

March 26, 2019

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

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

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

**OPEN PUBLIC MEETINGS ACT**  
**STATEMENT**

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

Roll Call:

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

**APPROVAL OF MINUTES**

A motion was made by Council Member Kubiel, seconded by Council Member Huryk, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes to approve the **Regular Meeting of March 12, 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 Kubiel, seconded by Council Member Turnbach, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, to make the following honoring proclamations a part of the Minutes.

Township Engineer Chankalian shared a plaque for 2019 New Jersey Recreation and Parks Association for Excellence in Design with Historic Preservation Commission..

Township Engineer Chankalian played a two minute video highlighting Huddy Park restoration and involving local high school students who created the silhouette design.

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

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

**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 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 Maruca and carried, the public hearing was closed.

Council Member Maruca offered the following ordinance and moved its adoption, Council Member Kubiel 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 Huryk, and carried that an Ordinance entitled:

**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)**

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	Abstained
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:

**ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 175-27F OF THE TOWNSHIP CODE TO ESTABLISH REVISED TIME FRAMES FOR THE OPERATION OF MOTOR VEHICLES ON TOWNSHIP BEACHES**

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

1. Subsection F (Time Permitted) of Section 27 (Operation of Four-Wheel Drive Vehicles; Permit and Inspection Requirements) of Chapter 175 (Bathing Beaches, Swim Clubs and Swimming Pools, Municipal) is hereby amended and supplemented to provide as follows:

F. Time permitted. The operation of privately-owned motor vehicles is prohibited between May 15 and September 30 and permitted on a daily basis from October 1 through May 14. Permits issued pursuant to this section shall expire on the May 14 following the issuing date and must be renewed seasonally upon the same terms and conditions set forth in this Article.

2. All other provisions of the Township Code not inconsistent herewith remain in full force and effect.

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

4. If any part of this ordinance is invalidated for any reason by competent authority, that part is severed and the remaining provisions shall remain in full force and effect.

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

A motion was made by Council Member Maruca, seconded by Council Member Turnbach and carried, with Council Members Hill, Huryk, Kubiel, 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 26, 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 April 9, 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 29, 2019.

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

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

**RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, INTRODUCING, APPROVING, AND ESTABLISHING THE DATE FOR A PUBLIC HEARING ON THE 2019 TOMS RIVER SPECIAL IMPROVEMENT DISTRICT BUDGET**

**MARCH 26, 2019**

**WHEREAS**, pursuant to N.J.S.A. 40:56-84a, the Toms River Township Special Improvement District Budget submitted to the Township Council its 2019 budget, as set forth in Schedule "A", attached hereto and incorporated by reference; and; and

**WHEREAS**, N.J.S.A. 40:56-84c mandates a public hearing on this budget within specified time frames;

**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 2019 Toms River Special Improvement District Budget, attached hereto as Schedule "A", and incorporated by reference, is hereby introduced and approved in accordance with N.J.S.A. 40:56-84c.
2. Pursuant to N.J.S.A. 40:56-84e, the public hearing on the budget will be held at the Toms River Township Council Meeting, scheduled as follows:

Tuesday, April 23, 2019, 6:00 p.m.  
 Toms River Municipal Building  
 33 Washington Street  
 Toms River, NJ 08753  
 L. Manual Hirshblond Meeting Room

At this meeting, the public shall be heard and the Township Council shall consider said budget for final adoption. Formal action may be taken.

3. Pursuant to N.J.S.A. 40:56-84d, a copy of this resolution, including Schedule "A", shall be published in the Asbury Park Press, posted on the Township Clerk's bulletin board and on the Township web page no later than 10 days prior to the scheduled public hearing date.
4. After final adoption, a certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Chief Financial Officer
  - b) Township Attorney
  - c) Township Auditor
  - d) Township Tax Assessor
  - e) Township Tax Collector
  - f) Ocean County Board of Taxation
  - h) Alizar Nicholas Zorojew  
 Toms River Business Improvement District  
 218 Main Street  
 Toms River, N.J. 08753

## SCHEDULE "A"

TR BID BUDGET			
	2018 BUDGET	2018 ACTUAL 11/30/2018	2019 BUDGET
<b>INFLOWS</b>			
ASSESSMENTS	\$ 270,000	\$ 202,500	\$ 275,400
EVENT FEES Tickets/Vendors/Contestants	\$ 40,850	\$ 35,791	\$ 42,000
SPONSORSHIPS	\$ 40,000	\$ 40,000	\$ 45,000
RENT - INCUBATOR	\$ 37,800	\$ 34,690	\$ 37,500
GRANTS	\$ 6,500	\$ 9,725	\$ 12,725
MISCELLANEOUS INCOME	\$ -	\$ 10	\$ -
INTEREST	\$ 100	\$ 289	\$ 200
TROLLEY SPONSORS	was not incl on budget	\$ 42,500	\$ 50,000
<b>TOTAL INFLOWS</b>	<b>\$ 395,250</b>	<b>\$ 365,505</b>	<b>\$ 462,825</b>
<b>OUTFLOWS</b>			
SALARIES	\$ 163,000	\$ 154,016	\$ 177,600
PAYROLL TAXES	\$ 16,950	\$ 13,711	\$ 17,500
PROFESSIONAL FEES	\$ 4,000	\$ 12,623	\$ 6,500
INSURANCE	\$ 5,456	\$ 5,379	\$ 10,000
PAYROLL SERVICE	\$ 1,300	\$ 1,484	\$ 1,400
CULTURAL COMMITTEE	\$ 7,000	\$ 4,568	\$ 10,000
DESIGN COMMITTEE	\$ 19,250	\$ 8,861	\$ 16,200
ECONOMIC RESTRUCTURING- LAND USE	\$ 8,000	\$ 2,076	\$ 10,000
BUSINESS INCUBATOR	\$ 2,800	\$ 200	\$ 2,000
ORGANIZATION COMMITTEE	\$ 2,500	\$ 1,827	\$ 2,000
PROMOTION COMMITTEE	\$ 60,000	\$ 56,860	\$ 60,700
REPAIRS AND MAINTENANCE	\$ 2,000	\$ 12,892	\$ 6,000
OFFICE EXPENSE	\$ 11,965	\$ 13,700	\$ 14,000

UTILITIES/PHONE/INTERNET	\$ 19,400	\$ 18,315	\$ 19,000
MORTGAGE MONTHLY - SCB	\$ 39,286	\$ 36,013	\$ 39,286
MORTGAGE - ADDITIONAL PRINCIPAL	\$ 20,000		\$ 20,000
DUES AND SUBSCRIPTIONS			\$ -
POSTAGE AND PRINTING	\$ 600	\$ 605	\$ 600
MISCELLANEOUSE EXPENSE	\$ -		\$ 39
TROLLEY COSTS	\$ 10,000	\$ 52,807	\$ 50,000
<b>TOTAL OUTFLOWS</b>	<b>\$ 393,507</b>	<b>\$ 395,937</b>	<b>\$ 462,825</b>
<b>INFLOWS OVER OUTFLOWS</b>	<b>\$ 1,743</b>	<b>\$ (30,432)</b>	<b>\$ -</b>

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

**RESOLUTION**

**MARCH 26, 2019**

**RESOLUTION AUTHORIZING ASSIGNMENT**

**WHEREAS**, N.J.S.A. 54: 113 authorizes assignment by a municipality of tax sale certificates for the full amount of the Certificate, including all subsequent municipal taxes and other municipal charges; and,

**WHEREAS**, Moshe Fishman has presented an offer to purchase, by assignment, Certificate of Sale #18-00001 which was issued to the Township of Toms River at a tax sale held October 17, 2018, on Block 13.01 Lot 12, known as Brentwood Road (Rear) and assessed to Distefano, Anthony Etals, in the amount of \$315.55 plus advertising fees, being the full amount of the Certificate, including all subsequent municipal taxes and other municipal charge.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Toms River hereby authorizes the Mayor and Municipal Clerk to execute the necessary assignment document to effect assignment of the above – referenced Certificate of Sale.

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

Approved as to content:

**RESOLUTION**

**MARCH 26, 2019**

**RESOLUTION AUTHORIZING ASSIGNMENT**

**WHEREAS**, N.J.S.A. 54: 113 authorizes assignment by a municipality of tax sale certificates for the full amount of the Certificate, including all subsequent municipal taxes and other municipal charges; and,

**WHEREAS**, Thomas Burke has presented an offer to purchase, by assignment, Certificate of Sale #15-00739 which was issued to the Township of Toms River at a tax sale held October 7, 2015, on Block 724.48 Lot 48, known as 687/715 Fischer Blvd, and assessed to Vogel, Harold C., in the

amount of \$5,193.96, plus advertising fees, being the full amount of the Certificate, including all subsequent municipal taxes and other municipal charge.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Toms River hereby authorizes the Mayor and Municipal Clerk to execute the necessary assignment document to effect assignment of the above – referenced Certificate of Sale.

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

Approved as to content:

R E S O L U T I O N

MARCH 26, 2019

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

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Year</i>	<i>Amount</i>
<b>JAYLIN HOLDINGDS LLC @ R.C.SHEA &amp; ASSOCIATES</b>	<b>505</b>	<b>14</b>	<b>2015/4</b>	<b>\$ 4,855.14</b>
			<b>2016/4</b>	<b>5,046.06</b>
			<b>2017/4</b>	<b>5,181.48</b>
			<b>2018/4</b>	<b>5,225.88</b>
<b>TOTAL:</b>				<b>\$20,308.56</b>
<b>JAYLIN HOLDINGS LLC @ R.C. SHEA &amp; ASSOCIATES</b>	<b>505</b>	<b>15</b>		
		<b>2015/4</b>		<b>\$ 6,079.86</b>
		<b>2016/4</b>		<b>6,318.94</b>
		<b>2017/4</b>		<b>6,488.52</b>

			<b>2018/4</b>	<b>6,544.12</b>
<b>TOTAL</b>				<b>\$25,431.44</b>
<b>TOTAL FOR JAYLIN HOLDINGS</b>				<b>\$45,740..00</b>

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

Approved as to content:

R E S O L U T I O N

MARCH 26, 2019

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO HOME OWNER HAD DIRECT WITHDRAWL AND SOLD HOME AND FAILED TO NOTIFY THE TAX COLLECTOR TO DISCONTINUE; AND;

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

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

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

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

NAME	BLOCK	LOT	Year	Amount
<b>DAVERIN, CECILLIA</b>	<b>192.12</b>	<b>116</b>	<b>2019/1</b>	<b>\$ 569.32</b>
<b>TOTALS</b>				<b>\$569.32</b>

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

Approved as to content:

R E S O L U T I O N



MARCH 26, 2019

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

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Year</i>	<i>Amount</i>
<b>COMBEE, SHIRLEY</b>	<b>1110.18</b>	<b>9</b>	<b>2019/1</b>	<b>\$ 2,209.23</b>
<b>GARRELL, MAY</b>	<b>192.45</b>	<b>4</b>	<b>2019/2</b>	<b>1,165.63</b>
<b>TOTAL:</b>				<b>\$3,374.86</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 A JOINT PURCHASING AGREEMENT WITH THE COUNTY OF OCEAN WITH MUSIC MANAGEMENT ASSOCIATES C/O FRANK HUGHES FOR THE SHARING OF THE SUMMER CONCERT SERIES FOR 2019 – FOR SEVEN (7) CONCERTS WITH VARIOUS BANDS IN THE AMOUNT NOT TO EXCEED \$8,881.00

MARCH 26, 2019

WHEREAS, every year, the County of Ocean sponsors a Summer Concert Series, with the Township of Toms River paying a share of the costs; and

WHEREAS, in order to sponsor the Summer Concert Series, it is necessary to retain musicians for the concert events; and

WHEREAS, the County of Ocean desires to retain Music Management Associates c/o Frank Hughes to perform at the concerts; and

WHEREAS, the band - Music Management Associates c/o Frank Hughes, has been performing the concert series for the County and the Township for many years, and have proven reputations as well as past performance of the musicians; and

WHEREAS, the amount of \$8,881.00 for Music Management Associates c/o Frank Hughes, for a total of seven (7) concerts with various bands, is the amount for the Township's annual portion of the Summer Concert Series - 2019;

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

1. Pursuant to N.J.S.A. 40A:11-10(a)(1), which authorizes a joint agreement for the provision and performance of goods and services, it hereby authorizes a joint agreement for services with the County of Ocean for the sharing of the Concert Series costs for 2019 in the total maximum not to exceed \$8,881.00 (the Township's portion).

2. It hereby authorizes payment to Music Management Associates c/o Frank Hughes in the amount of \$8,881.00 for seven (7) concerts with various bands, to perform the 2019 Summer Concert Series, sponsored by the County of Ocean and the Township of Toms River. Funds in the total maximum amount not to exceed \$8,881.00, (the Township's portion), are available in Account No. 9-01- -G76-535, contingent upon adoption of the CY2019 budget. The certification of funds availability statement with respect to this resolution is on file in the Office of the Township Clerk.

3. Fully executed purchase orders shall serve as the necessary contract documentation between the parties hereto.

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) Chief Financial Officer
- c) Purchasing Division
- d) Recreation Department
- e) County of Ocean  
P.O. Box 2191  
Toms River, NJ 08754  
Attn: Debbie Weber
- f) Music Management Associates  
c/o Frank Hughes  
18C Dixie Lane  
Jackson, NJ 08527

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the joint purchasing agreement with the County of Ocean for the 2019 Summer Concert Series, with Music Management Associates c/o Frank Hughes, for seven (7) concerts with various bands, in the amount not to exceed \$8,881.00, (the Township's portion), are available in Account No. 9-01- -G76-535, contingent upon adoption of the CY19 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 26, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE FIRST EXTENSION OF THE**

**EXISTING CONTRACT FOR THE LEASING OF ADVERTISING SPACE AT VARIOUS TOWNSHIP FACILITIES VIA ADVERTISING REVENUE CONTRACTOR TO WEB ALLIANCE INTERNATIONAL AGENCY LLC, FOR A SHARED REVENUE OF 80% TO THE VENDOR/CONTRACTOR, AND 20% TO THE TOWNSHIP OF TOMS RIVER, COMMENCING MAY 9, 2019 THROUGH MAY 8, 2020**

**MARCH 26, 2019**

WHEREAS, resolution of the Township Council dated May 9, 2017, authorized the award of a negotiated contract for the Leasing of Advertising Space at Various Township Facilities Via Advertising Revenue Contractor to Web Alliance International Agency LLC, commencing May 9, 2017 through May 8, 2019; and

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

WHEREAS, the Department of Administration, the Division of Law, and the Recreation Department have determined that it is in the best interest of the Township to extend this contract for the first additional one-year term with Web Alliance International Agency LLC; and

WHEREAS, the extension of this contract shall be subject to all the terms and conditions of the original contract award, for a shared revenue of 80% to the vendor/contractor, and 20% to the Township of Toms River;

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

1. It hereby authorizes the first extension of the existing contract for Leasing of Advertising Space at Various Township Facilities Via Advertising Revenue Contractor to Web Alliance International Agency LLC, effective May 9, 2019 through May 8, 2020.

2. The extension of this contract shall be subject to all the terms and conditions of the original contract award for a shared revenue of 80% to the vendor/contractor, and 20% to the Township of Toms River.

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

- a) Business Administrator
- b) Purchasing Division
- c) Chief Financial Officer
- d) Township Attorney
- e) Parks, Buildings & Grounds
- f) Recreation Dept.
- g) Winding River
- h) Web Alliance International Agency LLC  
1415 Hooper Avenue  
Suite 302  
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO RETAIN BRIGHT VIEW ENGINEERING LLC, FOR PROFESSIONAL TRAFFIC PLANNING SERVICES WITH REGARD TO THE TOMS RIVER DOWNTOWN REDEVELOPMENT PLAN, AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$22,500.00**

**MARCH 26, 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 Purchasing Division to retain the firm of Bright View Engineering LLC, for Professional Traffic Planning Services with regard to the Toms River Downtown Redevelopment Plan.

2. It hereby authorizes payment to Bright View Engineering LLC, in the amount of \$22,500.00. Funds in the amount of \$22,500.00, are available in Account No. X-04- - 203-010. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

3. Bright View Engineering LLC has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure Form, which certifies that the firm has not made any contributions in contravention of New Jersey's Pay to Play Law, N.J.S.A. 19:44A-20.4 et seq., which are on file in the Municipal Clerk's Office; and

4. The Township Council of the Township of Toms River, has determined that it is the best interest of the Township of Toms River to retain the services of and payment to Bright View Engineering LLC in the amount of \$22,500.00.

5. 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) Engineering Division
- e) Bright View Engineering LLC  
5 Pitcairn Drive  
Roseland, NJ 07068

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the payment to Bright View Engineering LLC, in the amount of \$22,500.00, are available in Account No. X-04- -203-010.

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 26, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF AN OPEN-ENDED CONTRACT FOR THE ANALYSIS/AUDIT OF TELECOMMUNICATIONS CHARGES/SERVICES TO TROY AND BANKS, INC., WHO MEETS ALL OF THE BID SPECIFICATIONS AND IS THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER**

**MARCH 26, 2019**

**WHEREAS**, the Division of Purchasing for the Township of Toms River has requested authorization to award an open-ended contract for the Analysis/Audit of Telecommunications Charges/Services to Troy & Banks, Inc., who meets all of the bid specifications and is the lowest responsive, responsible bidder; and

**WHEREAS**, bids were received on February 12, 2019, for the Analysis/Audit of Telecommunications Charges/Services; and

**WHEREAS**, bids were received from the following vendors, as follows:

Troy & Banks, Inc 2216 Kensington Ave Buffalo, NY 14226	Communication Brokers, Inc d/b/a CBI Telecommunications Consultants 437 44th Street SW Wyoming, MI 49548
------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------

The Township agrees to compensate the successful bidder as follows:

a)	Refunds or credits are not identified	0%	0%
b)	Refunds or credits due to the Township	22.00%	35.00%
c)	Monthly cost reductions resulting from elimination of overcharges and/or changes in billed services: (shall be paid the following percentage of said monthly reductions over the following twelve month period)	22.00%	30.00%
d)	Recommendations leading to modification to the Township's existing equipment service arrangement, paid percentage of the first year's savings: (payable within sixty days of the implementation of the change)	22.00%	30.00%

**WHEREAS**, the bids have been reviewed by the Division of Purchasing, and it is their recommendation that a contract be awarded to Troy & Banks, Inc., who meets all of the bid specifications and is the lowest responsive, responsible bidder;

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

1. It hereby awards an open-ended contract for the Analysis/Audit of Telecommunications Charges/Services to Troy & Banks, Inc., who meets all of the bid specifications and is the lowest responsive, responsible bidder.

2. The Term of the Contract shall be for one (1) year from the date of acceptance, March 26, 2019 through March 25, 2020. All terms and conditions of the bid specifications are applicable on this contract. This will be an open-ended contract with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Division of Purchasing
- b) Chief Financial Officer
- c) Township Attorney
- d) All Aforementioned Bidders

**CERTIFICATION**

**THIS IS TO CERTIFY** that the contract with Troy & Banks, Inc. for the Analysis/Audit of Telecommunications Charges/Services, 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.

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: March 26, 2019

**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 PRINTED FLAT FORMS, LETTERHEADS AND ENVELOPES TO RIDGEWOOD PRESS; PAPER MART INC.; CONCEPT PRINT; VIP COPY & PRINTING CENTER; AND TC SQUARED, LLC. T/A CENTURION PRINTING, WHO MEET ALL OF THE BID SPECIFICATIONS AND ARE THE LOWEST RESPONSIVE, RESPONSIBLE BIDDERS**

**MARCH 26, 2019**

**WHEREAS**, the Division of Purchasing for the Township of Toms River has requested authorization to award open-ended contracts for the Supply of Printed Flat Forms, Letterheads and Envelopes; and

**WHEREAS**, bids were invited on March 6, 2019 for the Supply of Printed Flat Forms, Letterheads and Envelopes; and

**WHEREAS**, bids were received from the following vendors, as follows:

Ridgewood Press  
609 Franklin Turnpike  
Ridgewood, N.J. 07400

Paper Mart, Inc.  
151 Ridgedale Avenue  
East Hanover, NJ 07936

Concept Print  
40 Lydecker Street  
Nyack, NY 10960

VIP Copy & Printing Center  
200 Circle Drive North  
Piscataway, NJ 08854

Urner Barry  
1001 Corporate Circle, Suite 1  
Toms River, NJ 08755

TC Squared, LLC  
t/a Centurion Printing  
352 Market Street  
Kenilworth, NJ 07033

**WHEREAS**, the bids have been reviewed by the Division of Purchasing, and it is their recommendation that contracts be awarded to Ridgewood Press, Paper Mart, Inc., Concept Print, VIP Copy & Printing Center and TC Squared, LLC t/a Centurion Printing, who meet all of the bid specifications and as the lowest responsive, responsible bidders;

**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 Printed Flat Forms, Letterheads and Envelopes to the following vendors who meet all of the bid specifications and as the lowest responsive, responsible bidders:

**Ridgewood Press** – Item Nos. 2, 4, 5, 7, 16-18, 22, 24-27, 30, 36-37, 41, 44, 47-49, 51-52, 57, 59-60, 75, 81, 91, 94-95, 97, 102, 108-110.

**Paper Mart, Inc.** - Item Nos. 9 and 99.

**Concept Print** - Item Nos. 6-8, 28-29, 31, 45, 65, 69, 74, 77, 80, 84, 87-88, and 106.

**VIP Copy & Printing Center** – Item Nos. 10-15, 19-20, 23, 32-35, 38-40, 42-43, 46, 56, 58, 61-64, 67-68, 70, 72-73, 76, 78-79, 82-83, 85-86, 89-90, 92-93, 96, 105, and 107.

**TC Squared, LLC t/a Centurion Printing** – Item Nos. 1, 3, 7, 21, 50, 53-55, 66, 71, 98, 100-101, and 103-104.

2. The Term of the Contracts shall be for one (1) year, commencing April 24, 2019 through April 23, 2020. 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 year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Division of Purchasing
- b) Chief Financial Officer
- c) Township Attorney
- d) All Aforementioned Bidders

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contracts awarded to:

**Ridgewood Press**

**Paper Mart Inc.**

**Concept Print**

**VIP Copy & Printing Center**

**TC Squared, LLC t/a Centurion Printing,**

are open-ended contracts, 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.

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: March 26, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE IT DEPARTMENT/PURCHASING  
DIVISION TO DISPOSE OF IT EQUIPMENT WHICH IS NO LONGER NEEDED FOR  
PUBLIC USE BY THE IT DEPARTMENT, PURSUANT TO N.J.S.A. 40A:11-36**

**MARCH 26, 2019**

WHEREAS, the IT Department/Division of Purchasing are requesting authorization to dispose of IT Equipment which is no longer needed for public use by the IT Department; and

WHEREAS, items that are not usable by the Township or suitable for auction, should be disposed of by recycling with the Township's electronics;

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

1. Pursuant to N.J.S.A. 40A:11-36, it hereby authorizes the IT Department/Division of Purchasing to dispose of IT Equipment which is no longer needed for public use by the IT Department by recycling with the Township's electronics.

2. The list of items to be disposed of by recycling with the Township's electronics, is attached to this resolution as Schedule "A" and made a part hereof.

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

- a) Purchasing Division
- b) Township Attorney
- c) Chief Financial Officer
- d) IT Department
- e) Public Works Department
- f) Grant Coordinator

**SCHEDULE "A"**

Sharp AR-M455U Copier- S/N: 7E013251 Asset #5273  
Canon ImageClass 2220 Copier - S/N: NLU 06817 Asset #5092  
BROTHER INTELLIFAX Z900 U60074J1605754 FAX  
BROTHER INTELLIFAX 4100 U60298B3J204489 FAX  
COMPAQ P720 225CH68RA528 MONITOR  
COMPAQ D51C W237KN8ZBY36 PC  
COMPAQ D5064 CN3190H964 MONITOR  
COMPAQ EVO W237KN8ZB436 PC  
DELL LATITUDE D820 8WJ4TC1 LAPTOP  
DELL 2007WFPB MX-0HF730-74262-83C-3E2L MONITOR  
DELL 2408WFPb MX-0G263H-74262-96A-235S MONITOR  
DELL U2713HMT MX-0GK0KD-74446-286-AKJL MONITOR  
DELL DCSM FJZZTF1 PC  
DELL DCSM 3ZWP4G1 PC  
DELL PRECISION T5600 1CYTYV1 PC  
DELL PRECISION T3610 13GSBY1 PC  
DELL PRECISION T7500 JH87PS1 PC  
DELL PRECISION T7500 JH86PS1 PC  
DELL POWEREDGE T110 49HYGM1 PC  
HP PE1230 CNB3390548 MONITOR  
HP D5064 CN3190H959 MONITOR  
HP D5064 CN3190H111 MONITOR  
HP D5064 CN3190J820 MONITOR  
HP D5064 CN3190H119 MONITOR  
HP L1710 3CQ9070B46 MONITOR  
HP L1716 CNC644R809 MONITOR  
HP COMPAQ D530 2UB34602LG PC  
HP COMPAQ DC7800 2UA8230HPB PC  
HP COMPAQ DC5800 2UA9110BWY PC  
HP COMPAQ DC5800 2UA9110BX7 PC  
HP L1710 CNC929NTQV MONITOR  
HP L1706 CND6120320 MONITOR  
HP CLJ 3800DTN CNYCH67402 PRINTER  
HP PROCURVE 408 CN648RA6ER SWITCH  
HP LJ 2300D CNBFC39687 PRINTER



HP 1730 CNP418Q65W MONITOR  
 HP COMPAQ D530 SFF 2UB4020851 PC  
 HP COMPAQ 6200 PRO SFF MXL1520B9P PC  
 HP COMPAQ ELITE 8300 SFF 2UA31224B0 PC  
 HP COMPAQ 6000 PRO SFF 2UA0481B89 PC  
 HP COMPAQ ELITE 8300 SFF 2UA3391P92 PC  
 HP COMPAQ ELITE 8300 SFF 2UA3391NTX PC  
 HP COMPAQ DC5800 SFF 2UA9110BXH PC  
 HP COMPAQ 6000 PRO SFF 2UA0481B72 PC  
 HP COMPAQ 6000 PRO SFF 2UA1061KB4 PC  
 HP COMPAQ 6000 PRO SFF 2UA952077NG PC  
 HP COMPAQ 6000 PRO SFF 2UA95207N9 PC  
 HP COMPAQ 6000 PRO SFF 2UA95207NN PC  
 HP COMPAQ ELITE 8300 SFF 2UA312268Y PC  
 HP COMPAQ ELITE 8300 SFF 2UA3391P9V PC  
 HP COMPAQ ELITE 8300 SFF MXL3520HT7 PC  
 HP COMPAQ ELITE 8300 SFF 2UA31224GW PC  
 HP COMPAQ ELITE 8300 SFF 2UA3391NVF PC  
 HP COMPAQ PRO 6300 SFF 2UA24302PX PC  
 HP COMPAQ ELITE 8300 SFF 2UA3391PB6 PC  
 HP COMPAQ ELITE 8300 SFF 2UA312269Q PC  
 HP COMPAQ ELITE 8300 SFF 2UA3391NFT PC  
 HP PROCURVE 5308XL IN708NU0BA SWITCH  
 OLIVETTI ET 2300 7983011 PRINTER  
 SHARP F0-2950M 3G117074 PRINTER  
 TRENDNET TPE-TG80G JW1421G800021 SWITCH

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
 OCEAN COUNTY, NEW JERSEY, REJECTING THE BID RECEIVED FROM MAGIC  
 TOUCH CO., INC., AS SOLE BIDDER, FOR LICENSED PLUMBER SERVICES, HAVING  
 NO BASIS FOR COMPARISON THAT MAGIC TOUCH CO., INC., WOULD BE THE  
 LOWEST, MOST RESPONSIVE AND RESPONSIBLE BIDDER, AND AUTHORIZING  
 THE APPROPRIATE TOWNSHIP OFFICIAL/S TO REBID THIS SERVICE**

**MARCH 26, 2019**

WHEREAS, bids were invited on March 6, 2019 for Licensed Plumber Services; and

WHEREAS, only one bid was received from the following vendor:

Magic Touch Co., Inc.  
 59 West Front Street  
 Keyport, NJ 07735

1. First Year:
 

Journeyman/Plumber Hourly Rate:	\$87.62
Apprentice Hourly Rate:	\$40.82
  
2. Second Year:
 

Journeyman/Plumber Hourly Rate:	\$89.82
Apprentice Hourly Rate:	\$47.81
  
3. Cost of Materials Above Dealer's Cost: 10%
  
4. New Jersey State License Number: 36BI00712400

WHEREAS, the bid has been reviewed by the Director, Department of Parks, Buildings & Grounds, and the Law Division, and recommendation has been made, in the best interest of the Township, to reject the bid received from Magic Touch Co., Inc., as sole bidder and, therefore, having no basis for comparison that the sole bidder would be the lowest, most responsive and responsible bidder;

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 is in the best interest of the Township to reject the bid received from Magic Touch Co., Inc., as sole bidder, having no basis for comparison that the sole bidder would be the lowest, most responsive and responsible bidder.

2. It authorizes the appropriate Township Official/s to advertise for rebid of this service.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Parks, Buildings & Grounds
- e) Aforementioned bidder

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING RESOLUTION DATED  
FEBRUARY 26, 2019, RESCINDING AWARD OF CONTRACT TO RIDDELL/ALL AMERICAN,  
FOR ITEM NO. 133 (THE BIDDER MADE AN ERROR IN PRICING AND IS UNABLE TO HOLD  
THE BID PRICE) (QUOTES WILL BE OBTAINED PRIOR TO PURCHASE,  
AS NEEDED, FOR THE DURATION OF THE CONTRACT TERM)**

**MARCH 26, 2019**

WHEREAS, resolution of the Township Council of the Township of Toms River dated February 26, 2019, awarded open-ended contracts for the Supply of Sporting Goods to Varsity Brands Holding Co., Inc., BSN Sports LLC d/b/a BSN Sports, SS Equipment Holdings, LLC, and Riddell/All American, as lowest responsible/responsive bidders; for a term commencing March 21, 2019 through March 20, 2021; and

WHEREAS, Item No. 133 was awarded to Riddell/All American; and

WHEREAS, Riddell/All American (bidder) has informed the Township that they made an error in pricing and they are unable to hold the bid price; and

WHEREAS, the Division of Purchasing is requesting authorization to rescind the award of Item No. 133 from the Supply of Sporting Goods Contract with Riddell/All American; and

WHEREAS, quotes will be obtained prior to purchase, as needed, for the duration of this contract; and

WHEREAS, the Township Council has determined that it would be in the best interest of the Township to effectuate the change, as stated above;

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 rescinds the award of contract for Item No. 133, which item was awarded to Riddell/All American by resolution dated February 26, 2019 for the Supply of Sporting Goods, as they have informed the Township that they (bidder) made an error in pricing and they are unable to hold the bid price.

2. Quotes will be obtained prior to purchase, as needed, for the duration of this contract.

3. All other terms and conditions of the resolution dated February 26, 2019 remain unchanged, and in full force and effect.

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) Youth Services
- e) Recreation Department
- f) Riddell/All American  
7501 Performance Lane  
North Ridgeville, OH 44039

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH V-COMM, L.L.C., FOR TELECOMMUNICATIONS ENGINEERING SERVICES, TO OBTAIN 700 MHz AND MICROWAVE FCC LICENSING AND SUPPORT FOR THE NEW RADIO COMMUNICATIONS SYSTEM, FOR THE PUBLIC SAFETY COMMUNICATIONS UPGRADE PROJECT FOR THE TOWNSHIP, FOR A TOTAL COST ESTIMATED TO BE \$40,100.00, AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO AN AGREEMENT WITH V-COMM, L.L.C.**

**MARCH 26, 2019**

WHEREAS, the Township of Toms River has a need to retain professional Telecommunication Engineering Services to obtain 700 MHz and Microwave Licensing and Support for the Public Safety Communications Upgrade Project for the Township; and

WHEREAS, the Division of Purchasing is requesting authorization to use V-COMM, L.L.C., to obtain 700 MHz and Microwave Licensing and Support for the new radio communications system, for a total cost estimated to be \$40,100.00; and V-COMM, L.L.C. is currently the consultant for the Township's Public Safety Communications Upgrade Project; and

WHEREAS, this award is provided through a non-fair and open basis and subject to campaign contribution reform laws, as set forth in N.J.S.A. 19:44A-20.4, et. seq., and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 et. seq.: and

WHEREAS, V-COMM, L.L.C., has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure form, which certifies that the firm has not made any contributions in contravention of New Jersey's "Pay-to-Play Law", N.J.S.A. 19:44A-20.4, et. seq., and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 et. seq., and V-COMM, L.L.C. acknowledges that the contract will prohibit them from making any such contributions through the term of this contract. The forms are on file in the Office of the Township Clerk:

**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 hereby awards a professional services contract to V-COMM, L.L.C., for Telecommunication Engineering Services to obtain 700 MHz and Microwave Licensing and Support for the Public Safety Communications Upgrade Project for the Township of Toms River, in accordance with their Proposal dated March 4, 2019, for a total cost estimated to be \$40,100.00, and funds are available in Account No. X-04- -242-005. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

2. The Mayor is hereby authorized to execute and the Township Clerk to attest to an agreement with V-Comm, L.L.C. Term of contract: commencing March 27, 2019 through completion of the project.

3. A notice of this contract award shall be published within 10 days of the date of this Resolution, in the Asbury Park Press.

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

- a) Mayor Thomas Kelaher
- b) Chief Financial Officer
- c) Business Administrator
- d) Township Attorney
- e) Township Clerk
- f) Police Department
- g) Engineering Division
- h) V-Comm, L.L.C.  
2540 U.S. Highway 130, Suite 101  
Cranbury, New Jersey 08512  
Attn: Dominic C. Villecco, President

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the professional services contract with V-COMM, L.L.C., for a total cost estimated to be \$40,100.00, are available in Account No. X-04- -242-005.

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 26, 2019

## **SCHEDULE "A"**

**"SEE ATTACHMENTS"**

### **RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO AN AGREEMENT WITH DAN ZARILLO RECYCLING TO PROVIDE FOR REMOVAL AND RECYCLING SERVICES FOR THE DISPOSAL OF AUTOMOTIVE BATTERIES AT THE MUNICIPAL RECYCLING CENTER**

**MARCH 26, 2019**

WHEREAS, the Township of Toms River is in need of removal and recycling services in order to dispose of auto batteries received at the municipal recycling center in need of disposal; and

WHEREAS, certain recycling laws have been put into effect within the State of New Jersey, which have been imposed on all municipalities by the Department of Environmental Protection for battery recycling; and

WHEREAS, Dan Zarillo Recycling has the necessary means for the removal and recycling services for the disposal of auto batteries;

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 Dan Zarillo Recycling for the removal and recycling services to dispose of auto batteries, at the municipal recycling center in need of disposal. Contract Term: January 1, 2019 through December 31, 2019.

2. Dan Zarillo Recycling shall provide pick-up service at the Toms River Township Municipal Recycling Center for all auto batteries. The contract will be based upon the

market value of the product at the time of sale. A signed receipt shall be given to the Township each time a pick-up is made, stating the date and number of batteries taken. The vendor shall then remit payment to the Department of Public Works of the money owed within one (1) week of the receipted pick-up date.

3. This contract may be terminated at any time, by either party, upon thirty (30) days written notice, by certified mail.

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 newspaper with the lowest advertising rate.

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) Police Department
- h) Recreation Dept.
- i) Bey Lea Maintenance Shop
- j) Dan Zarillo Recycling  
355 Pfister Rd.  
Jackson, NJ 08527

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE RETENTION OF THE TESTING SERVICES OF J.R. HENDERSON LABS INC., FOR LABORATORY GROUNDWATER ANALYSIS OF THE WATER IN THE VICINITY OF THE LANDFILL FOR THE YEAR 2019, IN THE MAXIMUM AMOUNT NOT TO EXCEED \$10,656.00**

**MARCH 26, 2019**

WHEREAS, the Township of Toms River is required to do a laboratory groundwater analysis of the water in the vicinity of the Toms River Township Landfill for the year 2019; and

WHEREAS, the maximum amount of the contract to be awarded under this resolution is in the maximum amount not to exceed \$10,656.00;

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 retains J.R. Henderson Labs, Inc. for the aforesaid purpose, as outlined hereinabove, in the total maximum amount not to exceed \$10,656.00, as follows:

2.

January, 2019	\$576.00 per well	\$4,608.00
April, 2019	\$252.00 per well	\$2,016.00
July, 2019	\$252.00 per well	\$2,016.00
October, 2019	\$252.00 per well	\$2,016.00

TOTAL: \$10,656.00

(6 monitoring wells and 2 ground water samples)

2. Funds in the amount not to exceed \$10,656.00 are available in Account No. 9-01- -W65-534, contingent upon adoption of the CY19 budget. Term of Contract: Commencing retroactive to January 1, 2019 through December 31, 2019. The

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

3. The Mayor is hereby authorized to execute and the Township Clerk to attest to an agreement with J.R. Henderson Labs, Inc. A copy of the agreement is attached to this resolution, as Schedule "A", and made a part hereof.

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) Chief Financial Officer
- c) Purchasing Division
- d) Engineering Division
- e) Public Works Department
- f) J.R. Henderson Labs, Inc.  
123 Seaman Avenue  
Beachwood, N.J. 08722  
Attn: Coleen Gibson-Gacho

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract for testing services with J.R. Henderson Labs., Inc., in the total maximum amount not to exceed \$10,656.00, are available in Account No. 9-01- -W65-534, contingent upon adoption of the CY19 budget, as follows:

January, 2019	\$576.00 per well	\$4,608.00
April, 2019	\$252.00 per well	\$2,016.00
July, 2019	\$252.00 per well	\$2,016.00
October, 2019	\$252.00 per well	\$2,016.00
TOTAL:		\$10,656.00

(6 monitoring wells and 2 ground water samples)

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 26, 2019

**Schedule "A"**

**AGREEMENT FOR SERVICES**

This **AGREEMENT** made this **27<sup>th</sup>** day of **MARCH, 2019**

**BETWEEN: TOWNSHIP OF TOMS RIVER**, a municipal corporation of the State of New Jersey, having its principal offices located at 33 Washington Street, Toms River, New Jersey 08753, hereinafter referred to as "**TOWNSHIP**",

**AND: J.R. HENDERSON LABS, INC.**, having offices

Located at 123 Seaman Avenue, Beachwood,  
New Jersey 08722, hereinafter referred  
to as **"LABORATORY"**;

WHEREAS, resolution of the Township Council dated March 26, 2019, authorized a contract with J.R. Henderson Labs, Inc., for testing services in the amount not to exceed \$10,656.00, for groundwater analysis of water in the vicinity of the Toms River Township Landfill for 2019, for the period commencing retroactive to January 1, 2019 through December 31, 2019 ( Testing will be performed in January 2019; April, 2019 July, 2019; and October, 2019, for 6 monitoring wells and 2 ground water samples); and

WHEREAS, pursuant to law, the parties hereto wish to enter into an agreement for the aforesaid testing services for sampling and analysis at the Toms River Township Landfill for the period commencing retroactive to January, 1, 2019 through December 31, 2019;

NOW, THEREFORE, THE PARTIES DO AGREE AS FOLLOWS:

1. "LABORATORY" is hereby retained to perform laboratory groundwater analysis services for 2019, for 6 monitoring wells and 2 groundwater samples at the Toms River Township Landfill for the period commencing retroactive to January 1, 2019 through December 31, 2019, as follows:

January, 2019	\$576.00 per well	\$4,608.00
April, 2019	\$252.00 per well	\$2,016.00
July, 2019	\$252.00 per well	\$2,016.00
October, 2019	\$252.00 per well	\$2,016.00
TOTAL:		\$10,656.00

(6 monitoring wells and 2 ground water samples)

2. "LABORATORY" shall provide testing services of groundwater analysis at the Toms River Township Landfill for a total cost not to exceed \$10,656.00 for 2019, and funds are available in Account No 9-01- -W65-534, contingent upon adoption of the CY19 budget. Testing will be performed quarterly - January, 2019; April, 2019; July, 2019; and October, 2019.

3. The Township may terminate this Agreement with or without cause upon thirty (30) days' prior written notice to "Laboratory".

4. The Township of Toms River and "Laboratory" for themselves, their heirs, executors, administrators, successors or assigns, hereby agree to the full performance of the covenants herein contained.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day, month, and year first above written.

ATTEST:

**TOWNSHIP OF TOMS RIVER**

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

\_\_\_\_\_  
THOMAS F. KELAHER  
MAYOR

ATTEST:

**J.R. HENDERSON LABS, INC.**

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 JOHN LIONETTI ASSOCIATES D/B/A LORCO PETROLEUM SERVICES, WHEREIN THEY WILL PROVIDE FOR THE COLLECTION AND RECYCLING OF WASTE OIL IN NEED OF DISPOSAL RECEIVED AT THE MUNICIPAL RECYCLING CENTER, PUBLIC WORKS GARAGE, POLICE GARAGE AND BEY LEA MAINTENANCE SHOP, AT THE CURRENT RATE, PAYABLE BY THE TOWNSHIP

MARCH 26, 2019

WHEREAS, the Township of Toms River is in need of collection and recycling services in order to dispose of waste oil in need of disposal at the Municipal Recycling Center, Public Works Garage, Police Garage and Bey Lea Maintenance Shop; and

WHEREAS, certain recycling laws have been put into effect within the State of New Jersey, which have been imposed on all municipalities by the Department of Environmental Protection for recycling of used waste oil; and

WHEREAS, John Lionetti Associates d/b/a Lorco Petroleum Services has the necessary means for the collection and recycling services for waste oil;

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 John Lionetti Associates d/b/a/ Lorco Petroleum Services for the collection and recycling of waste oil, in need of disposal which is received at the Municipal Recycling Center, Public Works Garage, Police Garage and Bey Lea Maintenance Shop. Contract Term: Retroactive to January 1, 2019 through December 31, 2019.

2. Terms:

a) The Township of Toms River shall pay John Lionetti Associates d/b/a Lorco Petroleum Services at current market value per gallon of waste oil.

b) Segregated anti-freeze shall be collected at no charge to the Township.

3. This contract may be terminated at any time, by either party, upon thirty (30) days written notice by certified mail.

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) Township Attorney
- b) Public Works Department
- c) Nadeem Siddiqui, Public Works Dept.
- d) Chief Financial Officer
- e) Purchasing Division
- f) Police Department
- g) Bey Lea Maintenance Shop
- h) Recreation Department
- i) John Lionetti  
d/b/a Lorco Petroleum Services  
450 South Front Street  
Elizabeth, N.J. 07202

**CERTIFICATION**



**THIS IS TO CERTIFY** that the funds for the contract with John Lionetti Associates d/b/a Lorco Petroleum Services, at the current price per gallon, for a total maximum amount not to exceed \$5,000.00, 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 26, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO AN AGREEMENT WITH JOHN BLEWETT, INC., BRICK RECYCLING CO., INC., AND TRI-STATE RECYCLING, FOR THE MARKETING OF RECYCLED WHITE GOODS, FOR THE DEPARTMENT OF PUBLIC WORKS**

**MARCH 26, 2019**

WHEREAS, the Township of Toms River is in need of recycling services for the Marketing of Recycled White Goods for the Department of Public Works; and

WHEREAS, certain recycling laws have been put into effect within the State of New Jersey, which have been imposed on all municipalities by the Department of Environmental Protection; and

WHEREAS, the Department of Public Works has recommended that the following vendors be awarded contracts, as follows:

- a) Brick Recycling Co., Inc.  
2480 Old Hooper Avenue  
Brick, NJ 08723
- b) John Blewett, Inc.  
246 Herbertsville Road  
Howell, NJ 07731
- c) Tri-State Recycling  
PO Box 5298  
Toms River, NJ 08754

WHEREAS, John Blewett, Inc. has the necessary means for the marketing of recycled white goods for the Department of Public Works; and

WHEREAS, Brick Recycling Co., Inc. has the necessary means for the marketing of recycled white goods for the Department of Public Works; and

WHEREAS, Tri-State Recycling has the necessary means for the marketing of recycled white goods 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 authorizes the Mayor to execute and the Township Clerk to attest to an agreement with John Blewett, Inc., for the marketing of recycled white goods for the Department of Public Works. Contract Term: Retroactive to January 1, 2019 through December 31, 2019.

2. It authorizes the Mayor to execute and the Township Clerk to attest to an agreement with Brick Recycling Co., Inc., for the marketing of recycled white goods for the Department of Public Works. Contract Term: Retroactive to January 1, 2019 through December 31, 2019.

3. It authorizes the Mayor to execute and the Township Clerk to attest to an agreement with Tri-State Recycling for the marketing of recycled white goods for the Department of Public Works. Contract Term: Retroactive to January 1, 2019 through December 31, 2019.

4. The contracts will be based upon the market value of the product at the time of sale.

5. These agreements may be terminated at any time, by either party, upon thirty (30) days written notification, by certified mail.

6. These contracts are 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, and are exempt from public bidding requirements.

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

8. 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
- e) Chief Financial Officer
- f) Purchasing Division
- g) John Blewett, Inc.  
246 Herbertsville Road  
Howell, N.J. 07731
- h) Brick Recycling Co., Inc.  
2480 Old Hooper Avenue  
Brick, NJ 08723
- i) Tri-State Recycling  
PO Box 5298  
Toms River, NJ 08754

**RESOLUTION IMPOSING CHARGES INCURRED UNDER SECTION 111 OF THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE AS A LIEN ON REAL PROPERTY, AND DIRECTING THE TAX COLLECTOR TO COLLECT THESE COSTS, AND IMPOSE INTEREST ON UNPAID COSTS, IN THE SAME MANNER AS PROVIDED FOR IN THE COLLECTION OF REAL ESTATE TAXES IN THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY**

**MARCH 26, 2019**

**WHEREAS**, the Township of Toms River adopted the 2006 International Property Maintenance Code (the "Code") as part of Chapter 335 (Housing and Rental Property Standards) of the Township Code; and

**WHEREAS**, Section 111 of the Code provides that costs incurred by the Township in remediating conditions on properties in violation of the Code are to be assessed and levied upon lands, and bear interest at the same rate as real property taxes, and be collected and enforced in the same manner as provided for the collection of real property taxes; and

**WHEREAS**, the Housing and Property Maintenance Supervisor, has filed a Certification of Costs incurred by the Township, which costs are outlined on Schedule "A", attached to and made part of this resolution;

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

1) The Township Council determines the Certification of Costs as set forth as Schedule "A" to be accurate.

2) The Tax Collector is authorized and directed to collect the costs listed on the Certification of Costs. The amount shown on the Certification of Costs shall be charged, become, and form part of the real estate taxes next to be assessed and levied upon such property, and shall bear interest at the same rate as real property taxes, and shall be collected and enforced in the same manner as provided for in the collection of real property taxes.

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

- a) Mayor Thomas F. Kelaher
- b) Business Administrator
- c) Chief Financial Officer
- d) Tax Collector
- e) Township Attorney
- f) Housing & Property Maintenance
- g) Code Enforcement
- h) Director, Parks, Buildings & Grounds
- i) Bank of New York Mellon  
P. O. Box 65250  
Salt Lake City, UT 84165
- j) Schmidt, Lisa M.  
100 Bimini Drive  
Toms River, NJ 08757
- k) Federal National Mortgage Assoc.  
5600 Granite Parkway, VII  
Plano TX 75024
- l) Rodriguez, Manuel  
2322 Adams Avenue  
Toms River, NJ 08753

**SCHEDULE "A"**

**CERTIFICATION OF COSTS**

	<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>PROPERTY ADDRESS</u></b>	<b><u>TOTAL</u></b>
1.	297.09	1	45 Fifteenth Street	\$387.46
2.	235.10	7	690 Bay View Drive	\$549.92
3.	694.01	79	919 Tunesbrook Drive	\$380.81
4.	1082.16	58	2322 Adams Avenue	\$4239.06

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, AND STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP OF TOMS RIVER TO ACCEPT A FY17 HOMELAND SECURITY GRANT FROM THE STATE OF NEW JERSEY, OFFICE OF HOMELAND SECURITY AND PREPAREDNESS, IN THE AMOUNT**

OF \$7,535.00, FOR THE PURCHASE OF APPROVED EQUIPMENT/TRAINING (HURST STRONG ARM KIT), AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF OCEAN IN CONNECTION WITH THIS GRANT

MARCH 26, 2019

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

1. The Township of Toms River is authorized to accept a FY17 Homeland Security Grant from the State of New Jersey, Office of Homeland Security and Preparedness for the purchase of approved equipment/training (Hurst Strong Arm Kit), in the amount of \$7,535.00.
2. The FY17 Homeland Security Grant is a program run by the Ocean County Sheriff's Department.
3. The Mayor is authorized to execute and the Township Clerk to attest to a Memorandum of Understanding between the County of Ocean and the Township of Toms River in connection with this grant.
4. The term of the Memorandum of Understanding shall be in full force and effect until July 31, 2020.
5. 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) Police Department, Chief Mitchell Little
- d) Police Department, Attention: Paul Daly  
Office of Emergency Management
- e) Grant Coordinator
- f) Office of the Ocean County Sheriff  
Ocean County Justice Complex  
120 Hooper Avenue  
P.O. Box 2191  
Toms River, N.J. 08754-2191  
Attention: Sheriff Michael G. Mastronardy
- g) Ocean County Board of Chosen Freeholders
- h) Ocean County Sheriff's Office  
120 Hooper Avenue  
P.O. Box 2191  
Toms River, NJ 08754-2191  
Attn: Karin Moser, OCSO Fiscal Unit

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, EXTENDING THE TERM OF CERTAIN CONTRACTS EXEMPT FROM PUBLIC BIDDING TO APRIL 23, 2019**

MARCH 26, 2019

**WHEREAS**, during the 2018 calendar year, the Township Council awarded contracts for services exempted from the public bidding process up to and including December 31, 2018; and

**WHEREAS**, on January 3, 2019, the Township Council passed a resolution extending the terms of certain 2018 contracts exempted from public bidding to February 26, 2019; and

**WHEREAS**, on February 26, 2019, the Township Council passed a resolution further extending the terms of certain 2018 contracts exempted from public bidding to March 26, 2019; and

**WHEREAS**, there still exists a need for the extensions of certain contracts exempt from public bidding; and

**WHEREAS**, awards for these services are subject to campaign contribution reform laws as set forth in *N.J.S.A. 19:44A-20.4, et. seq.* and the Toms River Township Administrative Code § 84-1, “Prohibition on awarding public contracts to certain contributors”; and

**WHEREAS**, vendors receiving these contract awards in 2018 were obtained pursuant to a fair and open process, and other methods permitted by law pursuant to *N.J.S.A. 19:44A-20.4 et. seq.*, of New Jersey’s Pay-to-Play Law and the Toms River Township Administrative Code § 84-1:

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

1. It hereby approves the extensions of contracts up to and including April 23, 2019 with the following firms:
  1. Preferred Behavioral Health as EAP Administrator
  2. David P. Wadyka, Esq., Special Legal Counsel for litigation against Peter J. Pirozzi General Contracting, LLC,
  3. Piazza & Associates, Inc., as Administrative Agent for Affordable Housing Units
  4. Chiesa, Shahinian and Giantomasi P.C., for professional bankruptcy counsel legal services
  5. Gluck, Walrath, L.L.P., for municipal bond legal services
  6. Michael LaMana, M.S., C.T.E., R.C.A., of Heartwood Ecological Consulting, LLC, for certified forester services
  7. William J. Willard, Esq., of the firm DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., for professional COAH legal services
  8. Edward J. Simone, C.P.A., R.M.A. of William E. Antonides and Company, for conflict auditing services
  9. Bonnie Peterson, Esq., as Conflict Prosecutor
  10. Jersey Shore Veterinary Emergency Services, for emergency veterinarian services
  11. Connor, Strong & Buckelew Companies, LLC, for Employee Benefits Consultancy and Brokerage Services for Medical, Prescription, Dental, and Vision Coverage
  12. Maser Consulting, PA, for environmental consultant expert on CIBA/BASF tax appeals
  13. Acacia Financial Group, Inc., as Financial Advisor and Counseling Services (Arbitrage)
  14. Chiesa, Shahinian and Giantomasi, P.C., and Michael J. Gross, Esq., of Giordano, Halleran & Ciesla, Esqs., as General Environmental Legal Counsel
  15. For general legal and litigation services: Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors; Kevin B. Riordan, Esq., L.L.C.; and Hering, and Gannon, & McKenna.
  16. Paul R. Rizzo, Esq., of the firm of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., for land acquisition and dune easement counsel services
  17. TRC Environmental Corp., for landfill environmental consultant services
  18. Holman, Frenia, Allison, P.C. for municipal auditor services
  19. Steven A. Zabarsky, Esq. as Municipal Prosecutor and Alternate Municipal Prosecutors of the firm of Citta, Holzapfel & Zabarsky, P.C.,
  20. Terry F. Brady, Esq. of the firm of Brady & Kunz, P.C. as Municipal Public Defender
  21. Dr. Laurence De Rochers, t/a Emergemed, L.L.C as police emergency medical service and volunteer emergency medical service director
  22. The Musial Group, for professional pool architectural services
  23. Brian E. Rumpf, Esq. and Mark A. Schneider, Esq., as Pool Conflict Municipal Public Defender Services
  24. Owen, Little & Associates; Remington, Vernick & Vena Engineers; T & M Associates; French & Parrello Associates; Mott MacDonald, L.L.C.; Maser Consulting, PA; O'Donnell, Stanton & Associates, Inc. CME Associates; and ARH Associates for pool inspection and general engineering services.

25. Toms River Animal Hospital, and Vetcor of Toms River, L.L.C., t/a Callin' All Creatures as non-emergency pool veterinary services
26. Mid-State Abstract Co., for First America Title Ins. Co. for real estate title abstract services
27. Henry J. Mancini and Associates for real estate appraisal services
28. Henry J. Mancini and Associates for real estate appraisal services for property tax appeals
29. Carmen J. Memoli, CPA of the firm Bellu and Memoli, LLC, for rent leveling board accounting services
30. Amando V. Ricco, L.L.C. for special labor counseling services
31. Chiesa, Shahinian and Giantomasi, P.C. for special legal counsel in the matter of CIBA/BASF tax appeals
32. Coffey & Associates for legal professional services with regard to litigation filed against the Township of Toms River captioned *NJDEP v. Almo Anti-Pollution Services, et als. v. Toms River Township*
33. Chiesa, Shahinian and Giantomasi, P.C. for professional legal services regarding the *Township of Dover v. Ciba Specialty Chemicals Corp., et als.,*
34. Urgent Care Group, PA d/b/a Urgent Care Now as Township Physician
35. Raymond F. Hanbury, Phd as Township Psychologist
36. Dr. Samir Jain, d/b/a NJ Heart and Vascular Specialist as Township Cardiologist.
37. Professor Marci A. Hamilton, Esq. as consultant for matters Religious land use and institutionalized persons 36 Timber Knoll Drive, Washington Crossing Pa. 18977

2. The rates of pay will be the same as those awarded during 2018 calendar year.
3. A notice of these extensions shall be published within 10 days of the date of this Resolution, pursuant to 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 Thomas Kelaher
  - b) Chief Financial Officer
  - c) Business Administrator
  - d) Township Attorney
  - e) All Department Heads
  - f) Engineering Division
  - g) Purchasing Division
  - h) Tax Assessor
  - i) Township Clerk's Office
  - j) David P. Wadkya, Esq  
DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis,  
Lehrer & Flaum, P.C.  
15 Mountain Blvd.  
Warren, New Jersey 07059
  - k) Toms River Animal Hospital  
769 Route 37 West  
Toms River, N.J. 08755
  - l) Preferred Behavioral Health Group.  
1500 Route 88  
Brick, N.J. 08724
  - m) Piazza & Associates, Inc.  
216 Rockingham Row,  
Princeton, N.J. 08540
  - n) Chiesa, Shahinian and Giantomasi, P.C.  
1 Boland Drive  
West Orange, New Jersey 07052
  - o) Gluck, Walrath, L.L.P.  
428 River View Plaza  
Trenton, New Jersey 08611
  - p) Michael LaMana  
Heartwood Ecological Consulting, LLC  
P.O. Box 1249

- Toms River, N.J. 08754
- q) William J. Willard, Esq., of the firm DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., 15 Mountain Blvd., Warren, New Jersey 07059
  - r) Edward J. Simone, CPA, RMA, William E. Antonides & Co. 2807 Hurley Pond Road P.O. Box 1137 Wall, N.J. 07718-1137
  - s) Bonnie R. Peterson, Esq. 1201 SW Central Avenue P.O. Box J Seaside Park, New Jersey 08752
  - t) Jersey Shore Veterinary Emergency Services, 1000 Route 70 Lakewood, New Jersey 08701
  - u) Connor, Strong & Buckelew Companies, LLC 40 Lake Center Executive Park 401 Route 73 North Marlton, New Jersey 08053
  - v) Maser Consulting, PA, 331 Newman Springs Road, Suite 203 Red Bank, New Jersey 07701
  - w) Acacia Financial Group, Inc., 6000 Midlantic Drive Mt. Laurel, New Jersey 08054
  - x) Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors, P.C., 620 West Lacey Road Forked River, New Jersey 08731
  - y) Kevin Riordan, Esq. 20 Hadley Avenue, Suite 2 Toms River, New Jersey 08753
  - z) Hiering, Gannon, & McKenna 29 Hadley Avenue, Suite 2, Toms River, New Jersey 08753
  - aa) Paul R. Rizzo, Esq., DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. 15 Mountain Blvd. Warren, New Jersey 07059
  - bb) TRC Environmental Corp. 41 Spring Street New Providence, New Jersey 07974
  - cc) Holman, Frenia, Allison, P.C., 912 Highway 33, Suite 2 Freehold, New Jersey 07728
  - dd) Citta, Holzapfel & Zabarsky, P.C. 248 Washington Street Toms River, New Jersey 08753
  - ee) Terry F. Brady, Esq., Brady, & Kunz, P.C., 680 Hooper Avenue, Building C, 2<sup>nd</sup> Floor, P.O. Box 4990, Toms River, New Jersey 08754
  - ff) Emergemed, L.L.C. Att'n: Dr. Larry Des Rochers, M.D. 640 Harbor Road Brick, New Jersey 08724
  - gg) Brian E. Rumpf, Esq. 11 Leifried Lane Tuckerton, New Jersey 08087
  - hh) Mark A. Schneider, Esq. 55 Manchester Ave. P.O. Box 258 Forked River, N.J. 08731
  - ii) Mott MacDonald, L.L.C. 3 Paragon Way

- Freehold, New Jersey 07728
- jj) O'Donnell, Stanton & Associates, Inc.  
1705 Route 37 East  
Toms River, New Jersey 08753
  - kk) Owen, Little & Associates  
443 Atlantic City Blvd.  
Beachwood, N.J. 08722
  - ll) Remington Vernick & Vena Engineers  
9 Allen Street  
Toms River, N.J. 08753
  - mm) T & M Associates  
11 Tindall Road  
Middletown, New Jersey 07748
  - nn) French & Parrello Associates, P.A.  
1800 Rte. 34, Suite 101  
Wall, N.J. 07719
  - oo) Vetcor of Toms River, L.L.C., t/a  
Calling All Creatures Veterinary Hospital  
246 Washington Street  
Toms River, N.J. 08753
  - pp) Toms River Animal Hospital  
769 Route 37 West  
Toms River, N.J. 08755
  - qq) Mid-State Abstract Company  
207 Hooper Avenue, P.O. Box 413  
Toms River, New Jersey 08754
  - rr) Henry J. Mancini and Associates  
691 Mill Creek Road, Unit 11  
Manahawkin New Jersey 08092
  - ss) Memoli & Company  
formerly Bellu Memoli, LLC  
222 Oak Avenue, Suite 5  
Toms River, New Jersey 08753
  - tt) Amando V. Ricco, L.L.C.  
20 Hadley Avenue  
Toms River, New Jersey 08753
  - uu) Coffey & Associates  
310 South Street  
Morristown, N.J. 07960
  - vv) Raymond F. Hanbury, Phd. ABPP  
2100 Highway 33, Suite 9-10  
Neptune, New Jersey 07753
  - ww) Urgent Care Group, PA t/a  
Urgent Care Now Physicians  
970 Hooper Avenue, Suite 2  
Toms River, New Jersey 08753
  - xx) Michael J. Gross, Esq.  
Giordano, Halleran & Ciesla, Esqs.  
125 Half Mile Road  
Red Bank, N.J. 07701
  - yy) CME Associates  
1460 Route 9 South  
Howell, New Jersey 07731
  - zz) ARH Associates  
251 Bellevue Avenue  
P.O. Box 579  
Hammonton, N.J. 07731
  - aaa) Dr. Samir Jain  
d/b/a NJ Heart and Vascular Specialists  
599 Route 37 West, Suite 5  
Toms River, New Jersey
  - bbb) Professor Marci A. Hamilton, Esq.  
36 Timber Knoll Drive  
Washington Crossing, PA. 18977



**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A  
MAJOR SITE PLAN KNOWN AS FAIRWAYS AT BEY LEA CLUBHOUSE, BLOCK 571,  
LOT 89 (Bey Lea Road)**

**March 26, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Fairways at Bey Lea Clubhouse, Block 571 Lot 89.

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 Surety Bond # FP0018415M in the amount of \$28,395.00 is hereby released;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Fairways at Bey Lea  
1056 Route 22 West  
Bridgewater, NJ 08807

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND  
ACCEPTING MAINTENANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS  
NOTTINGHAM CORNER (F/K/A SCHIEFFELIN AND RUBIN), BLOCK 571.26 LOT 63  
(Colonial Drive and Old Freehold Road)**

**March 26, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 571.26 Lot 63.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Cash Bond in the amount of \$12,160.00, originally accepted by way of Resolution dated February 10, 2015, in account # 9-14- -902-101, is hereby accepted and will remain on account to represent the Maintenance Cash Bond;

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

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

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

- 1) Previously posted Surety Bond # SUR1000047 in the amount of \$54,720.00 is hereby released;
- 2) Maintenance Surety Bond listed in the preamble hereof be and the same is hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. KAP Management, LLC  
Attn: Jeffery Patterson  
2151 Jefferson Avenue  
Whiting, NJ 08759

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS TOMS RIVER EQUITIES, BLOCK 577, LOT 24 (1258 Hooper Avenue)**

**March 26, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Toms River Equities, Block 577, Lot 24.

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

1) Maintenance Cash Bond in the amount of \$669.00 currently on deposit in account # X-19- -601-755 is hereby released with applicable interest;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Mr. Hunter Kintzing  
Toms River Equities, LLC  
14000 Horizon Way, Suite 100  
Mount Laurel, NJ 08065

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS BLOCK 796.03 LOT 25 (2000 Adams Avenue)**

**March 26, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 796.03 Lot 25.

WHEREAS, Maintenance Bonds have been posted as follows:

1) Cash Bond in the amount of \$1,030.00, originally accepted by way of Resolution 'M', dated July 11, 2017, in the original amount of \$10,300.00, is hereby accepted and will remain on account to represent the Maintenance Cash Bond;

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

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

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

- 1) Previously posted Cash Bond in the amount of \$9,270.00, originally accepted in the amount of \$10,300.00, on account # 9-14- -902-101, is hereby released;
- 2) Maintenance Surety Bond listed in the preamble hereof be and the same is hereby retained;
- 3) Township Clerk shall send a certified copy hereof to each of the following:
  - a. Township Engineer
  - b. Chief Financial Officer
  - c. Township Attorney
  - d. Michael S. Paige  
372 Veterans Blvd  
Bayville, NJ 08721

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING  
STABILIZATION GUARANTEES FOR A MAJOR SITE PLAN KNOWN  
AS, BLOCK 578, LOT 3.01 AND 3.03  
(1201 Hooper Avenue)**

**March 26, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 578, Lot 3.01 & 3.03.

WHEREAS, a Safety & Stabilization Guarantee has been posted as follows:

- 1) Check in the amount of \$9,319.15 which represents the Safety & Stabilization guarantee amount.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Simon Property Group, LP., 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. Simon Property Group, LP  
1099 RPT P.O. Box 7066  
Indianapolis, IN 46207

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE EXECUTION AND FILING OF  
CONSENT JUDGMENT BY WILLIAM WILLARD, TOMS RIVER TOWNSHIP  
AFFORDABLE HOUSING ATTORNEY, IN THE MATTER CALIBER HOME LOANS v.  
FLEMING et als., DOCKET NO.: OCN-F-022941-18**

**MARCH 26, 2019**

**WHEREAS**, Caliber Home Loans filed a Complaint for Foreclosure venued in the Ocean County Superior Court, Chancery Division, under Docket No.: OCN-F-022941-18 seeking foreclosure on the property identified as Block 172, Lot 11.04, on the Tax Map of the Township of Toms River, and more commonly known as 307 Harvest Way, Unit 1H, Toms River, New Jersey (“Property”); and

**WHEREAS**, the Property is a deed restricted affordable housing unit subject to affordable housing rules, regulations, restrictions and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.1 et seq.; and

**WHEREAS**, the Complaint for Foreclosure names the Township of Toms River as a defendant based on the Deed, Affordable Housing Agreement, Repayment Mortgage and affordable restrictions on the Property; and

**WHEREAS**, a proposed settlement of the litigation was negotiated between the attorneys for the parties, the terms of which are as set forth in the attached Consent Judgment attached hereto as Schedule A; and

**WHEREAS**, pursuant to the proposed Consent Judgment, the Property will remain a deed restricted affordable unit subject to all affordable housing rules, regulations, restrictions and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.1 et seq.; and

**WHEREAS**, the Administrator and Township Council of the Township of Toms River have reviewed and considered the terms and conditions of the attached Consent Judgment and hereby agree it is in the best interests of the Township to resolve this litigation as set forth therein.

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

1. The Township’s Affordable Housing Attorney, William Willard, of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., is hereby authorized in the matter entitled Caliber Home Loans v. Fleming, et als., Docket No.: OCN-F-022941-18, to execute and file the Consent Judgment and take all necessary action to enforce the terms of the Consent Judgment.

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

- a) Affordable Housing Liaison
- b) Township Attorney
- c) Business Administrator
- d) Tax Collector
- e) DiFrancesco, Bateman, Kunzman, Davis,  
Lehrer & Flaum, P.C.  
Attn: William J. Willard, Esq.  
15 Mountain Boulevard  
Warren, NJ 07059

**RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL  
CONSUMPTION LIQUOR LICENSE 1507-33-004-006 FROM MIRAGLIA ENTERPRISE, LLC,  
TO BAY THREE LIMITED (POCKET)**

**March 26, 2019**

WHEREAS, an application has been filed for **PERSON-TO-PERSON TRANSFER** for Plenary Retail Consumption License Number **1507-33-004-006**, heretofore issued to Bay Three Limited Inc., located at 1356 Fischer Blvd. 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 Consumption Liquor License Number 1507-33-004-006 from, **Miraglia Enterprise, LLC. TO Bay Three Limited,**

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

- a) Police Department
- b) Chief Financial Officer
- c) Township Attorney
- d) State of New Jersey Division of Taxation  
PO Box 999  
Trenton, NJ 09999
- e) Miraglia Enterprise, LLC  
105 White Oak Lane  
Old Bridge, NJ 08857

**RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE 1507-33-004-006 FROM BAY THREE LIMITED TO RTC RESTAURANT CORP. (POCKET)**

**March 26, 2019**

WHEREAS, an application has been filed for **PERSON-TO-PERSON TRANSFER** for Plenary Retail Consumption License Number **1507-33-004-006**, heretofore issued to Bay Three Limited Inc., located at 1356 Fischer Blvd. 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 Consumption Liquor License Number 1507-33-004-006 from, **Bay Three Limited, To RTC Restaurant Corp.**

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

- a) Police Department
- b) Chief Financial Officer
- c) Township Attorney
- d) State of New Jersey Division of Taxation  
PO Box 999  
Trenton, NJ 09999
- e) RTC Restaurant Corp.  
225 W Washington Street  
Indianapolis, Indiana 46204

Catherine Cristofoli questioned the following Resolution.

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 with Council President Wittmann voting yes, 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, BLOCK 1039, LOT 578, 579 AND 580  
(102 Fielder Avenue)**

**March 26, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 1039, Lots 578, 579 & 580.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$8,190.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$500.00 which represents the ten percent portion of the performance guarantee amount.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by BDRC, 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. BDRC, LLC  
139 North Main Street  
Lambertville, NJ 08530

## REPORTS

NONE

## APPROVAL OF BILLS

Council President Wittmann asked for a report on the bills.

The Bill List, dated **March 25, 2019**, was approved on motion by Council Member Kubiel, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Rodrick, Turnbach, and 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 19-01237 and 19-01454, payable to Arya Properties LLC in the amount of \$7,029.01.

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

Purchase Order 19-01521 and 19-01449, payable to St Luke's' Church in the amount of \$936.00.

Purchase Order 19-00162 and 19-01451, payable to Toms River Board of Education in the amount of \$11,882,450.89.

Purchase Order 19-01521 and 19-01449, payable to Toms River Schools in the amount of \$6,370.00.

Purchase Order 19-00456, payable to Terry Brady, Esquire, in the amount of \$3,916.63.

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

Purchase Order 19-01237 and 19-01454, payable to Remington & Vernick Engineers in the amount of \$7,029.01.

Purchase Order 19-01449, payable to Recreation Salaries in the amount of \$8,357.01.

Purchase Order 19-00619, payable to Borough of Lavallette in the amount of \$1,033.06.

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

Purchase Order 19-01326, 19-01517, 19-01513, 18-05380, and 19-01327, payable to Board of Fire Commissioners in the amount of \$1,773,699.53.

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

Purchase Order 19-01449, payable to NJ Motor Vehicle Commission in the amount of \$3,526.00.

Purchase Order 19-00456, payable to Terry Brady, Esquire, in the amount of \$3,916.63.

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

Purchase Order 19-00455, payable to Holzapfel and Zabarsky in the amount of \$7,100.00.

Purchase Order 19-01449, payable to Magistrate Salaries in the amount of \$7,635.44.

**ELECTED OFFICIALS COMMENTS**

Mayor Kelaher, Council Members Rodrick, Kubiel, Turnbach and Wittmann had no comments.

Council Member Maruca attended an vigil events at the Mosque for 50 victims gunned down in New Zealand. She also spoke regarding the dodgeball tournament for Police Unity Tour and April 6<sup>th</sup> Spaghetti dinner at Pleasant Plains Boy Scouts.

Council Member Huryk thanked to Islamic Center of Ocean County for hosting vigil for the 50 victims of New Zealand. She also spoke regarding Exit 82 Comedy Night this weekend and Food Fest on May 4<sup>th</sup>.

**PUBLIC COMMENTS**

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

Catherine Cristafulli, Ortlely Beach, thanked the Council for work to kayak ramp.

No further comments from the public appearing, a motion was made by Council Member Kubiel, seconded by Council Member Maruca, and carried to enter into a private Executive Session at 6:35 PM.

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

**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  
 Land Acquisitions  
 Contract Negotiations

- 3. The following specific topics were announced.
  - 1. Executive Session Minutes: March 12, 2019 Regular Meeting
  - 2. Personnel Issues
  - 3. Review of status of all real property acquisitions (voluntary acquisitions and eminent domain actions.
  - 4. Review pending BASF state tax appeal

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 Kubiel	- Present
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 7:50 P.M., a motion was made by Council Member Turnbach, seconded by Council Member Huryk, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Rodrick, Turnbach, and Council Present Wittmann voting yes.

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

**March 12, 2019 Regular Meeting**

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

No other business appearing, the meeting was **adjourned** at 7:55 P. M., on motion with Council Member Kubiel, seconded by Council Member Rodrick, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Rodrick, Turnbach, and with Council President Wittmann voting yes.

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

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