED Spotlight	8	\$394.00	\$3,152.00
549	Power Heated Mirrors	8	\$56.00	\$448.00
87R	Rear Camera Installed in Rear View Mirror - No Cost	8	\$0.00	\$0.00
76R	Reverse Sensing System	8	\$259.00	\$2,072.00
86T	Rear Taillights Pre-Drilled for Vertex's	8	\$56.00	\$448.00
55F	Remote Keyless Entry Key Fob (w/o Keypad, less PATS)	8	\$320.00	\$2,560.00
18D	Global Lock / Unlock Feature	8	\$0.00	\$0.00
47A	Police Engine Idle Feature	8	\$244.00	\$1,952.00
76D	Deflector Plate	8	\$315.00	\$2,520.00
60A	Pre-Wiring For Grille LED Lights, Siren, and Speaker	8	\$47.00	\$376.00
	Ford Telematics, with Modem & 2 Year Trial Subscription	8	\$0.00	\$0.00
61B	OBD-II Split Connector	8	\$52.00	\$416.00
			Total A:	<b>\$252,992.00</b>

Item #	Description	Quantity	6 % Discount	Total Cost
K8A	2021 Police Interceptor Utility K8A Base Vehicle - Unmarked	2	\$29,763.00	\$59,526.00
M7	Carbonized Gray Exterior Paint	2	\$0.00	\$0.00
65L	Wheel Covers	2	\$56.00	\$112.00
65U	Interior Upgrade Package	2	\$367.00	\$734.00
60R	Radio Noise Suppression	2	\$94.00	\$188.00
549	Power Heated Mirrors	2	\$56.00	\$112.00
87R	Rear Camera Installed in Rear View Mirror	2	\$0.00	\$0.00
76R	Reverse Sensing System	2	\$259.00	\$518.00
86T	Rear Taillights Pre-Drilled for Vertex's	2	\$56.00	\$112.00
55F	Remote Keyless Entry Key Fob (w/o Keypad, less PATS)	2	\$320.00	\$640.00
18D	Global Lock / Unlock Feature	2	\$0.00	\$0.00
47A	Police Engine Idle Feature	2	\$244.00	\$488.00
76D	Deflector Plate	2	\$315.00	\$630.00
60A	Pre-Wiring For Grille LED Lights, Siren, and Speaker	2	\$47.00	\$94.00
	Ford Telematics, with Modem & 2 Year Trial Subscription	2	\$0.00	\$0.00
61B	OBD-II Split Connector	2	\$52.00	\$104.00
16D	Badge Delete	2	\$0.00	\$0.00
			Total B:	<b>\$63,258.00</b>

Grand Total: **\$316,250.00**

3. Funds in the total amount not to exceed \$316,250.00 are available in Account No. 1-01- -S75-242.

4. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) Chas S. Winner, Inc., d/b/a Winner Ford

## CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the contract for Police Vehicles from Chas S. Winner, Inc. D/B/A Winner Ford utilizing State Contract #20-FLEET-01189, in the total contract amount not to exceed \$316,250.00, are available in Account No. 1-01- -S75-242.

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

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

Dated: March 9, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CLOSEOUT OF THE POLICE SHOOTING RANGE PROJECT AT PUBLIC WORKS, RELEASE OF PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND, AND AUTHORIZING THE RELEASE OF RETAINAGE AND FINAL PAYMENT TO CAPELA CONSTRUCTION, INC. IN THE AMOUNT OF \$3,804.00**

**MARCH 9, 2021**

WHEREAS, resolution of the Township Council dated April 14, 2020, authorized award of contract for a Police Shooting Range Project at Public Works to Capela Construction, Inc., as the lowest bidder meeting all the bid specifications, in the total maximum contract price not to exceed \$190,200.00, utilizing Federal DEA Seizure Funds; and

WHEREAS, there were no change orders to the original contract; and

WHEREAS, the contractor retained for the Police Shooting Range Project at Public Works has submitted the required documents in connection with the closeout of this project; and

WHEREAS, it is necessary to take certain action with respect to documents that are required to be completed before the project can be closed out and payment processed, as follows:

- a) Release of Performance Bond;
- b) Acceptance of Original Maintenance Bond No. S328562 with Capela Construction Inc., as Principal, and NGM Insurance Company, as Surety.
- c) Contractor's Application for Payment in the amount of \$3,804.00;

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

1. It hereby authorizes the appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation to close out the Police Shooting Range Project at Public Works, releasing the Performance Bond, accepting the Maintenance Bond, and authorizing the release of Retainage and final payment to contractor, Capela Construction, Inc., in the amount of \$3,804.00. Funds in the amount of \$3,804.00 are available in Account No. PO 20-00396.

