

April 13, 2021

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

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

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

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

This meeting is convened in accordance with the provisions of the Open Public Meetings Act of New Jersey. Let the official Minutes reflect that adequate notice of this meeting has been provided by publishing a notice in the Asbury Park Press on Friday, January 8, 2021, the Press of Atlantic City and the Star Ledger and also forwarded to the Toms River Times, Toms River Patch and WOBN News on Wednesday, January 6, 2021, and thereafter posting same on the Town Hall bulletin board for such notices, and filing same with the Township Clerk, pursuant to a resolution adopted by the Township Council on Tuesday, January 5, 2021. The meeting dates have also been posted on the Township web page.

Roll Call:

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

**APPROVAL OF MINUTES**

A motion was made by Council Member Huryk, seconded by Council Member Maruca, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach and Council President Geoghegan voting yes, and with Council Members Rodrick absent, to approve the **Special Meeting of March 30, 2021**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof

A motion was made by Council Member Maruca, seconded by Council Member Kopp, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes, to approve the **Regular Meeting of March 23, 2021**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof

**HONORING RESOLUTIONS AND PRESENTATIONS**

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

Councilwoman Huryk presented Emily Miceli's Gold Award.

**Township of Toms River**  
**Proclamation**  
**Girl Scout Gold Award**  
**April 13, 2021**

*WHEREAS, **Emily Miceli** 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, Emily has been a member of the Girl Scouts of the Jersey Shore for over eleven years. She has been with the same troop since first grade and has worked extremely hard to earn her Bronze, Silver, and Gold Award; and*

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

*WHEREAS, Emily's Gold Award Project, entitled "**The Power of Music-Bringing Therapeutic Music to the Community One Music Note at a Time**", was accomplished by dedicating over 100 hours to complete her project and being able to bring therapeutic music to her community through Music Pharmacy, volunteering at a local memory care facility, and a self-designed Girl Scout Program. Music Pharmacy is a program she brought to her local hospital's oncology unit through a collaboration with Musicians on Call. The program provides headphones and tablets loaded with music to hospitals so patients can benefit from music during their treatment. Her program for local Girl Scouts was a huge success as she informed them of the definition of Music Therapy, its many benefits, and some fun activities to demonstrate the power of music. Emily's time with the residents at a local memory care facility brought her many proud moments as she created personalized monthly music programs where they would sing and play music together or play fun musically-inspired games and, although her Gold Award Project is complete, Emily continues to volunteer and meet virtually with the residents; 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, **Emily Miceli** has successfully completed all requirements to receive the Girl Scout Gold Award.*

*NOW, THEREFORE, I, **Maurice B. Hill**, Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate **Emily Miceli** on her achievement in receiving the Girl Scout Gold Award.*

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**Mayor Maurice B. Hill, Jr.**

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**Kevin M. Geoghegan, Council President**

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**Laurie A. Huryk**

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**Joshua D. Kopp**

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**Matthew W. Lotano**

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**Maria Maruca**

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**Daniel T. Rodrick**

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**Terrance L. Turnbach**

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Council President Geoghegan presented National Library Week to representative of Ocean County Library.

# Township of Toms River

## Proclamation

### National Library Week 2021

**WHEREAS**, libraries of all types are at the heart of their cities, towns, schools, and campuses, serving their communities and;

**WHEREAS**, today's libraries and their services extend far beyond the four walls of a building and everyone is welcome to use their resources and;

**WHEREAS**, libraries offer opportunities for everyone to explore new worlds through access to technology, multimedia content, and educational programs and;

**WHEREAS**, libraries have long served as trusted and treasured institutions of the community and;

**WHEREAS**, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week.

**NOW, THEREFORE**, be it resolved that We, Mayor Maurice B. Hill, and Kevin M. Geoghegan, Council President of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, proclaim National Library Week April 4-10, 2021. During this week, we encourage all residents to visit the Ocean County Library online to access resources and services.

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*Mayor Maurice B. Hill, Jr.*

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*Kevin M. Geoghegan  
Council President*

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*Laurie A. Huryk*

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*Joshua D. Kopp*

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*Matthew W. Lotano*

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*Maria L. Maruca*

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*Daniel T. Rodrick*

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*Terrance L. Turnbach*

**2021 Municipal Budget Public Hearing**

President Geoghegan announced the Public Hearing of the Budget.

Township Chief Financial Officer Davidson explained this is just a public hearing and asked if there were any questions.

Art Anderson, 12 Park Street, spoke regarding the budget.

