

April 9, 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	- Absent
Council Member Rodrick	- Present
Council Member Turnbach	- Present
Council Vice-President Hill	- Present
Council President Wittmann	- Present

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

APPROVAL OF MINUTES

A motion was made by Council Member Kubiel, seconded by Council Member Turnbach, and carried with Council Members Hill, Huryk, Kubiel, Rodrick, Turnbach, and Council President Wittmann voting yes and with Council Member Maruca absent, to approve the **Regular Meeting of March 26, 2019**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS

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

Township Engineer Chankalian gave a Beach Mat Presentation.

Council President Wittmann introduced and presented a proclamation to Eagle Scout Kyle James Riordan Troop 52.

Township of Toms River

Proclamation

Eagle Scout Court of Honor

April 9 2019

WHEREAS, Kyle James Riordan is involved with the Boy Scout Program, currently as a member of Boy Scout Troop 52 in Toms River; and

WHEREAS, Kyle James Riordan has progressed through the ranks of Cub Scouts and Boy Scouts, and has achieved the rank of Eagle Scout; and

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

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

WHEREAS, Kyle James Riordan has successfully completed all requirements to receive the rank of Eagle Scout.

NOW, THEREFORE, We, Mayor THOMAS F. KELAHER, and Council President GEORGE E. WITTMANN Jr. of the Township of Toms River, on behalf of us, the Township Council, and the residents of the Township of Toms River, congratulate Kyle James Riordan on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and effort for the good of his community.

Mayor Thomas F. Kelaher

*George E. Wittmann, Jr.
Council President*

Brian S. Kubiel

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance L. Turnbach

Council Member Huryk mentioned Kyle's sister who is currently in Italy, and presented a proclamation to Kelsey Riordan Troop 415. Kyle accepted the Gold Award Proclamation for her.

Township of Toms River

Proclamation

Girl Scout Gold Award

April 9, 2019

WHEREAS, Kelsey Riordan has received the Gold Award which is the highest rank of achievement in Girl Scouts; originally called the Golden Eagle of Merit; and

WHEREAS, since 1916 the Girl Scout Award has stood for excellence and leadership for girls everywhere with girls who pursue the award aspiring to transform an idea and vision for change into an actionable plan with far-reaching results; and

WHEREAS, the Gold Award requires girls in grades 9-12 to make a measurable and sustainable difference in their community through assessing a need, designing a solution, and, through completion of their project, inspiring others to sustain it; and

WHEREAS, the Gold Award is the highest award in Girl Scouting honors leadership in the Girl Scout tradition; and

WHEREAS, the Girl Scout Leadership Experience helps girls develop a solid foundation in leadership through core programs around science, technology, engineering, and math (STEM), environmental stewardship, healthy living, financial literacy and global citizenship; and

WHEREAS, Kelsey Riordan has successfully completed all requirements to receive the Girl Scout Gold Award.

NOW, THEREFORE, We, Mayor THOMAS F. KELAHER, and Council President GEORGE E. WITTMANN Jr. of the Township of Toms River, on behalf of Ourselves, the Township Council, and the residents of the Township of Toms River, congratulate Kelsey Riordan on her achievement in receiving the Girl Scout Gold Award.

Mayor Thomas F. Kelaher

Brian S. Kubiel, Council President

George E. Wittmann, Jr.

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance L. Turnbach

Mayor Kelaher presented a proclamation for National Library Week.

Township of Toms River

Proclamation

National Library Week

April 9, 2019

WHEREAS, Today's libraries are not just about books but what they do for and with people; and

WHEREAS, Libraries of all types are at the heart of cities, towns Communities and campuses; and

WHEREAS, Libraries have long served as trusted and treasured institutions where people of all backgrounds can be together and connect; and

WHEREAS, Librarians and library workers partner with other civic organization's to ensure their community's needs are met; and

WHEREAS, Libraries and librarians empower their communities to make informed decisions by providing free access to information

NOW, THEREFORE, We, Mayor THOMAS F. KELAHER, and Council President GEORGE E. WITTMANN Jr. of the Township of Toms River, on behalf of us, the Township Council, and the residents of the Township of Toms River, do proclaim April 7-13, National library week and encourage all residents to visit the library this week and explore what's new and engage with your librarian.

Mayor Thomas F. Kelaher

*George E. Wittmann, Jr.
Council President*

Brian S. Kubiel

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance T. Turnbach

Council Member Hill introduced and presented proclamation to Admiral Hill and Coast Guard Auxiliary to honor National Boat Safety Week.

Township of Toms River

Proclamation

*National Safe Boating Week
April 9, 2019*

***WHEREAS**, The beautiful coastal areas of **The Township of Toms River** represent a popular destination; and*

***WHEREAS**, Residents of **The Township of Toms River** and visitors alike are drawn to its waters and beaches by the thousands each year for boating and watercraft activities; and*

***WHEREAS**, The boating environment has dangers that can be effectively managed through boating safety, education, vessel/watercraft inspection and always wearing a life jacket; and*

***WHEREAS**, For reasons of public safety, an annual reminder of the joys and hazards associated with the boating and watercraft activity environment are appropriate at the commencement of the busy summer boating season; and*

***WHEREAS** The Township of Toms River is pleased to recognize the men and women of the New Jersey Coast Guard Auxiliary in their efforts to heighten the awareness of boating and watercraft safety through various public awareness activities.*

***NOW, THEREFORE**, We, Mayor **THOMAS F. KELAHER**, and Council President **GEORGE E. WITTMANN Jr.** of the **Township of Toms River**, on behalf of us, the Township Council, and the residents of the Township of Toms River, do proclaim May 19-25 2019 as National Safe Boating Week and urge all citizens and visitors using our waters to enjoy themselves while taking appropriate measures to protect themselves and their children*

Mayor Thomas F. Kelaher

George E. Wittmann, Jr.
Council President

Brian S. Kubiel

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance T. Turnbach

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

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

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 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 Huryk offered the following ordinance and moved its adoption, Council Member Turnbach seconded the motion:

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

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.
2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press.

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

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

Township Planner Roberts explained the following Ordinance.

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE TOWNSHIP CODE

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

1. Section 348-2.3 (Definitions) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented to add a definition of "Attic, Habitable" as follows:

ATTIC, HABITABLE

An attic that has a fixed and permanent stairway as a means of providing access and egress to and from a common hallway of the floor below and which the ceiling area at a height of seven feet above the attic floor is not more than

one-third the area of the next floor below. No habitable attic above a second story from finished grade shall be used as a sleeping room if a second means of egress is required to comply with building or fire codes.

2. Section 348-5.46 (Location of trailers restricted), Subsection B(1) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented as follows:

§ 348-5.46 Location of trailers restricted.

B. Permitted temporary uses. A trailer shall be permitted to be used temporarily in the following circumstances:

(1) A construction trailer as defined herein (§ 348-2.3) may be allowed upon a site where there has been an accelerated approval granted under (§ 348-7.2.1); or there is active construction of a nonresidential building, pursuant to a valid Zoning Permit. ~~provided that site plan approval has been obtained, where necessary, and that s~~Such trailer shall be used only in connection with such construction and shall not remain upon the premises for longer than two weeks past the completion of said construction. In no event will any trailer used in connection with nonresidential development remain on said premises for more than two years from the date of issuance of a construction permit or zoning permit, or past the date of issuance of a certificate of occupancy, whichever shall occur first.

3. Section 348-8.11.1 (Driveways), Subsection A of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented as follows:

§ 348-8.11.1 Driveways.

A. All single-family and two-family dwellings shall be served by a driveway, either paved or unpaved, for purposes of providing parking required under § 348-8.200(15). Except as otherwise provided in § 348-8.20(I)(6) for residential zones on the barrier island, All-all driveways shall be a minimum of 10 feet and a maximum of 26 feet wide within the Township right-of-way. Turnarounds provided on lots that front on collector streets or higher, as classified in the Master Plan, shall not count toward maximum driveway width.

4. Section 348-10.28 (GB General Business Zone), Subsection E of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented to add subparagraph 11 as follows:

§ 348-10.28 GB General Business Zone.

E. Area, yard and building requirements

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection. Relief from this provision is a design waiver not a variance.

5. Section 348-10.29 (GB-MF General Business Multifamily Zone), Subsection A is amended and supplemented to amend subparagraph 5 and Subsection E is amended and supplemented to add subparagraph 11 to read as follows:

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

- A. Permitted Uses
 - (5) Single-family residences in accordance with the regulations of the R-40A Zone.
 - E. Area, yard and building requirements
 - (11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection. Relief from this provision is a design waiver not a variance.
6. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 348 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.
 7. If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.
 8. 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 Huryk, seconded by Council Member Turnbach and carried, with Council Members Hill, Huryk, Kubiel, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Member Maruca absent, that the foregoing Ordinance be adopted on first reading with publication notice as follows:

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on April 9, 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 23, 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, April 12, 2019.

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

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

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

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

1. Schedule "H" of Section 147-1 (Salary Ranges) of Chapter 147 (Salaries and Compensation) of the Code of the Township of Toms River, New Jersey (previously adopted pursuant to Ordinance No. 4576-18) is amended and supplemented to establish the position and salary of the following:

Radio Technician	\$2,600.00/Year
Clean Communities Coordinator	\$1,500.00/Year

2. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 147 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

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

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

5. This ordinance is not legislative in nature, and it does not need to be codified in the Code of the Township of Toms River, Ocean County, New Jersey.

A motion was made by Council Member Huryk, seconded by Council Member Turnbach and carried, with Council Members Hill, Huryk, Kubiel, Turnbach, and Council President Wittmann voting yes, and Council Member Rodrick voting no, and with Council Member Maruca absent, that the foregoing Ordinance be adopted on first reading with publication notice as follows:

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on April 9, 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 23, 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, April 12, 2019.

Ordinance was adopted on first reading with Council Members Hill, Huryk, Kubiak, Turnbach, and Council President Wittmann voting yes, and Council Member Rodrick voting no, and with Council Member Maruca absent.

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

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PUBLIC SALE OF A SIX-FOOT WIDE DRAINAGE EASEMENT ON PART OF TAX LOTS 259-262, BLOCK 1108.56 (3304 WINDSOR AVENUE) IN THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY TO A CONTIGUOUS PROPERTY OWNER PURSUANT TO N.J.S.A. 40A:12-13(b)(5)

WHEREAS, the Township Council of the Township of Toms River has determined that a six-foot wide drainage easement on a portion of Tax Lots 259-262, Block 1108.56 (3304 Windsor Avenue), (the "property"), hereinafter described on Schedule "A" and Schedule "B" attached hereto, constitutes real property with less than an eighth of the minimum size required for development under the Municipal Land Use Ordinance, and is without any township-owned capital improvement thereon; and

WHEREAS, there is only one property owner with real property contiguous to the property; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes the sale of municipally-owned property which is less than an eighth of the minimum size required for development under the Municipal Land Use Ordinance, and is without any township-owned capital improvement thereon, to the only owner having contiguous real property to the property being sold; and

WHEREAS, the Township Council has determined that this property is not needed for public use; and

WHEREAS, the Township Council is desirous of selling the property to the only owner of contiguous real property;

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

1. Pursuant to N.J.S.A. 40A:12-13(b)(5), the sale of a six-foot wide drainage easement on a portion of Tax Lots 259-262, Block 1108.56 (3304 Windsor Avenue) is authorized to the only owner of contiguous real property. This property to be sold is approximately a six-foot wide drainage easement, and is shown on attached Schedule "A" and Schedule "B".

2. The minimum acceptable bid price for the sale of this property is \$10,000.00.

3. The owner of real property contiguous to the property being sold may submit a written sealed bid for its purchase to Gail Catania, Purchasing Agent, on or before 11:00 a.m., on Thursday, June 6, 2019, at the Purchasing Office, 33 Washington Street, 2nd Floor, Toms River, N.J. The bid must be accompanied by payment of the total amount of the bid. Payment must be by cash, bank check, certified check, or cashier's check, payable to the Township of Toms River, in the amount of the total bid.

4. The sale is contingent and conditioned upon the purchaser consolidating Lots 259-262, Block 1108.56

5. This sale is made subject to such state of facts as an accurate survey may disclose, easements, conditions, covenants and restrictions of record, tenancies, leaseholds, rights of persons in possession, codes, regulations and ordinances of the

Township of Toms River or federal, state or county governments. No representations of any kind are made by the Township of Toms River as to the condition of the lands, and the property is being sold in its present condition on an "as is" basis.

6. The property will be conveyed to the successful bidder by a Quit Claim Deed.

7. The prospective bidder is placed on notice to consult appropriate public and private authorities as to the provision of utility services.

8. The Township Clerk shall post and advertise copies of the ordinance as required by N.J.S.A. 40A:12-13(b)(5).

9. A copy of this Ordinance shall be sent by the Township Clerk to the contiguous property owner and the Purchasing Division.

10. Subsequent to the Council adopting a resolution awarding the bid, the Mayor and Clerk are authorized to execute a deed and all other necessary documents to convey this property to the successful bidder.

11. 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.

12. Since this ordinance is not legislative in nature, it does not have to be Codified.

SCHEDULE A

UNDERSIZED NONCONFORMING SIZE LOT (DRAINAGE EASEMENT)

BEING A PART OF LOTS 259-262, BLOCK 1108.56, AS DESIGNATED

ON THE MUNICIPAL TAX MAP

BLOCK	LOT	MINIMUM PRICE
1108.56	Part of Lots 259-262 (6' wide drainage easement) See description/survey attached as Schedule "B"	\$10,000.00

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on April 9, 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 23, 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, April 12, 2019.

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

Introduction of Township 2019 Municipal Budget

A motion was made by Council Member Turnbach, seconded by Council Member Kubiel, and carried with Council Members Hill, Huryk, Kubiel, Turnbach, and Council President Wittmann voting yes, and Council Member Rodrick voting no, and with Council Member Maruca absent, **to introduce 2019 Municipal Budget.**

Council President announced presentation by Township Administrator Guardian and Township Chief Financial Officer Smith regarding budget for 2019.

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

Pat Klaslo, Ortley Beach, questioned regarding revenue from permits.

Toni Tomrazzo, Ortley Beach, questioned when open space was purchased. Township Administrator Guardian responded.

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

CONSENT AGENDA

Township Deputy Clerk Reynolds 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 Kubiel, seconded by Council Member Huryk, and carried with Council Members Hill, Huryk, Kubiel, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Member Maruca absent, to approve all the following items listed on the Consent Agenda, except item **P and S**, which were done separately.

R E S O L U T I O N

APRIL 9, 2019

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

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

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

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

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

NAME	BLOCK	LOT	Year	Amount
OTERO, SANDRA	510.15	10	2019/2	\$1,159.35

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

APRIL 9, 2019

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO A NEW JERSEY STATE TAX APPEAL, 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
WAWA@JONATHAN M. PREZIOSI ESQ.	815	41	2015/4	\$ 25,353.89
			2016/4	26,350.89
			2017/4	27,058.06
			2018/4	27,289.92
TOTAL				\$106,052.76

WAWA@JONATHAN M. PREZIOSI ESQ @ PEPPER HAMILTON LLP	1092.01	1.01	2016/4	\$12,269.65
			2017/4	12,598.93
			2018/4	12,706.89
TOTAL				\$37,575.47
TOTALS:				143,628.23

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

APRIL 9, 2019

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO HOME OWNER HAD A DIRECT WITHDRAWL AND NEVER TOLD THE TAX COLLECTOR TO DISCONTNUE THE DIRECT WITHDRAWL, AND;

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Year</i>	<i>Amount</i>
BAST, EDWIN	235.31	32	2019/1	\$1,412.91

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

APRIL 9, 2019

WHEREAS, the Tax Assessor was notified in May 2018 that Block 170 lots 4.01 and 4.35 located at 1851 WHITESVILLE AND 1755 WHITESVILLE ROAD ARE common elements. and

WHEREAS, the Tax Assessor has made both parcels common elements for 2019.

WHEREAS, The Tax Assessor has notified the Tax Collector that Block 170 Lots 4.01 and 4.35 should have been common elements for 2018.

WHEREAS, Block 170 Lots 4.01 and 4.35 taxes need to be cancelled for 2018 and any monies paid to be refunded..

NOW, THEREFORE BE IT RESOLVED THAT THE TAX COLLECTOR IS AUTHORIZED TO Cancel the 2018 taxes on Block 170 Lots 4.01 and 4.35 and refund any monies paid on both properties.

A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED BY THE OFFICE OF THE TOWNSHIP CLERK TO EACH OF THE FOLLOWING:

- A) **MAYOR THOMAS KELAHER**
- B) **TOWNSHIP COUNCIL**
- C) **BUSINESS ADMINISTRATOR**
- D) **CHIEF FINANCIAL OFFICER**
- E) **TOWNSHIP ATTORNEY**
- F) **TAX ASSESSOR**
- G) **TAX COLLECTOR**
- H) **PROPERTY OWNER**

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 AN AWARD OF CONTRACT TO SHORE TOP CONSTRUCTION AS THE LOWEST BIDDER MEETING ALL BID SPECIFICATIONS FOR THE VETERAN'S PARK PARKING LOT EXPANSION PROJECT, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$643,934.00

APRIL 9, 2019

WHEREAS, the Division of Purchasing of the Township of Toms River ("Township") has requested authorization to award a contract for Veteran's Park Parking Lot Expansion Project; and

WHEREAS, bids were received from the following vendors on March 28, 2019, for the Veteran's Park Parking Lot Expansion, and were reviewed by the Division of Purchasing and Division of Engineering, as follows:

<u>Vendors</u>	<u>Bid Total</u>	<u>Vendors</u>	<u>Bid Total</u>
	\$		\$
Shore Top Construction 390 Toms River Road Jackson, NJ 10038	643,934.00	Earle Asphalt Company P.O. Drawer 556 Farmingdale, NJ 07727	826,413.13

	\$		\$
James R lentile, Inc 28 Vanderburg Rd Marlboro, NJ 07746	703,431.00	Lighton Industries Inc 801 Corporate Circle, Suite 1 Toms River, NJ 08755	879,000.00
	\$		\$
CJ Hesse P.O. Box 207 Belford, NJ 07718	769,690.25	S & G Paving, Inc 224C Forsgate Drive Jamesburg, NJ 08331	899,392.00
	\$		\$
Mathis Construction 1510 Route 539 Suite 1 Little Egg Harbor, NJ 08087	797,986.00	Grade Construction 110 Pennsylvania Ave Paterson, NJ 07503	1,035,346.00

WHEREAS, recommendation has been made by the Division of Purchasing and Division of Engineering to award a contract to Shore Top Construction as the lowest bidder meeting all the bid specifications for the Veteran’s Park Parking Lot Expansion Project, for a total contract price not to exceed \$643,934.00;

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 awards a contract to Shore Top Construction for the Veteran’s Park Parking Lot Expansion Project as the lowest bidder meeting all the bid specifications, for a total contract price not to exceed \$643,934.00. The award of this contract is subject to all the terms and conditions of the bid specifications.

2. Funds in the amount not to exceed \$643,934.00 are available in the following accounts:

X-04- -242-002	\$	400,000.00
X-04- -213-003	\$	226,181.28
X-04- -201-001	\$	17,752.72

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

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

- a) Division of Purchasing
- b) Chief Financial Officer
- c) Township Attorney
- d) Division of Engineering
- e) All aforementioned bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the Veteran’s Park Parking Lot Expansion Project awarded to Shore Top Construction for a total contract price not to exceed \$643,934.00 are available in the following accounts:

X-04- -242-002	\$	400,000.00
X-04- -213-003	\$	226,181.28
X-04- -201-001	\$	17,752.72

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 E. SMITH
CHIEF FINANCIAL OFFICER

Dated: April 9, 2019

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

APRIL 9, 2019

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

WHEREAS, only one bid was received on March 28, 2019, as follows:

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

1. Percentage Bid to be retained by the Bidder (Service Supplier)	19%
2. Percentage (balance) to be remitted to the Township of Toms River	81%
TOTAL:	100%

WHEREAS, the bid received was reviewed by the Division of Purchasing, Finance Department and the Department of Police, and it is their recommendation to award a contract to PM AM Corporation, as sole bidder, who meets all the bid;

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

1. It hereby awards a contract for Alarm Registration and Management Services for the Toms River Police Department to PM AM Corporation, as sole bidder, who meets all of the bid specifications, for a two (2) year term, commencing retroactive to January 24, 2019 through January 23, 2021. The award of this contract is subject to all the terms and conditions of the bid specifications.

2. Pursuant to N.J.S.A. 40A:11-15, this contract may be extended for no more than one (1) two-year, or two (2) one-year, extensions, after the expiration of the original contract period, contingent upon the approval of the Township Council by resolution with the agreement of the Contractor. Contract extensions shall be subject to the availability and appropriation of funds for each year the contract is to be extended. All terms and conditions of the contract shall remain the same. Any price changes authorized on contract extensions shall be pursuant to N.J.S.A. 40A:11-15.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD
OF OPEN-ENDED CONTRACTS TO ACTION UNIFORM COMPANY; LANIGAN
ASSOCIATES, INC.; AND KEYPORT ARMY NAVY, WHO MEET ALL OF THE BID
SPECIFICATIONS, FOR THE SUPPLY OF UNIFORM AND SPECIALTY ITEMS
FOR SCHOOL CROSSING GUARDS, BICYCLE POLICE, AUXILIARY POLICE,
DISPATCHERS, BOOKING OFFICERS, MOTORCYCLE POLICE, COMMUNITY
SERVICE OFFICERS; AND ANIMAL CONTROL OFFICERS**

APRIL 9, 2019

WHEREAS, bids were invited on March 14, 2019 for the Supply of Uniform and Specialty Items for School Crossing Guards, Bicycle Police, Auxiliary Police, Dispatchers, Booking Officers, Motorcycle Police, Community Service Officers, and Animal Control Officers; and

WHEREAS, bids were received, as follows:

Action Uniform Company
3164 Fire Road
Egg Harbor Township, NJ 08234

Keyport Army Navy
PO Box 985
Brick, NJ 08723

Lanigan Associates, Inc.
496 Shrewsbury Avenue
Tinton Falls, NJ 07701

Galls, LLC
1340 Russel Cave Road
Lexington, KY 40505

WHEREAS, the bids have been reviewed by the Purchasing Division, Department of Police, Office of Emergency Management, Animal Shelter, and Information Technology, and they have recommended that the award of contracts be made, as follows:

Action Uniform Company – Item Nos. 1-12, 18-22, 25-88, 91, 99-106, 111-129, 142, 143, 145-155, 170, 171, 173-206, and 224-228.

Keyport Army Navy – Item Nos. 13-17, 23, 24, 92-98, 207-211, and 214-223.

Lanigan Associates, Inc. – Item Nos. 89, 90, 107-110, 130, 137-144, 156-169, and 172.

The bid received from Galls, LLC, was rejected because they did not submit their entire Statement of Ownership Disclosure form, therefore, rendering them unresponsive.

Item No. 167 was a tie bid and awarded by coin toss.

Item Nos. 131-136, 212, and 213 received no bids and will be rebid.

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 Uniform and Specialty Items for School Crossing Guards, Bicycle Police, Auxiliary Police, Dispatchers, Booking Officers, Motorcycle Police, Community Service Officers, and Animal Control Officers, as follows:

Action Uniform Company – Item Nos. 1-12, 18-22, 25-88, 91, 99-106, 111-129, 142, 143, 145-155, 170, 171, 173-206, and 224-228.

Keyport Army Navy – Item Nos. 13-17, 23, 24, 92-98, 207-211, and 214-223.

Lanigan Associates, Inc. – Item Nos. 89, 90, 107-110, 130, 137-144, 156-169, and 172.

The bid received from Galls, LLC, was rejected because they did not submit their entire Statement of Ownership Disclosure form, therefore, rendering them unresponsive.

Item No. 167 was a tie bid and awarded by coin toss.

Item Nos. 131-136, 212, and 213 received no bids and will be rebid.

Term of contract: One (1) year, commencing April 23, 2019 through April 22, 2020. 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. These contracts are subject to all terms and conditions of the bid specifications.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) Office of Emergency Management
- f) Animal Shelter
- g) Information Technology
- h) Aforementioned bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contracts awarded to Action Uniform Company, Lanigan Associates, Inc., and Keyport Army Navy, are contingent upon the availability of funds in the appropriate municipal budget year.

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: April 9, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF OPEN-ENDED CONTRACTS TO DOT DESIGNING LLC; EAST COAST DESIGNS UNLIMITED LLC; AND KEYPORT ARMY NAVY, WHO MEET ALL THE BID SPECIFICATIONS, FOR THE SUPPLY OF WORK, SPORT AND LIFEGUARD CLOTHING FOR VARIOUS DEPARTMENTS IN THE TOWNSHIP

APRIL 9, 2019

WHEREAS, bids were invited on March 6, 2019 for the Supply of Work, Sport and Lifeguard Clothing for Various Departments in the Township; and

WHEREAS, bids were received, as follows:

Dot Designing LLC
242 Possum Hollow Road
Monroe Township, NJ 08831

East Coast Designs Unlimited LLC
90 Columbus Avenue
Hasbrouk Heights, NJ 07604

Keyport Army Navy
PO Box 985
Brick, NJ 08723

WHEREAS, the bids have been reviewed by the Purchasing Division, and recommendation has been made to award open-ended contracts, to the following vendors:

Dot Designing LLC – Item Nos. 13-26, 28, 29, 31-34, 32, 41, 71, 73, 76-78, 80, 88-100, 103-105, 107, 109, 110, 112, 113, and 115-124.

East Coast Designs Unlimited LLC – Item Nos. 1, 36, 72, 81.

Keyport Army Navy – Item Nos. 2-9, 11, 12, 30, 37-40, 42-54, 56-69, 74, 75, 79, 108, 114, 125, and 126.

Item Nos. 27, 55, 82-87, 101, 102, 106, 111, and 127 received no bids and will be rebid.

Item Nos. 10 and 35 were rejected because the specifications were not met and will not be rebid. Quotes will be obtained prior to purchase, if necessary.

Item No. 81 was awarded to the second lowest bidder because the lowest bidder did not meet the specifications;

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 Work, Sport and Lifeguard Clothing for Various Departments in the Township, to the following vendors, who meet all the bid specifications:

Dot Designing LLC – Item Nos. 13-26, 28, 29, 31-34, 32, 41, 71, 73, 76-78, 80, 88-100, 103-105, 107, 109, 110, 112, 113, and 115-124.

East Coast Designs Unlimited LLC – Item Nos. 1, 36, 72, 81.

Keyport Army Navy – Item Nos. 2-9, 11, 12, 30, 37-40, 42-54, 56-69, 74, 75, 79, 108, 114, 125, and 126.

Item Nos. 27, 55, 82-87, 101, 102, 106, 111, and 127 received no bids and will be rebid.

Item Nos. 10 and 35 were rejected because the specifications were not met and will not be rebid. Quotes will be obtained prior to purchase, if necessary.

Item No. 81 was awarded to the second lowest bidder because the lowest bidder did not meet the specifications;

The contract term shall commence on April 24, 2019 through April 23, 2020. 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. The award of these contracts are subject to all terms and conditions of the bid specifications.

2. The Purchasing Division is authorized to advertise for rebids for items which did not receive bids.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) Emergency Management
- f) Public Works Department
- g) Parks, Buildings & Grounds
- h) Recreation Department
- i) Senior Center
- j) Youth Center
- k) Winding River Ice Skating Rink
- l) Bey Lea Golf Course
- m) Animal Shelter

n) All Aforementioned Bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contracts awarded to Keyport Army Navy, Dot Designing LLC, and East Coast Designs Unlimited LLC, are contingent upon availability of funds in the appropriate municipal budget.

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: April 9, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE PURCHASING DIVISION TO ADVERTISE FOR AND RECEIVE BIDS FOR A 2019 WHITE GOODS TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS

APRIL 9, 2019

WHEREAS, the Township of Toms River is desirous of receiving bid(s) for the following items/project:

2019 WHITE GOODS TRUCK 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. The Purchasing Division is hereby authorized to prepare bid specifications for the above-mentioned items/project.
2. The Purchasing Division of the Township of Toms River is hereby authorized to advertise for the receipt of bids for the above-mentioned items/project.
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) Public Works Department

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE DIVISION OF PURCHASING DIVISION TO DISPOSE OF ITEMS NOT SOLD AT AUCTION OR SOLD AND UNCLAIMED, WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP

APRIL 9, 2019

WHEREAS, the Division of Purchasing is requesting authorization to dispose of any or all items not sold at auction or not sold and unclaimed, which are no longer needed for public use or by the Township; and

WHEREAS, items such as door panels and car seats were approved for auction by resolution, did not sell or sold and were not picked up and will be disposed of by recycling where possible;

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 Division of Purchasing to dispose of any or all items not sold at auction or not sold and unclaimed, which are no longer needed for public use or by the Township

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

- a) Purchasing Division
- b) Township Attorney
- c) Chief Financial Officer

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF A BACKUP YORK COMPRESSOR FROM RESOLUTE INDUSTRIAL HOLDINGS LLC, FOR THE WINDING RIVER ICE SKATING RINK, IN THE AMOUNT NOT TO EXCEED \$19,621.00 PLUS SHIPPING

APRIL 9, 2019

WHEREAS, the Purchasing Division has requested the Township to authorize the Purchase of a Backup York Compressor for the Winding River Ice Skating Rink from Resolute Industrial Holdings, LLC; and

WHEREAS, Resolute Industrial Holdings, 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

WHEREAS, the Township Council of the Township of Toms River, has determined that it is the best interest of the Township of Toms River to authorize the purchase of a Backup York Compressor for the Winding River Ice Skating Rink;

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

1. It hereby authorizes the Purchase of a Backup York Compressor for the Winding River Ice Skating Rink from Resolute Industrial Holdings, in the total maximum contract amount not to exceed \$19,621.00 plus Shipping.

2. Funds for this purchase, in the total maximum amount not to exceed \$19,621.00 plus Shipping, are available in Account No. X-04- -223-007. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Recreation Department
- e) Winding River Ice Skating Rink
- f) Resolute Industrial Holdings LLC
298 Messner Drive
Wheeling, IL 60090

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with Resolute Industrial Holdings LLC, in the total maximum not to exceed \$19,621.00 plus Shipping, are available in Account No. X-04- -223-007,

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: April 9, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE DIVISION OF PURCHASING TO UTILIZE THE HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE PURCHASING SYSTEM (HGAC-BUY, CONTRACT NO. AM10-18) FOR THE PURCHASE ONE (1) AMBULANCE REMOUNT FROM VCI EMERGENCY VEHICLE SPECIALISTS, FOR THE OFFICE OF EMERGENCY MANAGEMENT, IN THE TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$170,446.32

APRIL 9, 2019

WHEREAS; the Township of Toms River is a member of the Houston-Galveston Area Council Cooperative Purchasing System (HGAC-Buy), as authorized by N.J.S.A. 40A:11-11; and

WHEREAS, pursuant to bids received, a contract was awarded to VCI Emergency Vehicle Specialists by the HGAC-Buy, of which Toms River Township is an active participant, as authorized by N.J.S.A. 40A:11-11; and

WHEREAS, the Purchasing Division is requesting authorization to Purchase One (1) Ambulance Remount for the Office of Emergency Management, from VCI Emergency Vehicle Specialists, using HGAC-Buy, Contract No. AM10-18, in the maximum purchase price amount not to exceed \$170,446.32;

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

1. It hereby authorizes the Purchase of One (1) Ambulance Remount for the Office of Emergency Management from VCI Emergency Vehicle Specialists, using HGAC-Buy, Contract No. AM10-18, in the total contract amount not to exceed \$170,446.32.

2. Funds for this purchase in the amount of \$170,446.32, are available in Account No. X-04- -243-005. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Office of Emergency Management
- e) VCI Emergency Vehicle Specialists
43 Jefferson Avenue
Berlin, NJ 08009

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with VCI Emergency Vehicle Specialists, in the total maximum contract price not to exceed \$170,446.32, are available Account No. X-04- -243-005.

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 accounts at that time.

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: April 9, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO PURCHASE MAINTENANCE OF MOTOROLA RADION COMMUNICATIONS EQUIPMENT FOR THE DEPARTMENT OF POLICE FROM VENDOR WITH STATE CONTRACT, USING STATE CONTRACT NO. T-0109, VENDOR NO. 83909, FROM MOTOROLA SOLUTIONS, INC. C/O WIRELESS COMMUNICATIONS ELECTRONICS, IN THE TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$47,256.00 ANNUALLY

APRIL 9, 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. In accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.4, (which allows for purchases without competitive bids from the New Jersey State Contract), and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State contract are hereby approved.

2. Contract for the Purchase of Maintenance of Motorola Radio Communications Equipment for the Department of Police, using State Contract No. T-0109, Vendor No. 83909, from the following vendor:

Motorola Solutions, Inc.
c/o Wireless Communications Electronics
153 Cooper Road
West Berlin, NJ 08091

3. Term of contract shall be one year upon date of approval or April 1, 2019 through April 1, 2020.

4. Total cost will be 12 months at \$3,938.00, for a total of \$47,256.00 annually. Funds in the amount of \$47,256.00, are available in Account No. 9-01- -P40-549 - \$20,000.00, and Account No. 9-01- -P45-549 - \$27,256.00.

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department

- e) Motorola Solutions, Inc.
c/o Wireless Communications Electronics
153 Cooper Road
West Berlin, NJ 08091

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract for vendor with State contract, Motorola Solutions, Inc. c/o Wireless Communications Electronics, in the total maximum contract amount not to exceed \$47,256.00 annually – 12 months at \$3,938.00, are available in Account No. 9-01- -P40-549 - \$20,000.00 and Account No. 9-01- -P45-549 - \$27,256.00.

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: April 9, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO PURCHASE ONE (1) FORD TRANSIT WAGON FOR THE DEPARTMENT OF POLICE FROM VENDOR WITH STATE CONTRACT, USING STATE CONTRACT NO. T-2006, VENDOR NO. 88231, FROM BEYER FORD, IN THE TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$31,609.00

APRIL 9, 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. In accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.4, (which allows for purchases without competitive bids from the New Jersey State Contract), and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State contract are hereby approved.

2. Contract for the Purchase of One (1) Ford Transit Wagon for the Department of Police, using State Contract No. T-2006, Vendor No. 88231, from the following vendor:

Beyer Ford
170 Ridgedale Avenue
Morristown, NJ 07960

2019 Ford Transit Wagon T-350 148" High Roof XL (15 Passenger)	\$30,034.00		\$30,034.00
544 Heated Power Mirrors/Turn Signals & Long Arm	\$ 220.00	10%	\$ 198.00
57N Rear Window Defroster	\$ 175.00	10%	\$ 157.50
43R Reverse Sensing System	\$ 295.00	10%	\$ 265.50
43B Back Up Alarm	\$ 125.00	10%	\$ 112.50
68H Running Boards	\$ 160.00	10%	\$ 144.00

Exterior Color: Ingot Silver	\$ 150.00	10%	\$ 135.00
86F 2 Additional Keys (four total)	\$ 75.00	10%	\$ 67.50
Vehicle Undercoating (Quoted)	\$ 495.00		\$ 495.00
TOTAL:			\$31,609.00

3. Funds in the amount of \$31,609.00, are available in Account No. X-04- -243-002.

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) Beyer Ford
170 Ridgedale Avenue
Morristown, NJ 07960

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract for vendor with State contract, Beyer Ford, in the total maximum contract amount not to exceed \$31,609.00, are available in Account No. X-04- -243-002.

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: April 9, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO
ADVERTISE FOR AND RECEIVE BIDS FOR A TECHNICAL ASSISTANT CONTRACTOR
FOR PUBLIC ASSISTANCE/FEMA PROGRAM SERVICES**

APRIL 9, 2019

WHEREAS, the Township of Toms River is desirous of receiving bid(s) for the following items/project.

**TECHNICAL ASSISTANT CONTRACTOR FOR PUBLIC ASSISTANCE/FEMA
PROGRAM SERVICES**

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

1. The Purchasing Division is hereby authorized to advertise and receive bids for the above-mentioned items/project.

2. The contract will be open ended and costs subject to FEMA reimbursement.

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) Office of Emergency Management

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

APRIL 9, 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) Don Guardian, Business Administrator
- c) Christine Manolio, Chief Financial Officer
- d) Carl Dileo, Tax Collector
- e) Kenneth B. Fitzsimmons, Township Attorney
- f) John Winton, Housing & Property Maintenance
- g) Craig Ambrosio, Director, Parks, Buildings & Grounds
- h) Vaneckelen, Evert @ P Hernandez

10 Harding Avenue
Toms River, NJ 08753

SCHEDULE "A"

CERTIFICATION OF COSTS

	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TOTAL</u>
1.	817	27	10 Harding Avenue	\$505.16

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

AMENDED RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, DATED MARCH 26, 2019, 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

(THE PURPOSE OF THIS AMENDED RESOLUTION IS TO CHANGE AWARD OF ITEM NO. 9 FROM VIP COPY & PRINTING CENTER TO PAPER MART INC.)

APRIL 9, 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. The purpose of this amended resolution is to correct the award of Item No. 9 from VIP Copy & Printing Center to Paper Mart, Inc.

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

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

AMENDED 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: April 9, 2019

RESOLUTION DECLARING HOTEL LICENSE 1507-36-007-008 FORMERLY ISSUED TO THE BRANDY QUINN, INC. D//A RED ROOF INN – TP HOTEL TO BE A DEAD LICENSE

APRIL 9, 2019

WHEREAS, Hotel License 150-36-007-008 formerly issued to Brandy Quinn, Inc. and

WHEREAS, the foresaid Hotel has been shut down by the Toms River Township and

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 declares Hotel License 1507-36-007-008, formerly issued to Brandy Quinn Inc. d/b/a Red Roof Inn – TP Hotel a dead license.

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) Bureau of Fire Prevention
- e) State of New Jersey
Division of Alcoholic Beverage Control
140 East Front Street
P.O. Box 087
5th Floor
Trenton, NJ 08625-0087
- f) NJ Division of Taxation
PO Box 999
Trenton, NJ 08646-09999

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 825 Lots 18 AND 19 (104 Garfield Avenue)

April 9, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 825, Lots 18 & 19.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$500.00 which represents the initial required escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by PRP Properties, LLC., its successors and assignees, with all terms set forth in the preamble

hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. PRP Properties, LLC
108 Arrowhead Park Drive
Brick, NJ 08724

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, BLOCK 571, LOTS 1, 3, 60 AND 88 (Bey Lea Road)

April 9, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Fairways at Bey Lea, Block 571, Lot 1, 3, 60 & 88.

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 # UB-1006025 in the amount of \$87,000.00 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, LLC
1065 Route 22 West
Bridgewater, NJ 08807
Attn: Nancy Campanella

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, BLOCK 571, LOT 89 (Bey Lea Road)

April 9, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Fairways at Bey Lea, 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 # FP001483OM in the amount of \$91,267.50 is hereby released;

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

- e. Township Engineer
- f. Chief Financial Officer
- g. Township Attorney
- h. Fairways at Bey Lea, LLC
1065 Route 22 West
Bridgewater, NJ 08807
Attn: Kenneth S/ Pizzo, Sr.

RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION “ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1967,” PURSUANT TO N.J.S.A. 40a:4-5.

APRIL 9, 2019

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

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

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

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

SCHEDULE A

GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF
COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION'S

"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"

GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES

NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF OCEAN

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

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

GEORGE WITTMANN, Council President

MAURICE HILL, Council Vice-President

LAURIE HURYK, Councilwoman, Ward 3

BRIAN KUBIEL, Councilman-at-Large

MARIA MARUCA, Councilwoman, Ward 1

DANIEL RODRICK, Councilman, Ward 2

TERRANCE TURNBACH, Councilman, Ward 4

Sworn to and subscribed before me this
_____ day of _____
Notary Public of New Jersey

Clerk

A motion was made by Council Member Kubiel, seconded by Council Member Turnbach, and carried with Council Members Hill, Huryk, Kubiel, Rodrick, and Council

Member Turnbach voting yes, and Council Member Wittmann abstaining, and with Council Member Maruca absent, to approve the following Resolution.

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE
TOWNSHIP CLERK TO ATTEST TO A SHARED SERVICES AGREEMENT BETWEEN THE
TOWNSHIP OF TOMS RIVER AND THE TOWNSHIP OF BERKELEY, FOR
CONFLICT INSPECTION SERVICES**

APRIL 9, 2019

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

1. The Mayor is authorized to execute and the Township Clerk to attest to a Shared Services Agreement between the Township of Toms River and the Township of Berkeley for Conflict Inspection Services, commencing retroactive to April 1, 2019 and terminating on March 31, 2023.

2. A copy of the Shared Services Agreement 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) Mayor Thomas Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Purchasing Division
- g) Construction Code Official
- h) Building Department
- i) Township of Berkeley
627 Pinewald-Keswick Road
PO Box B
Bayville, NJ 08721
Attn: Beverly M. Carle
Township Clerk

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, ACCEPTING REDUCED PERFORMANCE
GUARANTEES FOR A MINOR SUBDIVISION PLAN KNOWN AS KRUPNICK,
BLOCK 105, LOTS 1, 2 AND 3 (Norma Place)**

April 9, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Krupnick, Block 105, Lots 1, 2 & 3.

WHEREAS, Reduced Performance Bonds have been posted as follows:

- 1) Check in the amount of \$13,250.00 submitted by Arya Properties, LLC, is to remain on account to represent the Reduced Performance 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) The bonds set forth in the preamble hereto are hereby approved.
- 2) CD in the amount of \$69,000.00 in account # X-18 -101-425, 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. Sydney Krupnick
1400 River Avenue
Lakewood, NJ 08701
Attn: Alan Krupnick
- e. Arya Properties, LLC
130 Central Avenue
PO Box 145
Island Heights, NJ 08732

REPORTS

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

	2019	2018
Bey Lea Golf Course – March	\$84,462.68	\$55,422.29
Bey Lea Golf Course – YTD through March	\$141,766.92	\$119,447.13
Winding River Ice Rink – March	\$122,171.72	\$114,445.81
Winding River Ice Rink – YTD through March	\$308,829.43	\$326,785.82
Building Permits - March	\$200,184.00	\$196,106.00
Building Permits – YTD through March	\$639,859.00	\$563,152.00

APPROVAL OF BILLS

Council President Wittmann asked for a report on the bills.

The Bill List, dated **April 5, 2019** was approved on motion by Council Member Kubiel, seconded by Council Member Turnbach, and carried with Council Members Hill, Huryk, Kubiel, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Member Maruca absent. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 19-01446 & 19-01444, payable to Arya Properties LLC., in the amount of \$757.50.

Purchase Order 19-01446 & 19-01444, payable to Toms River Yacht Club in the amount of \$2,445.00.

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

Purchase Order 19-01525, 19-01526, 19-01527, 19-01528 and 19-01530, payable to Owen Little & Association Inc. in the amount of \$16,329.50.

Purchase Order 19-01801, payable to Saint Lukes Church in the amount of \$3,123.00.

Purchase Order 19-00861, payable to Toms River Board of Education in the amount of \$800.00.

Purchase Order 19-01693, payable to Toms River Schools in the amount of \$1,625.00.

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

Purchase Order 17-00117, 19-01305, 19-01444, & 19-01675, payable to Remington & Vernick Engineers in the amount of \$28,649.84.

Purchase Order 19-01693, payable to Recreation Salaries in the amount of \$8,350.12.

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

Purchase Order 19-00863, 19-01303 & 19-01446, payable to Dasti & McGuckin in the amount of \$7,303.50.

Purchase Order 19-00909, 19-00994 & 19-01511, payable to Gregory McGuckin in the amount of \$8,586.00.

Purchase Order 19-01693, payable to Magistrate Salaries in the amount of \$7,635.44.

Purchase Order 19-01158, payable to James J. Guck in the amount of \$500.00.

Purchase Order 19-01635, payable to Municipal Judges Association in the amount of \$100.00.

ELECTED OFFICIALS COMMENTS

Mayor Kelaher had no comments.

Council Member Turnbach congratulated Nick Zorojew on the birth of his son. He also spoke regarding Haven/Beat the Streets.

Council Member Huryk spoke regarding Arts Program ; Exit 82; Grunin Center at the College; Haven Beats The Streets.

Council Member Hill congratulated Nick Zorojew on the birth of his son. He also spoke regarding Arts Update; Exit 82; Jay and Linda Grunin Center; Don Guardian and Sharon Smith for the budget presentation; opening of Little League, and church spaghetti dinner.

Council Member Rodrick spoke regarding taxes; insurance premiums, and comments on number of confidential employees..

Council Member Kubiak had no comments.

Council Member Wittmann spoke regarding PBA blood drive; bike paths grant, and budget challenges

PUBLIC COMMENTS

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

Toni Ann Tomarazzo, Ortley Beach, spoke regarding Surf Club.

Pat Klaslo, Ortley Beach, spoke regarding mobi mats; Surf Club, and Open Space.

Debbie Martin, Ortley Beach, spoke regarding Surf Club property; beach badges, and open space.

Anthony Devecka, 60 Main Street, spoke regarding taxes; open spaces; and adding skate park to the budget.

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

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

RESOLUTION

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

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

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

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

Matters of Personnel
Land Acquisitions
Contract Negotiations

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

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

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

The Council **reconvened** the public portion at 8:59 P.M., a motion was made by Council Member Rodrick, seconded by Council Member Huryk, and carried with Council Members Hill, Huryk, Kubiell, Rodrick, Turnbach, and Council Present Wittmann voting yes, and with Council Member Maruca absent.

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

**RESOLUTION APPROVING
EXECUTIVE SESSION MINUTES**

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

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

1. The following Executive Session Minutes are approved:

March 26, 2019 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 9:00 P. M., on motion with Council Member Turnbach, seconded by Council Member Huryk, and carried with Council Members Hill, Huryk, Kubiel, Rodrick, Turnbach, and with Council President Wittmann voting yes, and with Council Member Maruca absent..

GEORGE WITTMANN, COUNCIL PRESIDENT

ALISON CARLISLE, TOWNSHIP CLERK