The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing Division
- e) Capela Construction Inc.  
30 N. Central Avenue  
Sicklerville, NJ 08081

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the Closeout of the Police Shooting Range Project at Public Works with Capela Construction, Inc., in the amount of \$3,804.00, are available in Account No. PO 20-00396.

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 the time.

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE FINAL CLOSEOUT OF THE REPAIRS TO THE WINDING RIVER PARK PEDESTRIAN BRIDGE, RELEASING PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND, AND RELEASING RETAINAGE AND FINAL PAYMENT TO CONTRACTOR, CAPELA CONSTRUCTION, INC., IN THE AMOUNT OF \$6,465.00**

**MARCH 9, 2021**

WHEREAS, resolution of the Township Council dated June 23, 2020, awarded a contract to Capela Construction, Inc., as the lowest responsible, responsive bidder meeting all the specifications, for repairs to the Winding River Park Pedestrian Bridge, in the total contract price not to exceed \$323,250.00; and

WHEREAS, there were no change orders to the original contract; and

WHEREAS, the contractor retained for the repairs to the Winding River Park Pedestrian Bridge, has submitted the required documents in connection with the closeout of this project; and

WHEREAS, it is necessary to take certain action with respect to documents that are required to be completed before the project can be closed out and payment processed, as follows:

- a) Release of Performance Bond;
- b) Acceptance of Original Maintenance Bond No. EACX4008030 with Capela Construction, Inc., as Principal, and Endurance Assurance Corporation, as Surety;
- c) Contractor's Application for Payment in the amount of \$6,465.00.

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

1. It hereby authorizes the appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation for the final close out of the Repairs to the Winding River Park Pedestrian Bridge, releasing the Performance Bond, accepting the original Maintenance Bond, and authorizing the release of Retainage and final payment to Capela Construction, Inc., in the amount of \$6,465.00. Funds in the amount of \$6,465.00 are available in Account No. PSF-052. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Chief Financial Officer
- b) Township Attorney
- c) Engineering Division
- d) Purchasing Division
- e) Capela Construction, Inc.  
20 Tranquility Ct.  
Southampton, NJ 08088

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the close out of the Winding River Park Pedestrian Bridge Project to Capela Construction, Inc. in the amount of \$6,465.00, are available in Account No. PSF-052.

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 the time.

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

Dated: March 9, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF OPEN-ENDED  
CONTRACTS TO BILL FRITZ SPORTS CORPORATION, BSN SPORTS, LLC, S&S  
WORLDWIDE, INC., AND RIDDELL/ALL AMERICAN, AS THE LOWEST RESPONSIVE,  
RESPONSIBLE BIDDERS, FOR THE SUPPLY OF SPORTING GOODS**

**MARCH 9, 2021**

WHEREAS, bids were invited for the Supply of Sporting Goods; and

WHEREAS, bids were received on February 9, 2021 from the following vendors:

Bill Fritz Sports Corporation  
1072 Classic Road  
Apex, NC 27539

BSN Sports, LLC  
PO Box 7726  
Dallas, TX 75209

S&S Worldwide, Inc.  
75 Mill St  
Colchester, CT 06415

Riddell/All American  
7501 Performance Lane  
N. Ridgefield, OH 44039

School Health Corporation  
DBA Palos Sports  
11711 S. Austin Ave

WHEREAS, the bids have been reviewed by the Division of Purchasing, and recommendation has been made to award contracts to the lowest responsive, responsible bidders, as follows:

**Bill Fritz Sports Corporation** - Item Numbers: 34, 35, 37, 45, 48, 76, 95, 96, 136, 153, 154, 156-160, 181, 182, and 186-191.

**BSN Sports, LLC** - Item Numbers: 1-5, 7-10, 12-15, 17, 18, 23, 25, 26, 31, 33, 40, 43, 51, 53, 57, 59, 60, 63, 64, 66, 67, 69-73, 77-79, 82, 83, 86-90, 92, 93, 109-112, 115, 122, 123, 126-128, 134, 135, 139, 141, 143, 144, 146, 147, 161, 163, 165, 166, 168, 176-179, 222, 224, and 231.

**S&S Worldwide, Inc.** - for Item Numbers: 6, 21, 36, 38, 39, 42, 46, 47, 50, 54, 61, 65, 68, 105, 113, 114, 116, 117, 119, 125, 133, 140, 142, 149, 225, 227, 228, and 230.

**Riddell/All American** - Item Numbers: 162, 164, 167, 169-172, and 180.

WHEREAS, the bid received from School Health Corporation was rejected because they took exceptions to the bid specifications by charging shipping fees for orders under \$125; and

WHEREAS, the following items received no bids and will be rebid: 11, 16, 20, 27-30c, 44, 49, 55, 62, 80, 81, 84, 85, 91, 97-104, 106, 108, 120, 121, 130-132, 145, 173-175, 192, 194-221, and 223; and

WHEREAS, the following items are rejected because none of the bidders met the specifications. These items will be rebid: 19, 22, 24, 32, 41, 52, 56, 58, 74, 75, 94, 107, 118, 124, 129, 137, 138, 148, 150-152, 155, 183-185, 193, 226, and 229;

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 contracts for the Supply of Sporting Goods to the lowest responsive, responsible bidders, as follows:

**Bill Fritz Sports Corporation** - Item Numbers: 34, 35, 37, 45, 48, 76, 95, 96, 136, 153, 154, 156-160, 181, 182, and 186-191.

**BSN Sports, LLC** - Item Numbers: 1-5, 7-10, 12-15, 17, 18, 23, 25, 26, 31, 33, 40, 43, 51, 53, 57, 59, 60, 63, 64, 66, 67, 69-73, 77-79, 82, 83, 86-90, 92, 93, 109-112, 115, 122, 123, 126-128, 134, 135, 139, 141, 143, 144, 146, 147, 161, 163, 165, 166, 168, 176-179, 222, 224, and 231.

**S&S Worldwide, Inc.** - for Item Numbers: 6, 21, 36, 38, 39, 42, 46, 47, 50, 54, 61, 65, 68, 105, 113, 114, 116, 117, 119, 125, 133, 140, 142, 149, 225, 227, 228, and 230.

**Riddell/All American** - Item Numbers: 162, 164, 167, 169-172, and 180.

2. The bid received from School Health Corporation is hereby rejected because they took exceptions to the bid specifications by charging shipping fees for orders under \$125.

3. The following items received no bids and will be rebid: 11, 16, 20, 27-30c, 44, 49, 55, 62, 80, 81, 84, 85, 91, 97-104, 106, 108, 120, 121, 130-132, 145, 173-175, 192, 194-221, and 223.

4. The following items are rejected because none of the bidders met the specifications. These items will be rebid: 19, 22, 24, 32, 41, 52, 56, 58, 74, 75, 94, 107, 118, 124, 129, 137, 138, 148, 150-152, 155, 183-185, 193, 226, and 229.

5. The Term of contracts shall commence from March 21, 2021 through March 20, 2023. Pursuant to N.J.S.A. 40A:11-15, these contracts may be extended for no more than one (1) two-year, or two (2) one-year extensions, after the expiration of the original contract period, contingent upon the approval of the governing body by resolution with

the agreement of the Contractor. These contracts will be open-ended with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget.

6. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of these contracts are subject to all terms and conditions of the bid specifications.

7. 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) Recreation Dept.
- e) Bey Lea
- g) Winding River Ice Skating Rink
- h) Youth Center
- i) Aforementioned vendors

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended contracts awarded to Bill Fritz Sports Corporation, BSN Sports, LLC, S&S Worldwide, Inc. and Riddell/All American, are contingent upon the availability of funds in the appropriate municipal budget.

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

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

Dated: March 9, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR DRUG & ALCOHOL TESTING FOR EMPLOYEES IN SAFETY SENSITIVE POSITIONS TO DYNAMIC TESTING SERVICES, IN AN AMOUNT NOT TO EXCEED \$12,000.00 FOR CY2021**

**MARCH 9, 2021**

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 CY2021; 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. Dynamic Testing Services, 230 Main Street, 1<sup>st</sup> Floor, Toms River, NJ, 08753, is hereby retained for drug and alcohol testing for employees in safety sensitive positions pursuant to NJSA40A:11-5(1)(a)(l), in the total maximum amount not to exceed \$12,000.00 for CY2021, commencing retroactive to January 1, 2021 up to and including



December 31, 2021. Funds in the amount maximum amount not to exceed \$12,000.00, are available in Account No. 1-01- -H03-534.

2. 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, 2021 up to and including December 31, 2021.

3. 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.

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

- a) Township Attorney
- b) Purchasing Division
- c) Chief Financial Officer
- d) Department of Human Resources
- e) Dynamic Testing Services, LLC  
230 Main Street, 1<sup>st</sup> Floor  
Toms River, N.J. 08753

### **SCHEDULE A**

**See Attachments**

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the professional services contract with Dynamic Testing Services, in the maximum amount not to exceed \$12,000.00, are available in Account No. 1-01- -H03-534, contingent upon the availability of funds in the appropriate municipal budget.

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

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

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

**MARCH 9, 2021**

**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 an 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 Township Council and Union Carbide Corporation entered into a Twentieth Amendment to Interim Settlement Agreement dated February 13, 2019, 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**, the Township Council and Union Carbide Corporation entered into a Twenty-First Amendment to Interim Settlement Agreement dated February 28, 2020, to postpone future litigation until February 10, 2021, to toll the statute of limitations until May 11, 2021, 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, 2022, to toll the statute of limitations until May 11, 2022, or until 30 days' written notice by either party; and

**WHEREAS**, a copy of the Twenty-Second 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 Twenty-Second Amendment to Interim Settlement Agreement with Union Carbide Corporation, which will postpone future litigation until February 10, 2022, to toll the statute of limitations until May 11, 2022, 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 Maurice B. Hill, Jr.
- b) Township Council
- c) Louis Amoruso, 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.  
Faegre, Drinker, Biddle & Reath  
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

### March 9, 2021

**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>
03-21 Thomas Fry	Taxi Driver- Renewal	AA-1 Taxi
04-21 Navjot Singh	Taxi Driver- Renewal	Ocean Taxi
05-21 Lizbeth Fry	Taxi Driver- Renewal	AA-1 Taxi
06-21 Linda Lanphere	Taxi Driver -Renewal	AA1 Taxi
08-21 Michael Hock	Taxi Driver- Renewal	A Outstanding Taxi
11-21 Hardil Singh	Taxi Driver -Renewal	7 Star Taxi
12-21 Baljinder Singh	Taxi Driver- Renewal	EZ Taxi

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

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

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

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

## RESOLUTION

### March 9, 2021

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

**MESSAGE BUSINESS**

- 01-21      Harmony Massage  
708 Fischer Blvd  
Toms River, NJ**
- 02-21      Sunny Days Massage  
1594 Rout 9 Unit #8  
Toms River, NJ**
- 03-21      Star Acupressure Center  
83 Route 37 West  
Toms River, NJ**
- 04-21      New Aroma Spa  
1545 Route 9  
Toms River, NJ**
- 05-21      Oasis Bodywork & Spa  
1808 Route 37 E.  
Toms River, NJ**
- 06-21      Blue Moon Therapy  
1242 Lakewood Rd  
Toms River, NJ**
- 07-21      Spa 1800 Corp.  
1800 Lakewood Rd  
Toms River, NJ**
- 08-21      K&M Acu Inc.  
213 Route 37 E.  
Toms River, NJ**

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

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

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

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MAJOR SUBDIVISION KNOWN AS HICKORY PINES, BLOCK 165, LOTS 7, 10 AND 11 (2201, 2227 and 2245 Lakewood Road)**

**March 9, 2021**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision known as Block 165, Lots 7, 10 and 11, that all improvements presently under a maintenance bond have been maintained in accordance with Township standards.

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

- 1) Maintenance Bond, in the form of a letter of credit #IS0025153U in the amount of \$275,685.00, accepted by Resolution 'Y' on February 26, 2019, and currently on deposit in account #X-18- -101-487, is hereby released.
- 2) Maintenance Cash Bond, in the amount of \$91,895.00, accepted by Resolution 'S' on March 25, 2014, and currently on deposit in account #1-14- -902-101, is hereby released with applicable interest, if any.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. North River Group, Inc.  
57 South Main Street #396  
Neptune, NJ 07753

**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 AIR, LLC (DANIEL C. ATTAR), BLOCK 298.04, LOT 57 (1984 Whitesville Road)**

**March 9, 2021**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Air, LLC, Block 298.04, Lot 57.

WHEREAS, Performance Bonds have been posted as follows:

- 1) A check in the amount of \$13,410.00 and a check in the amount of \$1,490.00, for a total of \$14,900.00, which represents the entirety of the performance guarantee amount.
- 2) Check in the amount of \$500.00, which represents the 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 Air, LLC and Daniel C. Attar, 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. Daniel C. Attar  
1984 Whitesville Road  
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE SAFETY AND STABILIZATION GUARANTEES FOR A MINOR SITE PLAN KNOWN AS, BLOCK 601, LOT 2 (1123 Hooper Avenue)**

**March 9, 2021**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 601, Lot 2.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00, which represents the full portion of the performance safety stabilization guarantee amount.
- 2) 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 Alblem Group, 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. Alblem Group, LLC  
1123 Hooper Avenue  
Toms River, NJ 08753

Township Engineer Chankalian discussed bid request and project due to Nor'easter.

Mary Ann Wallace, Second Avenue, Ortley Beach, spoke of extremity of work to be done and concerned about safety.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING  
DIVISION AND THE ENGINEERING DIVISION TO ADVERTISE AND RECEIVE BIDS FOR  
A DUNE REPAIR PROJECT AS A RESULT OF THE FEBRUARY 2021 NOR'EASTOR**

**MARCH 9, 2021**

WHEREAS, the Township of Toms River requires bids for the following items/project:

**TO ADVERTISE AND RECEIVE BIDS FOR  
A DUNE REPAIR PROJECT AS A RESULT  
OF THE FEBRUARY 2021 NOR'EASTOR**

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

1. The Purchasing Division and the Engineering Division are hereby authorized to prepare bid specifications for the above-mentioned items/project.

2. The Purchasing Division and the Engineering Division are hereby authorized to advertise and receive bids for the above mentioned project.

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) Purchasing Division
- d) Engineering Division

A motion was made by Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no, to approve the following Resolution.

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

**March 9, 2021**



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

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Surety Bond #800091252 in the amount of \$12,555.00, which represents the 10% Maintenance Guarantee, is accepted and will remain on account to represent the Maintenance Bond;

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

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

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

- 1) Previously posted Surety Rider #S298513 in the amount of \$22,599, originally accepted on Resolution 'MM' dated January 23, 2019, is hereby released.
- 2) Maintenance Surety Bond listed in the preamble hereof be and the same is hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Nobility Crest at Dover, LLC  
101 Prosper Way, Unit #6  
Brick, NJ 08723

Assistant Township Attorney Anthony Merlino gave a fully detailed PowerPoint presentation on the aspects of the consent order Council was to submit to the United States Department of Justice in **United States of America V. Township of Toms River.**

A motion was made by Council Member Huryk, seconded by Council Vice President Maruca, with all in favor **to call a resolution from the floor.**

A motion was made by Council Member Lotano, seconded by Council Member Turnbach, and carried with Council Members Lotano, Turnbach, Huryk, Kopp, Maruca, Council President Geoghegan voting yes, and Councilman Rodrick voting no, to approve the following Resolution

**RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, APPROVING THE ENTRY OF A CONSENT ORDER WITH THE UNITED STATES DEPARTMENT OF JUSTICE TO RESOLVE THE MATTER OF UNITED STATES OF AMERICA V. TOWNSHIP OF TOMS RIVER**

**March 9, 2021**

**WHEREAS**, on December 4, 2018, the United States Department of Justice (“USDOJ”) opened an investigation into the Township’s land use and zoning ordinances pertaining to religious assemblies, pursuant to the Religious Land Use and Institutionalized Protections Act (“RLUIPA”), 42 U.S.C. §§2000cc to §§2000cc-5; and

**WHEREAS**, on September 17, 2020, USDOJ issued a notice of suit, advising that, with the investigation completed, then-United States Attorney General William Barr had authorized USDOJ to file suit against the Township under RLUIPA; and

**WHEREAS**, the notice of suit also invited the Township to enter into pre-suit settlement negotiations to resolve the matter without litigation; and

**WHEREAS**, by resolution dated September 27, 2020, the Township Council authorized the Department of Law and Special Counsel Professor Marci A. Hamilton, one of the nation’s leading RLUIPA experts, to enter into pre-litigation with negotiations with USDOJ; and

**WHEREAS**, between October 2020 and February 2021, the Township engaged in extensive negotiations with USDOJ which resulted in a favorable compromise, memorialized in the proposed consent order attached as Schedule A hereto and incorporated by reference; and

**WHEREAS**, the proposed consent order secures the chief priorities of both the Federal Government and the Township — providing greater accommodations for the establishment of houses of worship under the zoning code, in conformity with RLUIPA, balanced out with provisions for the benefit of the local streets and neighborhoods; and

**WHEREAS**, the consent order mandates that churches and houses of worship be conditionally permitted uses in 9 (Rural Residential; R-90; R-150; R-200; R-400; R-800; MF-4; MF-6; and MF-8) out of the Township’s 57 zoning districts, six of which already allow such uses on a conditional basis, as they have for the past four decades, and three of which (Rural Residential; R-400; and R-800), did so for 30 years until 2009; and

**WHEREAS**, the consent order further requires that churches and houses of worship be permitted on a minimum lot size of two acres in the conditionally-allowed zoning districts, as was permitted for 40 years until the standard was altered in 2017; and

**WHEREAS**, as implemented, the consent order would effectively revert the Township to the zoning standards that generally prevailed in the Township for 30-40 years prior to 2017, under which houses of worship were permitted as conditional uses in the zoning districts covered by the consent order, on a minimum lot-size of two acres, while also allowing smaller-site houses of worship to locate on middle-order roads on a limited basis; and

**WHEREAS**, under the consent order, the Township is permitted to institute parallel limitations precluding places of assembly, both secular and religious, from locating on roads classified as local streets; and

**WHEREAS**, substantively, the consent order strikes a reasonable and workable balance between satisfying the Township’s legal obligations to religious

assemblies under RLUIPA, while also furthering the public welfare, achievable only because the Township chose to negotiate in good faith; and

**WHEREAS**, in recent years, other New Jersey municipalities have paid budget-crushing sums — from a low of \$400,000 to a high of \$7.75 million — to defend and settle RLUIPA-related matters; and

**WHEREAS**, by resolving this matter at the pre-litigation stage, the Township avoids that liability — and the increased property taxes it would generate — sparing those funds for funding parks, playgrounds, police, paving, and other pressing public priorities; and

**WHEREAS**, overall it is in the best interests of the Township to resolve the two-year dispute with USDOJ on favorable terms:

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

1. The consent order reached between the USDOJ and the Township, resolving United States of America v. Township of Toms River, attached as Schedule A hereto and incorporated by reference, is hereby approved.

2. The Mayor and Council President are hereby authorized to execute and the Township Clerk to attest to the attached consent order and any other documents necessary to effectuate a resolution of these matters.

3. The Department of Law shall provide a certified copy of this resolution and the fully-executed consent order to USDOJ.

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

- a. Mayor
- b. Business Administrator
- c. Director of Law
- d. Township Engineer
- e. Township Planner
- f. Zoning Department
- g. Planning Board
- h. Zoning Board

**SCHEDULE A- see attachments**

Township Attorney Merlino concluded his presentation and asked if there were any questions.

Professor Marci Hamilton spoke and expressed her thoughts on the presentation. She also endorsed this agreement 100 percent.

**REPORTS**

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

	2021	2020
Bey Lea Golf Course – January	\$7,804.16	\$6,857.45
Bey Lea Golf Course – YTD through January	\$7453.08	\$8,105.09
Winding River Ice Rink – January	\$70,065.89	\$85,961.00
Winding River Ice Rink – YTD through January	\$126,382.39	\$198,702.00
Building Permits - January	\$130,485.00	\$209,533.00
Building Permits – YTD through January	\$345,853.00	\$636,046.00

### APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **March 8, 2021**, was approved on motion by Council Member Turnbach, seconded by Council Member Lotano, and carried with Council Members Turnbach, Lotano, Huryk, Kopp, Maruca, Rodrick, and Council President Geoghegan voting yes. The following respective exceptions to their votes were noted as abstentions to this vote.

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

Purchase Order 21-00912, payable to Magistrate Salaries in the amount of \$6,937.41.

Purchase Order 21-00655, payable to Citta, Holzapfel, Zabarsky in the amount of \$600.00.

Council Member Lotano – None

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

Purchase Order 21-00798, payable to Rutgers University in the amount of \$1,037.00.

Purchase Order 20-00569 & 21-00829, payable to Remington & Vernick Engineers in the amount of \$35,204.32.

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

Purchase Order 21-00633, 21-00634, 21-00635, & 21-08943, payable to Owen Little & Associates Inc., in the amount of \$4,275.50.

Purchase Order 20-06658, payable to Silverton First Aid Squad, Inc., in the amount of \$37,012.28.

Council Member Rodrick – None

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

Purchase Order 21-00593, payable to N.J. Motor Vehicle Commission in the amount of \$125.00.

Purchase Order 21-00912, payable to NJ Motor Vehicle LEASE Program in the amount of \$2,967.00.

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

Purchase Order 20-06658, payable to Silverton First Aid Squad, Inc., in the amount of \$37,012.28.

## ELECTED OFFICIALS COMMENTS

Councilman Rodrick spoke on disagreement with details regarding consent order for United States of America v. Township of Toms River.

Councilman Kopp spoke regarding Township budget comments. Mayor Hill stressed he wanted to control spending and even with a COVID year the budget was still an 0% increase.

Councilman Turnbach spoke of all of wonderful qualities of Mayor Hill and the bipartisan effort of Council. Thanked all the volunteers and the participating members of Council for 52 straight weeks of food distribution during COVID.

Councilwoman Maruca spoke on challenges over last year; thanked Mayor Hill and Township Administrator Amoruso for 0% tax increase; BPU hearing next 3/16 at 10:00 a.m., and very proud of the 52 weeks of food distribution.

Councilwoman Huryk set record straight and spoke highly of Mayor Hill, as he is doing an exemplary job leading township through COVID.

Councilman Lotano thanked Councilman Turnbach to be voice of reason and Councilwoman on bipartisan support; May 1<sup>st</sup> Downtown Night Out! Commend Township Attorney Merlino and Marci Hamilton on the United States versus Toms River Township.

Mayor Hill spoke regarding BPU – Optimum/Altisse Public Hearing comments; thanked Alex Davidson, Lou Amoruso; Department Heads and Division Managers for their hard work.

Councilman Geoghegan spoke regarding bipartisan support.

## PUBLIC COMMENTS

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

Eleanor Hannim spoke and supported the settlement opportunity taken by Council; suggested to Councilman Rodrick “to look to your northwest” for not supporting the settlement.

Mary Ann Wallace thanked the council for pursuing money from State/Federal to help with Ortleigh Beach; thanked for the 0% budget; and thanked for support on cable issue.

Richard Ciullo, Seaside Heights, spoke regarding an letter from United State government issued September 9, 2017.

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

No other business appearing, the meeting was **adjourned** at 7:41P. M., on motion with Council Member Huryk, seconded by Council Member Lotano, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes.

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KEVIN GEOGHEGAN, COUNCIL PRESIDENT

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ALISON CARLISLE, TOWNSHIP CLERK