Councilman Rodrick asked if money granted to Township of the Federal Cares Act would be able to be used by the schools.

Township Chief Financial Officer Davidson responded and said there is no answer at this time to that question.

No further comments from the public appearing, a motion was made by Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes, to close the **2019 Municipal Budget Public Hearing**.

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

Resolution of the Township of Toms River,  
County of Ocean, State of New Jersey, to Amend 2021  
Introduced Budget in accordance with the Provision of  
NJSA 40A:4-9

April 13, 2021

WHEREAS, the local municipal budget for 2021 was approved on the 9<sup>th</sup> day of March, and;

WHEREAS, the public hearing on said budget was advertised on March 12, 2021, and

WHEREAS, it is desired to amend said approved budget; and,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Toms River, County of Ocean that the following amendments to the approved 2021 budget be made:

**CURRENT FUND:**

|                                      | <b>ANTICIPATED REVENUES</b>   | <b>FCOA</b> | <b>From</b>         | <b>To</b>     |
|--------------------------------------|---|-------------|---------------------|---------------|
| <b><u>Miscellaneous Revenues</u></b> |   |             |                     |               |
| 3                                    | Section F: Special Items of Revenue   |             |                     |               |
| ·                                    | Anticipated with Prior Written consent of Director of Local Government Services- Public and Private Revenues: |             |                     |               |
|                                      | Municipal Alliance  | 10-506      |                     | \$26,033.00   |
|                                      | Recycling Tonnage   | 10-569      |                     | 240,939.00    |
|                                      | OCCARES Grant   | 10-857      |                     | 55,898.00     |
|                                      | NJDEP – Equipment Modernization Program   | 10-579      |                     | 562,000.00    |
| 6                                    | Amount to be Raised by Taxes for Support of Municipal Budget  | 07-190      | \$88,122,127.7<br>2 | 88,115,061.65 |

|                               |  |        |                       |                       |
|-------------------------------|--|--------|-----------------------|-----------------------|
| 7                             |  |        | \$135,205,457.        | \$136,083,261.        |
| .                             | Total General Revenues                             | 13-299 | <u>25</u>             | <u>18</u>             |
| <b>GENERAL APPROPRIATIONS</b> |  |        |                       |                       |
| 8                             | (A) Operations - Within "CAPS"                     |        |                       |                       |
| .                             | Municipal Alliance - Salaries & Wages              | 27-331 | \$36,400.00           |                       |
| 8                             | (E ) Deferred Charges and Statutory Expenditures - |        |                       |                       |
| .                             | Municipal within "CAPS"                            |        |                       |                       |
|                               | (1) Deferred Charges                               |        |                       |                       |
|                               | Anticipated Deficit - Ice Rink Utility             | 46-860 | 500,000.00            | \$527,020.00          |
|                               | (H-1) Total General Appropriations for Municipal   |        |                       |                       |
|                               | Purposes within "CAPS"                             |        | <u>99,663,416.00</u>  | <u>99,654,036.00</u>  |
|                               | (A) Operations -Excluded from "CAPS"               |        |                       |                       |
|                               | Shared Service Agreements                          |        |                       |                       |
|                               | TRBOE Trash  | 42-118 | 234,000.00            | 230,000.00            |
|                               | Public and Private Programs Offset by              |        |                       |                       |
|                               | Revenues:  |        |                       |                       |
|                               | Municipal Alliance                                 | 41-506 |                       | 26,033.00             |
|                               | Municipal Alliance – Match                         | 41-506 |                       | 6,508.25              |
|                               | Recycling Tonnage                                  | 41-569 |                       | 240,939.00            |
|                               | OCCARES Grant                                      | 41-857 |                       | 55,898.00             |
|                               | NJDEP – Equipment Modernization                    |        |                       |                       |
|                               | Program  | 41-579 |                       | 562,000.00            |
| 8                             | Total Shared Service Agreements                    | 42-999 | <u>578,121.00</u>     | <u>574,121.00</u>     |
| 8                             | Total Public and Private Programs Offset           |        |                       |                       |
| .                             | by Revenue   | 40-999 | <u>7,097,998.53</u>   | <u>7,989,376.78</u>   |
| 8                             | Total Operation - Excluded from "CAPS"             | 34-305 | <u>10,845,119.53</u>  | <u>11,732,497.78</u>  |
| 8                             | (M) Reserve for Uncollected Taxes                  | 50-899 | <u>9,037,255.64</u>   | <u>9,037,061.32</u>   |
|                               | Total General Appropriations                       | 34-499 | <u>\$135,205,457.</u> | <u>\$136,083,261.</u> |
|                               |  |        | <u>25</u>             | <u>18</u>             |

**DEDICATED ICE RINK UTILITY BUDGET**  
**DEDICATED REVENUES FROM GOLF COURSE**  
**UTILITY**

|     |                               | FCOA   | From         | To          |
|-----|-------------------------------|--------|--------------|-------------|
| 10. | Operating Surplus Anticipated | 08-501 | \$207,020.00 | \$80,000.00 |
| 10. | Ice Rink Fees                 | 08-512 | 425,000.00   | 525,000.00  |
| 10. | Deficit (General Budget)      | 08-549 | 500,000.00   | 527,020.00  |

|     |                                 |        |                       |                       |
|-----|---------------------------------|--------|-----------------------|-----------------------|
| 10. | Total Ice Rink Utility Revenues | 08-599 | <u>\$1,133,320.00</u> | <u>\$1,133,320.00</u> |
|-----|---------------------------------|--------|-----------------------|-----------------------|

**OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND**

| <b>APPROPRIATIONS</b> |  |          |                       |                       |
|-----------------------|--|----------|-----------------------|-----------------------|
|                       | Development of Lands for Recreation and Conservation - Other Expense | 54-385   | \$400,000.00          | \$350,000.00          |
|                       | Payment of Bond Anticipation Notes and Capital Notes                 | 54-925-2 | 125,000.00            | 175,000.00            |
|                       | Total Trust Fund Appropriations                                      | 54-499   | <u>\$2,667,500.00</u> | <u>\$2,667,500.00</u> |

BE IT FURTHER RESOLVED, that this complete amendment in accordance with the provision of N.J.S.A. 40A:4-9, be considered by the Township Governing Body, and

BE IT FURTHER RESOLVED, that this complete amendment be advertised in the Asbury Park Press in the issue of Friday April 16<sup>th</sup> 2021 and that said publication contain notice of public hearing on said amendment to be held at the Municipal Building, 33 Washington Street, Toms River, NJ, L. Manuel Hirschblond Meeting Room on April 27<sup>th</sup>, 2021 at 6:00 PM. The amended budget is included in its entirety on [www.tomsrivertownship.com](http://www.tomsrivertownship.com) and is available in the office of Alison Carlisle, Township Clerk at the Municipal Building during the hours of 8:30 AM to 4:30 PM.

BE IT FURTHER RESOLVED, that two certified copies of this Resolution be filed forthwith with the Division of Local Government Services for certification of the 2021 Municipal Budget so amended along with each of the following:

- Business Administrator
- Township Attorney
- Township Auditor
- Chief Financial Officer

Approved as to Content:

\_\_\_\_\_  
Alexander P. Davidson, CFO

BID Director Mairin Bellack came up to explain that their BID budget is same as last year and no increase assessment.

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

**TOMS RIVER  
SPECIAL IMPROVEMENT DISTRICT BUDGET**

**April 13, 2021**

WHEREAS, the Toms River Township Special Improvement Budget is stated, below, and

WHEREAS, the public hearing shall be held on May 11, 2021.

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 introduces the Toms River Special Improvement District Budget for 2021 as:

|              |               |
|--------------|---------------|
| S01 Ratables | \$139,408,600 |
| S02 Ratables | \$ 49,447,500 |

Total 2021 Revenue to be raised by taxation

|            |           |
|------------|-----------|
| S01 Budget | \$252,000 |
| S02 Budget | \$ 28,000 |

|                            |         |
|----------------------------|---------|
| S01 Proposed 2021 Tax Rate | \$0.181 |
| S02 Proposed 2021 Tax Rate | \$0.057 |

2. Public hearing of the Budget shall be held at the Toms River Township Council Meeting to be held:

Tuesday, May 11, 2021 at 6:00 p.m.

Toms River Municipal Building

33 Washington Street

Toms River, NJ 08753

L. Manuel Hirshblond Meeting Room

At which time the public shall be heard and at which time the Township Council shall consider said Budget for final adoption.

Formal action may be taken.

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

- a) Chief Financial Officer
- b) Township Attorney
- c) Township Auditor
- d) Tax Assessor
- e) Tax Collector
- f) Division of Local Government Services

**101 S. Broad Street**

**P. O. Box 803**

**Trenton, NJ 08625-0803**

- g) Ocean County Board of Taxation

118 Washington Street

Toms River, New Jersey 08753

- h). Toms River Business Improvement District

Toms River Business Development Corporation

53 Main Street

Toms River, NJ 08753

4. The Municipal Clerk shall advertise this resolution, in its entirety, as public notice of its introduction and as public notice of the hearing.

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

**RESOLUTION TO AMEND THE 2021 TEMPORARY BUDGET**

**PURSUANT TO N.J.S.A. 40A:4-20**

**April 13, 2021**

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WHEREAS, the Township Council of the Township of Toms River passed a 2021 Temporary Budget Resolution on January 5, 2021; and,

WHEREAS, N.J.S.A. 40A:4-20 authorizes the Township Council by resolution adopted by a two-thirds vote of the full membership thereof to make emergency temporary appropriations;

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, that the attached list of 2021 emergency temporary appropriations are hereby approved.

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

- a) Administrator
- b) Township Attorney
- c) Chief Financial Officer
- d) Affected Department Heads

Approved as to Content:

Councilman Rodrick asked Township Engineer Chankalian explained the following Resolution.

Clerk Carlisle read 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), TO REPEAL AND REPLACE SECTION 348-8.28.1 (STORMWATER MANAGEMENT CONTROL), IN ITS ENTIRETY**

**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 348-8.28.1 (Stormwater Management Control) of the Township Code is hereby repealed in its entirety, and a new Section 348-8.28.1 (Stormwater Management Control) is hereby established to provide as follows:

**§ 348-8.28.1 - Stormwater Management Control**

**Section I. Scope and Purpose:**

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section II. It is also the purpose of this section to provide for the incorporation of nonstructural and/or low-impact techniques for improvements requiring site plan approval for development in an urban redevelopment area involving disturbance of less than one acre (not major development as defined in Section II).

C. Applicability

1. This ordinance shall be applicable to the following major developments:
  - a. Non-residential major developments; and
  - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
  - c. Site plans for nonresidential development in an urban redevelopment area, as defined in this section, involving a disturbance of less than one acre, subject to a determination by the Township Engineer pursuant to Subsection D(5)(a) of this section. For purposes of this section, the incorporation of the following will meet this requirement:
    - i. Incorporation of roof drainage directly to dry wells, rain barrels or planting beds;
    - ii. Intercept runoff from driveways draining onto public roads or rights-of-way and direct into landscape strips, bioswales or raingardens.
    - iii. Direct runoff from parking lots into landscape strips, bioswales or raingardens.
2. This ordinance shall also be applicable to all major developments undertaken by Toms River Township.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

**Section II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

“Community basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 et seq.

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

“HUC 14” or “hydrologic unit code 14” means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Lead planning agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;  
The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021; or
3. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, or 3 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks. “Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff,

or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

"Recharge" means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

"Regulated impervious surface" means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

"Regulated motor vehicle surface" means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

"Sediment" means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

"Site" means the lot or lots upon which a major development is to occur or has occurred.

"Soil" means all unconsolidated mineral and organic material of any origin.

"State Development and Redevelopment Plan Metropolitan Planning Area (PA1)" means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

"State Plan Policy Map" is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

"Stormwater" means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

"Stormwater management BMP" means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

"Stormwater management measure" means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

"Stormwater runoff" means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

"Stormwater management planning agency" means a public body authorized by legislation to prepare stormwater management plans.

"Stormwater management planning area" means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater

management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

### **Section III. Design and Performance Standards for Stormwater Management Measures**

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
  1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
  2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

### **Section IV. Stormwater Management Requirements for Major Development**

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.

- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:
1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
  3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
  4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:  
[https://njstormwater.org/bmp\\_manual2.htm](https://njstormwater.org/bmp_manual2.htm).
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

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| <p><b>Table 1</b><br/> <b>Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</b></p> |
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| Best Management Practice                         | Stormwater Runoff Quality TSS Removal Rate (percent) | Stormwater Runoff Quantity | Groundwater Recharge                    | Minimum Separation from Seasonal High Water Table (feet) |
|--|--|----------------------------|---|--|
| Cistern  | 0  | Yes                        | No                                      | --   |
| Dry Well <sup>(a)</sup>                          | 0  | No                         | Yes                                     | 2  |
| Grass Swale                                      | 50 or less   | No                         | No                                      | 2 <sup>(e)</sup><br>1 <sup>(f)</sup>                     |
| Green Roof                                       | 0  | Yes                        | No                                      | --   |
| Manufactured Treatment Device <sup>(a) (g)</sup> | 50 or 80   | No                         | No                                      | Dependent upon the device                                |
| Pervious Paving System <sup>(a)</sup>            | 80   | Yes                        | