

March 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 President Wittmann and opened with the salute to the Flag.

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

OPEN PUBLIC MEETINGS ACT
STATEMENT

This meeting is convened in accordance with the provisions of the Open Public Meetings Act of New Jersey. Let the official Minutes reflect that adequate notice of this meeting has been provided by publishing a notice in the Asbury Park Press on Tuesday, January 8, 2019 and also forwarded to the Toms River Times, Toms River Patch and WOBN News on Wednesday, January 3, 2019, and thereafter posting same on the Town Hall bulletin board for such notices, and filing same with the Township Clerk, pursuant to a resolution adopted by the Township Council on January 3, 2019. The Notice was also posted on the Township web page.

Roll Call:

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

APPROVAL OF MINUTES

A motion was made by Council Member Kubiell, seconded by Council Member Huryk, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes to approve the **Regular Meeting of 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 Kubiell, seconded by Council Member Turnbach, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, to make the following honoring proclamations a part of the Minutes.

Mayor Kelaher introduced the following people and each was presented a proclamation for the life saving efforts of Alyssa Hollingsworth who was trapped in her burning home on December 13, 2018.

Police Officer Andrew Gannon

Township Employees:

Tim Dalton

Joe Hayward

Dave Gretkowski

Township Community Service Officers:
Elmandoh Kandil
William Miller

Township of Toms River Proclamation

WHEREAS, Township of Toms River Police Officer Andrew Gannon and Township of Toms River employees Joe Hayward, Dave Gretkowski, Tim Dalton and Community Service Officers Elmandoh Kandil and William Miller demonstrated great bravery and quick thinking during the rescue of Alyssa Hollingsworth who was trapped in her burning home on December 13, 2018; and

WHEREAS, as flames made their way through the home and Alyssa Hollingsworth was trapped in the basement, the six men teamed up to rescue her; and

WHEREAS, the group told Alyssa Hollingsworth to follow their voices through the smoke filled basement and were able to rescue her through a back window they had broken through; and

WHEREAS, Township of Toms River Police Officer Andrew Gannon and Township of Toms River employees Joe Hayward, Dave Gretkoski, Tim Dalton and Community Service Officers Elmandoh Kandil and William Miller's heroic efforts are an inspiration and serve as models of bravery for all the citizens of Toms River Township.

NOW, THEREFORE, we, the Mayor Thomas F. Kelaher and Council President George E. Wittmann, Jr. of the Township of Toms River in the County of Ocean and State of New Jersey, with full concurrence of the Township Council, do hereby recognize with respect and gratitude, Township of Toms River Police Officer Andrew Gannon, Township of Toms River employees Joe Hayward, Dave Gretkowski, **Tim Dalton** and Community Service Officers Elmandoh Kandil and William Miller for saving the life of Alyssa Hollingsworth and for their bravery and their courage.

Mayor Thomas F. Kelaher

*George E. Wittmann, Jr.
Council President*

Maria L. Maruca

Maurice B. Hill, Jr.

Brian S. Kubiel

Laurie A. Huryk

Daniel T. Rodrick

Terrance L. Turnbach

Mayor Kelaher presented proclamations to Eagle Scouts R. Joseph Latshaw III and Shane Coffey.

Township of Toms River Proclamation

Eagle Scout Court of Honor

March 12, 2019

WHEREAS, Shane Coffee is involved with the Boy Scout Program, currently as a member of Boy Scout Troop 20 in Toms River; and

WHEREAS, Shane Coffee 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, Shane Coffey has successfully completed all requirements to receive the rank of Eagle Scout.

*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 **Shane Coffee** 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*

Brian S. Kubiel

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance T. Turnbach

Township of Toms River Proclamation

Eagle Scout Court of Honor

March 12, 2019

WHEREAS, R. Joseph Latshaw III is involved with the Boy Scout Program, currently as a member of Boy Scout Troop 20 in Toms River; and

WHEREAS, R. Joseph Latshaw III 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, R. Joseph Latshaw III has successfully completed all requirements to receive the rank of Eagle Scout and .

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 R. Joseph Latshaw III 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***

Brian S. Kubiel

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance T. 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 Kubiel, 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, VACATING THE PUBLIC RIGHT AND INTEREST IN A
PORTION OF SAYERVILLE STREET**

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Wittmann announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

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

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

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

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 198 (BOAT DOCKS AND BULKHEADS, PUBLIC) OF THE TOWNSHIP CODE TO PROVIDE FOR THE RECREATIONAL USE STORAGE OF KAYAKS

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Wittmann announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

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

Council Member Kubiel offered the following ordinance and moved its adoption, Council Member Maruca seconded the motion:

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

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.

2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof 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 Kubiell	Present
Council Member Maruca	Present
Council Member Rodrick	Present
Council Member Turnbach	Present
Council Vice-President Hill	Present
Council President Wittmann	Present

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

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A LEASE AGREEMENT WITH DOCKSIDER MARINA LLC, TO LEASE A SECTION OF BLOCK 1097.01, LOT 172, FOR THE CONSTRUCTION OF A TOWNSHIP-OPERATED RECREATIONAL KAYAK LAUNCH AND ASSOCIATED AMENITIES

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. Pursuant to N.J.S.A. 40A:12-3(a), the Mayor is authorized to execute and the Township Clerk to attest to a Lease Agreement between the Township of Toms River (“Township”) and Docksider Marina LLC (“Docksider”), whereby the Township will lease Block 1097.01, Lot 172, located at the intersection of Harborside Drive and Sixth Terrace in the Ortlely Beach Section of the Township, to lease a certain section of the Docksider Marina for the construction of a Township-operated recreational kayak launch and associated amenities. The term of this lease is for five (5) years commencing April 1, 2019 and terminating on March 31, 2024. Upon written consent of both parties, this lease may be renewed for an additional five-year period, commencing on April 1, 2024 and terminating on March 31, 2029 under the same terms and conditions.

2. In the first year of this lease, the Township shall pay to Lessee an annual rent of \$5,500.00. For the balance of the lease term, rent shall annually increase by five percent over the previous year. A copy of the Lease Agreement is attached to this Ordinance as Schedule “A” , and Exhibits “A” and “B”, are attached to this Ordinance, and are made a part hereof.

3. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.

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

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

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on March 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 March 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, March 15, 2019..

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

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

CALENDAR YEAR 2019

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N. J. S. A. 40A: 4-45. 14)**

WHEREAS, the Local Government Cap Law, N. J. S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N. J. S. A. 40A: 4-45. 15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Toms River in the County of Ocean finds it advisable and necessary to increase its CY2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$923,347.47 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Toms River, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY2019 budget year, the final appropriations of the Township of Toms River shall, in accordance

with this ordinance and N. J. S. A. 40A: 4-45.14, be increased by 3.5%, amounting to \$3,231,716.15 and that CY2019 municipal budget for the Township of Toms River be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within five (5) days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon; be filed with said Director within Five (5) days after such adoption.

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 with Council President Wittmann voting yes, that the foregoing Ordinance be adopted on first reading with publication notice as follows:

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on March 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 March 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, March 15, 2019..

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A CONTRACT WITH CIVICPLUS, LLC,

TO PURCHASE WEBSITE DESIGN AND TWO-YEAR MAINTENANCE AGREEMENT, IN THE TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$35,000.00

MARCH 12, 2019

WHEREAS, the Purchasing Division has requested the Township to authorize a contract with CivicPlus, LLC, to Purchase Website Design & Two-Year Maintenance Agreement; and

WHEREAS, CivicPlus, LLC, has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure Form, which certifies that the company 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 contract;

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

1. It hereby authorizes a contract with CivicPlus, LLC, to Purchase Website Design and Two-Year Maintenance Agreement, as follows:

\$12,500.00 – Website + \$5,000.00 Annual Maintenance – Year 1
\$12,500.00 – Website + \$5,000.00 Annual Maintenance – Year 2
Total: \$35,000.00.

2. Funds for Year 1 of this contract - \$17,500.00, are available in Account No. 9-01- -A17-510. Funds for Year 2 of this contract - \$17,500.00, are contingent upon approval of the CY2020 Municipal Budget. 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) Mayor Thomas F. Kelaher
- b) Township Council
- c) Business Administrator
- d) Division of Purchasing
- e) Chief Financial Officer
- f) Township Attorney
- g) Stacy Proebstle, Public Information Officer
- h) CivicPlus, LLC
Suite 500
302 S. 4th Street
Manhattan, KS 66502

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with CivicPlus, LLC, are available as follows:

\$12,500.00 – Website + \$5,000.00 Annual Maintenance – Year 1
\$12,500.00 – Website + \$5,000.00 Annual Maintenance – Year 2
Total: \$35,000.00.

Funds for Year 1 of this contract - \$17,500.00, are available in Account No. 9-01- -A17-510. Funds for Year 2 of this contract - \$17,500.00, are contingent upon approval of the CY2020 Municipal Budget

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: March 12, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE DIVISION OF PURCHASING TO TRADE A JACOBSEN 548 SLICER SEEDER, THREE-POINT HITCH, PTO DRIVEN UNIT, ASSET #1943 TO THE TOWNSHIP OF BRICK, IN EXCHANGE FOR A DAKOTA TURF TENDER, MODEL 440, SERIAL #085-07

(THE JACOBSEN IS NO LONGER NEEDED FOR PUBLIC USE AND THE BEY LEA GOLF COURSE CAN MAKE USE OF THE DAKOTA - BOTH ITEMS ARE SIMILAR IN VALUE)

MARCH 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. It hereby authorizes the Division of Purchasing to trade a Jacobsen 548 Slicer Seeder, Three-Point Hitch, PTO Driven Unit, Asset #1943 to the Township of Brick, in exchange for a Dakota Turf Tender, Model 440, Serial #085-07.

2. The Jacobsen is no longer needed for public use, and the Bey Lea Golf Course can make use of the Dakota. Both items are similar in value.

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) Purchasing Division
- d) Laurie Knemoller, Clerk's Office
- e) Bey Lea Golf Course
- f) Township of Brick
401 Chambers Bridge Road
Brick, NJ 08723
Attn: Purchasing Dept.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE USE OF OCEAN COUNTY CO-OP CONTRACT B2019-03 WITH CHAS S. WINNER, INC. D/B/A WINNER FORD, FOR THE PURCHASE OF A 2019 SWITCH-N-GO TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS, IN THE MAXIMUM AMOUNT NOT TO EXCEED \$131,475.00

MARCH 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. B2019-03, 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 a 2019 Switch-N-Go Truck for the Department of Public Works, utilizing the Ocean County Cooperative Pricing System, Contract No. B2019-03, for a total maximum contract amount not to exceed \$131,475.00, pursuant to N.J.S.A. 40A:11-11(6), as follows:

OCEAN COUNTY STATE CONTRACT NO. B2019-03

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

Item 1	Regular Cab Ford F-550 Gas 84" CA (paid color to be specified as time of order), 11' Switch N Go, with PTO Hoist and winch, poly fenders, pintle plate receiver LED lights and emergency lighting per spec.	\$ 71,860.00
Item 1X	Cirus Hydraulic upgrade to operate spreader, hoist and winch. Stainless Steel valve Body enclosure 5 year warranty on valves, Joystick controls for hoist and winch, EZ spread brine and spreader controller 2 year warranty.	\$ 14,965.00
Item 1CC	735 gallon brine tank for anti-ice platform with 6" roller wheels flip up rear bar for single lane application.	\$ 13,235.00
Item 1BB	Western 9' Pro Plus snow Plow per spec	\$ 5,635.00
Item 1R	Medium Duty Drop Box 51" high sides painted black	\$ 4,785.00
Item 1DD	Stainless Steel V-Box Spreader 4.6 cu yds. Water level on Switch N Go Skid	\$ 20,995.00
	Vehicle Total:	\$131,475.00

2. Funds for this contract in the amount not to exceed \$131,475.00, are available in the following accounts:

Account No. X-04- -237-004	-	\$ 91,475.00
Account No. X-99- -907-721	-	<u>\$ 40,000.00</u>
	Total:	\$131,475.00

3. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all terms and conditions of the bid specifications and the Master Contract as awarded by the Ocean County Cooperative Pricing System, Contract #B2019-03.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Department of Public Works
- 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 purchase of a 2019 Switch-N-Go Truck for the Department of Public Works utilizing Ocean County Co-Op B2019-03 from Chas. S. Winner, Inc. d/b/a Winner Ford in the total contract amount not to exceed \$131,475.00, are available in the following Accounts:

Account No. X-04- -237-004 -	\$ 91,475.00
Account No. X-99- -907-721 -	<u>\$ 40,000.00</u>
Total:	\$131,475.00

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: March 12, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE UTILIZATION OF NJ STATE CONTRACT #88728 WITH CHAS S. WINNER, INC., D/B/A WINNER FORD, TO PURCHASE VEHICLES FOR THE TOMS RIVER POLICE DEPARTMENT AND THE OFFICE OF EMERGENCY MANAGEMENT IN THE TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$385,761.40

MARCH 12, 2019

WHEREAS, the Township of Toms River has a need to purchase vehicles for the Toms River Police Department and the Office of Emergency Management; and

WHEREAS, the Division of Purchasing is requesting authorization to use NJ State Contract #88728 to purchase vehicles for the Toms River Police Department and Office of Emergency Management from Chas S. Winner, Inc., dba Winner Ford;

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 NJ State Contract #88728 to purchase vehicles for the Toms River Police Department and the Office of Emergency Management, from Chas S. Winner, Inc., dba Winner Ford, in the maximum amount not to exceed \$385,761.40, as follows:

**Chas S. Winner, Inc., dba Winner Ford
250 Haddonfield Berlin Road
Cherry Hill, NJ 08034**

	List Price	Discount	Quantity	
2019 Ford F150 4x4 Crew Cab for PD	\$28,724.00		1	\$28,724.00
Factory Options listed below:				
#YZ Oxford White Exterior Paint	\$0.00	\$0.00	1	\$ 0.00
#XL6 E-locking 3.73 axle	\$570.00	\$501.60	1	\$ 501.60
#53A Heavy Duty Trailer Tow Package	\$595.00	\$523.60	1	\$ 523.60
#595 Fog Lamps - XL	\$140.00	\$123.20	1	\$ 123.20
#153 Front License Plate Bracket		\$0.00	1	\$ 0.00
#413 Skid Plates - 4X4	\$160.00	\$140.80	1	\$ 140.80
#63T Tailgate Step	\$375.00	\$330.00	1	\$ 330.00
#96W Bedliner - Spray-In	\$475.00	\$418.00	1	\$ 418.00
#54Y Manual-Folding Pwr. Glass Trailer Tow Mirror. Manually	\$395.00	\$347.60	1	\$ 347.60
Telescoping heated. Includes Turn Signal and Black				

Skull Caps				
#59S Super Puddle (LED Puddle/Side Mirror Light)	\$175.00	\$154.00	1	\$ 154.00
#18B Running Boards, Black Platform	\$250.00	\$220.00	1	\$ 220.00
#67T Trailer Brake Controller	\$275.00	\$242.00	1	\$ 242.00
#76R Reverse Sensing System	\$275.00	\$242.00	1	\$ 242.00
#85H Back Up Alarm System	\$125.00	\$110.00	1	\$ 110.00
#66S SSV (Special Services Vehicle) package	\$50.00	\$44.00	1	\$ 44.00
Non-Contract Items		Quoted		
Undercoating		\$595.00	1	\$ 595.00
6 1/2' bed 157" Wheel Base		\$290.00	1	\$ 290.00
Total For One Vehicle		\$33,005.80		\$ 33,005.80

2020 Police Interceptor Utility K8A AWD Base Vehicle for OEM \$30,344.00 \$ 30,344.00

Factory Options listed below:	List Price	Less 16% Discount		
#LK Dark Blue	\$0.00	\$0.00	1	\$ 0.00
#60R Radio Noise Suppression	\$100.00	\$84.00	1	\$ 84.00
#43D Courtesy Lamps Disable	\$20.00	\$16.80	1	\$ 16.80
#51T Drivers Side LED Spotlight	\$420.00	\$352.80	1	\$ 352.80
#549 Power Heated Mirrors	\$60.00	\$50.40	1	\$ 50.40
#87R Rear Camera Installed in Rear View Mirror - No Cost	\$0.00	\$0.00	1	\$ 0.00
#76R Reverse Sensing System	\$275.00	\$231.00	1	\$ 231.00
#86P Front Headlamp / Police Interceptor Housing Only	\$0.00	\$0.00	1	\$ 0.00
#86T Rear Taillights Pre-Drilled for Vertex's	\$60.00	\$50.40	1	\$ 50.40
#55F Remote Keyless Entry Key Fob (w/o Keypad, less PATS)	\$340.00	\$285.60	1	\$ 285.60
#18D Global Lock / Unlock Feature	\$0.00	\$0.00	1	\$ 0.00
#53M SYNC Basic (Voice Activated Communications System)	\$0.00	\$0.00	1	\$ 0.00
#76D Deflector Plate	\$335.00	\$281.40	1	\$ 281.40
#60A Pre-Wiring For Grille LED Lights, Siren, and Speaker	\$50.00	\$42.00	1	\$ 42.00
Ford Telematics, includes Modem & 2 Year Trial Subscription	\$0.00	\$0.00	1	\$ 0.00
Non-Contract Items		Quoted		
*EA153 80 Amp Power Source		\$328.00	1	\$ 328.00
Total		\$32,074.80	1	\$ 32,066.40

2020 Police Interceptor Utility K8A AWD Base Vehicle for PD \$30,344.00 7 \$212,408.00

Factory Options listed below:	List Price	Less 16% Discount		
#YZ Oxford White Exterior Paint	\$0.00	\$0.00	7	\$ 0.00
#60R Radio Noise Suppression	\$100.00	\$84.00	7	\$ 588.00
#43D Courtesy Lamps Disable	\$20.00	\$16.80	7	\$ 117.60
#51T Drivers Side LED Spotlight	\$420.00	\$352.80	7	\$ 2,469.60
#549 Power Heated Mirrors	\$60.00	\$50.40	7	\$ 352.80
#87R Rear Camera Installed in Rear View Mirror - No Cost	\$0.00	\$0.00	7	\$ 0.00
#76R Reverse Sensing System	\$275.00	\$231.00	7	\$ 1,617.00
#86P Front Headlamp / Police Interceptor Housing Only	\$0.00	\$0.00	7	\$ 0.00
#86T Rear Taillights Pre-Drilled for Vertex's	\$60.00	\$50.40	7	\$ 352.80
#55F Remote Keyless Entry Key Fob (w/o Keypad, less PATS)	\$340.00	\$285.60	7	\$ 1,999.20
#18D Global Lock / Unlock Feature	\$0.00	\$0.00	7	\$ 0.00
#53M SYNC Basic (Voice Activated Communications System)	\$0.00	\$0.00	7	\$ 0.00
#76D Deflector Plate	\$335.00	\$281.40	7	\$ 1,969.80
#60A Pre-Wiring For Grille LED Lights, Siren, and Speaker	\$50.00	\$42.00	7	\$ 294.00
Ford Telematics, includes Modem & 2 Year Trial Subscription	\$0.00	\$0.00	7	\$ 0.00

Non-Contract Items		Quoted		
*EA153 80 Amp Power Source		\$328.00	7	\$ 2,296.00
Total For One Vehicle		\$32,066.40	7	\$224,464.80
2020 Police Interceptor Utility K8A Base Vehicle - Unmarked for PD		\$30,344.00	3	\$ 91,032.00
Factory Options listed below:	List Price	Less 16% Discount		
#UM Agate Black Exterior Paint		\$0.00	3	\$ 0.00
#65L Wheel Covers	\$60.00	\$50.40	3	\$ 151.20
#65U Interior Upgrade Package	\$390.00	\$327.60	3	\$ 982.80
#60R Radio Noise Suppression	\$100.00	\$84.00	3	\$ 252.00
#549 Power Heated Mirrors	\$60.00	\$50.40	3	\$ 151.20
#87R Rear Camera Installed in Rear View Mirror - No Cost	\$0.00	\$0.00	3	\$ 0.00
#76R Reverse Sensing System	\$275.00	\$231.00	3	\$ 693.00
#86P Front Headlamp / Police Interceptor Housing Only	\$0.00	\$0.00	3	\$ 0.00
#86T Rear Taillights Pre-Drilled for Vertex's	\$60.00	\$50.40	3	\$ 151.20
#55F Remote Keyless Entry Key Fob (w/o Keypad, less PATS)	\$340.00	\$285.60	3	\$ 856.80
#18D Global Lock / Unlock Feature	\$0.00	\$0.00	3	\$ 0.00
#53M SYNC Basic (Voice Activated Communications System)	\$0.00	\$0.00	3	\$ 0.00
#76D Deflector Plate	\$335.00	\$281.40	3	\$ 844.20
#60A Pre-Wiring For Grille LED Lights, Siren, and Speaker	\$50.00	\$42.00	3	\$ 126.00
Ford Telematics, includes Modem & 2 Year Trial Subscription	\$0.00	\$0.00	3	\$ 0.00
Non-Contract Items		Quoted		
*EA153 80 Amp Power Source		\$328.00	3	\$ 984.00
Total For One Vehicle		\$32,074.80		\$ 96,224.40
			TOTAL:	\$385,761.40

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

3. Funds for these purchases for a total contract amount not to exceed \$385,761.40 are available as follows:

Account X-04- -243-002	\$ 33,005.80
Account 9-01- -S75-250	\$ 32,066.40
Account 9-01- -S75-242	\$320,689.20

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

- a) Chief Financial Officer
- b) Township Attorney
- c) Division of Purchasing
- d) Police Department
- e) Office of Emergency Management
- f) Laurie Knemoller, Twp. Clerk's Office
- g) Chas S. Winner, Inc.,
dba Winner Ford
250 Haddonfield Berlin Road
Cherry Hill, NJ 08034

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING ROBERT J.
CHANKALIAN, TOWNSHIP ENGINEER, TO EXECUTE
A DRAINAGE EASEMENT ABANDONMENT – SITE LOCATION – EAST DOVER MARINA
(FISCHER BLVD. – BLOCK 1108.25, LOT 109), WHICH HAS BEEN
DETERMINED TO BE OF NO VALUE TO THE TOWNSHIP**

MARCH 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 authorized to execute a Drainage Easement Abandonment - Site Location: East Dover Marina (Fischer Blvd. – Block 1108.25, Block 109), which has been determined to be of no value to the Township.

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

- a) Township Engineer
- b) Township Attorney
- c) Chief Financial Officer
- d) Harvey L. York, Esq.
Novins, York & Jacobus
202 Main Street
Toms River, NJ 08753
- e) John N. Ernst, P.E., P.P.
County Engineer
129 Hooper Avenue
Toms River, NJ 08754

RESOLUTION WAIVING LOCAL REVIEW OF TOWNSHIP BUDGET

March 12, 2019

WHEREAS, The Township of Toms River waives its right to local review of the 2019 Budget even though the Township meets the criteria and qualifies for self review.

WHEREAS, it is necessary to formally request that the Director of the Division of Local Government Services review the Township's 2019 Budget;

NOW, THEREFORE, BE IT RESOLVED that the Township of Toms River is waiving local review of the 2019 Budget and requesting to have the Director of Local Government Services review the Budget. A copy of the Budget will be sent to the Division for their use.

BE IT FURTHER RESOLVED that certified copies of this Resolution will be provided by the Office of the Township Clerk to each of the following:

- a) Director, Division of Local Government Services (copy of Budget & resolution)
- b) Business Administrator
- c) Township Attorney
- d) Township Auditor
- e) Chief Financial Officer

Approved as to Content:

**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 AGREEMENT WITH RICHIE'S TIRE SERVICE TO PROVIDE FOR REMOVAL AND RECYCLING OF TIRES FOR THE DEPARTMENT OF PUBLIC WORKS, IN THE AMOUNT NOT TO EXCEED \$7,000.00 (\$950.00 PER 45' BOX TRAILER LOAD WHICH INCLUDES TRANSPORTATION)

MARCH 12, 2019

WHEREAS, the Township of Toms River is in need of removal and recycling of tires for the Department of Public Works; and

WHEREAS, certain recycling laws have been put into effect within the State of New Jersey for the disposal of rubber products; and

WHEREAS, the Department of Public Works has recommended that the following vendor be award a contract, as follows:

Richie's Tire Service
107 Egel Avenue
Middlesex, NJ 08846

WHEREAS, Richie's Tire Service has the necessary means for the removal and recycling of tires for the Department of Public Works;

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

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to an agreement with Richie's Tire Service for the removal and recycling of tires for the Department of Public Works.

2. Terms:

a) The Township of Toms River shall pay Richie's Tire Service \$950.00 per 45' Box Trailer load, which includes transportation. The amount of the contract shall not exceed \$7,000.00. Funds are available in Account No. 9-01- -U24-412, contingent upon adoption of the 2019 Municipal Budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. Term of contract: Retroactive to January 1, 2019 through December 31, 2019.

3. This contract may be terminated, by either party, upon thirty (30) days written notice, by certified mail, to the other.

4. This contract is awarded without competitive bidding as a "recycling service" in accordance with N.J.S.A. 40A:11-5 (1)(s) of the Local Public Contracts Law of New Jersey.

5. A notice of this action shall be advertised once by the Clerk in the Asbury Park Press.

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

- a) Mayor Thomas Kelaher
- b) Township Attorney
- c) Public Works Department
- d) Nadeem Siddiqui, Public Works Dept.
- e) Chief Financial Officer
- f) Purchasing Division
- g) Richie's Tire Service
107 Egel Avenue
Middlesex, N.J. 08846

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with Richie's Tire Service, for the removal and recycling of tires, in the amount not to exceed \$950.00 per 45' box trailer load, which includes transportation, for a total maximum amount not to exceed \$7,000.00, are available in Account No. 9-01- -U24-412, 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: March 12, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO REINSTATE THE
ISSUANCE OF PERMITS FOR THE OPERATION OF FOUR-WHEEL DRIVE VEHICLES ON
TOWNSHIP BEACHES, WHICH WAS SUSPENDED THROUGH DECEMBER 31, 2013 DUE
TO DAMAGE CAUSED BY SUPERSTORM SANDY**

MARCH 12, 2019

WHEREAS, Hurricane Sandy, which struck the New Jersey coast on October 28 and 29, 2012, damaged or destroyed thousands of structures and beaches throughout the Township; and

WHEREAS, these structures and beaches had be repaired, renovated, or completely rebuilt; and

WHEREAS, resolution of the Township Council dated March 12, 2013, temporarily suspended the issuance of permits for the operation of four-wheel drive vehicles on Township beaches through December 31, 2013, due to damage caused by Superstorm Sandy; and

WHEREAS, Section 175-27A of the Township Code imposes a fee to obtain a permit for the operation of a four-wheel drive vehicle on Township beaches; and

WHEREAS, the Township Council has determined that it would be in the Township's best interest to lift the suspension of Section 175-27 (Operation of four-wheel-drive vehicles; permit and inspection requirements), Subsection A (Permit required) of Chapter 175 (Bathing Beaches, Swim Clubs and Swimming Pools, Municipal) of the Township Code;

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

1. The temporary suspension of Section 175-27 (Operation of four-wheel-drive vehicles; permit and inspection requirements, Subsection A (Permit required) of Chapter 175 (Bathing Beaches, Swim Clubs and Swimming Pools, Municipal) of the Township Code, is hereby lifted and the issuance of permits for the operation of four-wheel-drive vehicles on Township beaches may resume.

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

- a) Mayor Thomas Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Township Clerk's Office
- f) Director of Recreation

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS, BLOCK 410.04, LOTS 36 AND 37 (2 Froriep Lane)

March 12, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 410.04, Lots 36 & 37.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #CT024057 in the amount of \$41,850.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$4,650.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$5,036.40 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 Fischer Auto Body, 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. Fischer Auto Body, Inc.
640 James Street
Lakewood, NJ 08701

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

March 12, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 166, Lots 3, 4, 9 & 15.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$39,000.00 which represents the ten percent portion of the performance guarantee amount.
- 2) Check in the amount of \$4,080.85 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 Nobility Crest at Dover, 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. Nobility Crest at Dover, LLC.
2101 Route 34 South, Suite A
Wall, NJ 07719

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS, BLOCK 658, LOTS 49 AND 50 (West Water Street)

March 12, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 658, Lots 49 & 50.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Checks in the amount of \$8,880.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$2,500.00 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 Krean's Auto Body, 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. Krean's Auto Body, Inc.
301 West Water Street
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE RENEWAL OF SHARED BILLING AGREEMENTS WITH TOWNSHIP VOLUNTEER FIRST AID SQUADS

(DOVER-BRICK BEACH FIRST AID SQUAD, INC.
EAST DOVER FIRST AID AND RESCUE SQUAD, INC.
PLEASANT PLAINS FIRST AID SQUAD, INC.
TOMS RIVER FIRST AID SQUAD, INC.)

MARCH 12, 2019

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to renewed shared billing agreements, attached hereto as Schedules "A" through "D", with the following Township volunteer first aid squads: Dover-Brick Beach First Aid Squad, Inc.; East Dover First Aid and Rescue Squad, Inc.; Pleasant Plains First Aid Squad, Inc.; and Toms River First Aid Squad, Inc.

2. Certified copies of these agreements shall remain on file in the Office of the Township Clerk and be provided to the following parties:

- a. Business Administrator
- b. Chief Financial Officer
- c. Township Attorney
- d. Director of Emergency Medical Services-CSO program
- e. Police Department
- f. Dover-Brick Beach First Aid Squad, Inc.
- g. East Dover First Aid and Rescue Squad, Inc.
- h. Pleasant Plains First Aid Squad, Inc.
- i. Toms River First Aid Squad, Inc.

**RESOLUTION AUTHORIZING RAFFLE EVENT SCHEDULED FOR
SUNDAY MARCH 17, 2019 TO
TOMS RIVER ELKS LODGE #1875**

MARCH 12, 2019

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

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

WHEREAS, Toms River Elks Lodge #1875 has applied to hold their on premise 50/50 raffle event for March 17, 2019 (Sunday), and to conducted their on premise raffle event, due to prior scheduling, has been on the calendar of events for the year 2019; and

WHEREAS, the Toms River Elks Lodge #1875 On premise 50/50 raffle cannot be rescheduled due to conflicts;

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

1. It hereby approves of the Toms River Elks Lodge #1875 On Premise 50/50 raffle scheduled for March 17, 2019.

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

- a) Mayor
- b) Attorney
- c) Township Clerk
- d) Business Administrator
- e) Township Council
- f) Mitchell Little, Chief of Police
Toms River Elks Lodge #1875
600 Washington Street
Toms River, NJ 08753

RESOLUTION

March 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>
17-19 Martin Wink	Taxi Driver (Renewal)	All Pro Taxi
18-19 Gerard Guastella	Taxi Driver (Renewal)	AA Always Available
19-19 Charles Anderson	Taxi Driver (Renewal)	AA Always Available
20-19 Baljinder Singh	Taxi Driver (Renewal)	Ez Taxi
21-19 Kelly Bragg	Taxi Driver (Renewal)	A Absolutely the Best
22-19 Stephen Delmar	Taxi Driver (Renewal)	Toms River Taxi, LLC

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

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

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

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

RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL DISTRIBUTION LIQUOR LICENSE 1507-44-043-004 FROM MARGAUX D'ONOFRIO TO OVERDUE LLC.

March 12, 2019

WHEREAS, an application has been filed for **PERSON-TO-PERSON TRANSFER** for Plenary Retail Distribution License Number 1507-

44-043-004, heretofore issued to Overdue LLC. With a address of 35 Route 37 E. Toms River, NJ 08753 and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, funding sources have been disclosed and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinance and conditions consistent with Title 33 and has disclosed the source of funds for said purchase;

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

1. It hereby does authorize the **Person-To-Person Transfer** of Plenary Retail Distribution Liquor License Number 1507-44-022-004 from **Margaux D'Onofrio to Overdue, LLC**.

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

- a) Police Department
- b) Chief Financial Officer
- c) Township Attorney
- d) N. J. Division of Taxation
PO Box 999
Trenton, NJ 08646-0999
- e) Overdue LLC
35 Route 37 E
Toms River, NJ 08753
- f) Stone Mandia, LLC
685 Neptune Blvd
Neptune, NJ 07753

RESOLUTION AUTHORIZING POCKET-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1507-33-010-005 ISSUED TO BJ'S RESTAURANT OPERATIONS COMPANY, TO BE LOCATED AT 1275 HOOPER AVE (INACTIVE LICENSE)

March 12, 2019

WHEREAS, an application has been filed for **POCKET-TO-PLACE TRANSFER** of Plenary Retail Consumption License #1507-33-010-005 issued to **BJ's Restaurant Operations Company**, to be located at **1275 Hooper Ave, Toms River, NJ**; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinance and conditions consistent with Title 33;

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

1. It authorize; the **Pocket-To-Place Transfer** to place inactive Plenary Retail Consumption License Number **1507-33-010-005**, held by **BJ's Restaurant Operations Company "BJ's Restaurant & Brewhouse"** located at **1275 Hooper Ave, Toms River, NJ 08753**.

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

- a) Police Department

- b) Chief Financial Officer
- c) Council
- d) Attorney
- e) New Jersey Division of Taxation
PO Box 999
Trenton, N. J. 08646-0999
- f) BJ's Restaurant and Brewhouse
7755 Center Avenue Suite 300
Huntington Beach, CA 92647

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

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. LUKES, SOLAR ARRAY, BLOCK 410, LOT 1 (1674 Old Freehold Road)

March 12, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 410, Lot 1.

WHEREAS, Performance Bonds have been posted as follows:

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

- e. Township Engineer
- f. Chief Financial Officer
- g. Township Attorney
- h. Vanguard Energy Partners, LLC.
2 Commerce Street
Branchburg, NJ 08876

REPORTS

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

	2019	2018
Bey Lea Golf Course – February	\$21,377.72	\$34,985.92
Bey Lea Golf Course – YTD through February	\$57,304.24	\$64,024.84
Winding River Ice Rink – February	\$83,245.70	\$77,362.01
Winding River Ice Rink – YTD through February	\$186,657.71	\$212,340.01
Building Permits - February	\$226,840.00	\$179,977.00
Building Permits – YTD through February	\$452,176.00	\$367,046.00

APPROVAL OF BILLS

Council President Wittmann asked for a report on the bills.

The Bill List, dated **March 7, 2019** was approved on motion by Council Member Kubiell, seconded by Council Member Turnbach, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and with Council President Wittmann voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 19-01248 and 19-00814, payable to Arya Properties LLC in the amount of \$585.00.

Purchase Order 19-00807 and 19-00809, payable to Frank Sadeghi in the amount of \$864.00.

Purchase Order 19-00809, payable to Toms River Yacht Club in the amount of \$81.00.

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

Purchase Order 19-00812, payable to Owen Little & Associates Inc., in the amount of \$4,041.50.

Purchase Order 19-01240 and 19-01086, payable to St. Luke's Church in the amount of \$936.00.

Purchase Order 19-00860, payable to Toms River Board of Education in the amount of \$111.95.

Purchase Order 19-01086, payable to Toms River Schools in the amount of \$2,910.00.

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

Purchase Order 14-03696, 17-00117, 17-01326, 19-00807, 19-00810, 19-00814 and 19-00912, payable to Remington & Vernick Engineers in the amount of \$23,587.75.

Purchase Order 19-01086, payable to Recreation Salaries in the amount of \$8,357.02.

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

Purchase Order 19-01249, payable to Community Medical Center in the amount of \$75.00.

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

Purchase Order 19-00983 and 19-01086, payable to NJ Motor Vehicle Commission in the amount of \$3,921.00.

Purchase Order 19-00809 and 19-00813, payable to Dasti & McGluckin in the amount of \$8,326.00.

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

Purchase Order 19-00809 and 19-00813, payable to Dasti & McGluckin in the amount of \$8,326.00.

Purchase Order 19-01086, payable to Magistrate Salaries in the amount of \$7,635.44.

2018 Budget Hearing for the Toms River Fire District No. 2

Councilman Kubiell left the meeting at 6:32 p.m. due to conflict.

Council President Wittmann asked Fire Company to present budget.

Brian Geoghegan presented budget amendments.

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

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 Wittmann voting yes, and with Council Member Kubiell absent, to approve the following Resolution.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ESTABLISHING THE AMOUNT OF THE 2019 BUDGET OF FIRE DISTRICT NO. 2 PURSUANT TO N.J.S.A. 40A:14-78.5

March 12, 2019

WHEREAS, on February 16, 2019, the annual election was held for Fire District No. 2, wherein its proposed 2019 budget was submitted to the voters residing in Fire District No. 2 for approval, pursuant to N.J.S.A. 40A:14-72 ; and

WHEREAS, the budget proposal submitted to the voters was in the amount of \$3,462,427.00; and

WHEREAS, the voters of Fire District No. 2 rejected the proposed 2019 budget; and

WHEREAS, the Township Council of the Township of Toms River reviewed the budget pursuant to N.J.S.A. 40A:14-78.5, and finds and determines that the appropriate budget amount for 2019 is \$3,442,427.00 which constitutes a reduction in the amount of \$20,000.00 from the proposed budget rejected by the voters, as follows:

<u>Line Item</u>	<u>2019 Budget</u>	<u>Proposed Cut</u>	<u>2019 Revised Budget</u>
Cost of Operations and Maintenance:			
Other Operations and Maintenance Expense:			
Supplies	\$ 214,500.00	\$20,000.00	\$ 194,500.00
<u>Revenue:</u>	<u>From</u>	<u>To:</u>	
Amount to be Raised by Taxation to Support Budget	\$2,766,782.00	\$	2,746,782.00
Total Revenue Changes:		\$	(-20,000.00)

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, Ocean County, New Jersey, with a majority of the full membership of the Township Council concurring, as follows:

1. In accordance with N.J.S.A. 40A:14-78.5, the Township Council finds and determines that the appropriate budget for 2019 is \$3,442,427.00, which constitutes a reduction in the amount of \$20,000.00 from the proposed budget submitted to the voters for approval, and the final amount to be raised by taxation to support the 2019 budget is \$2,746,782.00, as follows:

<u>Line Item</u>	<u>2019 Budget</u>	<u>Proposed Cut</u>	<u>2019 Revised Budget</u>
Cost of Operations:			
Supplies	\$ 214,500.00	\$20,000.00	\$194,500.00
Revenue:			
	From		To
Amount to be Raised by Taxation to Support Budget	\$2,766,782.00		\$2,746,782.00
Total Revenue Changes			\$ (-20,000.00)

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

- a) Mayor Thomas Kelaher
- b) Township Council
- c) Township Attorney
- d) Business Administrator
- e) Chief Financial Officer
- f) Toms River Township Fire District #2
- g) Toms River Township Fire Bureau
- h) Board of Fire Commissioners
- i) Bureau of Authority Regulations
Community Service Officer
State of New Jersey
Department of Community Affairs
Division of Local Government Services
101 South Broad Street
PO Box 803
Trenton, NJ 08625-0803
- j) Financial Clerk
Toms River Fire District #2

ELECTED OFFICIALS COMMENTS

Mayor Kelaher spoke regarding bill S2 School funding cuts; Route 166 and Route 37 traffic; and Field of Dreams construction has begun.

Councilman Turnbach spoke regarding Code Blue Clothing Drive. He also thanked Quality of Life Task Force for shutting down parkway 166 motel for code violations.

Councilwoman Maruca thanked Fire District Two for work on the budget, and thanked for honoring life saving efforts.

Councilwoman Huryk indicated not to forget to support the downtown business.

Councilman Hill spoke regarding the Trenton protest; Route 166 project, and supporting the Toms River students.

Councilman Rodrick commends Fire District Two for reducing the budget by 10%.

Councilman Wittmann spoke regarding Route 166 construction.

PUBLIC COMMENTS

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

Jerry Boyko complained the microphones are not all loud as others on dias. He also complaint of a cars illegally parked in handicapped spot in Toms River.

No further comments from the public appearing, a motion was made by Council Member Maruca, seconded by Council Member Huryk, and carried to enter into a private Executive Session at 7:02 PM.

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

R E S O L U T I O N

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

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

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

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

Matters of Personnel
 Matters of Litigation
 Attorney Client Privilege
 Land Acquisitions

- 3. The following specific topics were announced.
 - 1. Executive Session Minutes: February 26, 2019 Regular Meeting
 - 2. Personnel Issues
 - 3. Review of status of all real property acquisitions (voluntary acquisitions and eminent domain actions)
 - 4. Review pending litigation matters
- 4. It is anticipated that deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

The foregoing resolution was approved on the following roll call vote:

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

The Council **reconvened** the public portion at 7:33 P.M., a motion was made by Council Member Wittmann, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Maruca, Rodrick, Turnbach, and Council Present Wittmann voting yes, and with Council Member Kubiell absent.

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

**RESOLUTION APPROVING
EXECUTIVE SESSION MINUTES**

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

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

1. The following Executive Session Minutes are approved:

February 26, 2019 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 7:35 P. M., on motion with Council Member Maruca, seconded by Council Member Hill, and carried with Council Members Hill, Huryk, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Member Kubiel absent.

GEORGE WITTMANN, COUNCIL PRESIDENT

ALISON CARLISLE, TOWNSHIP CLERK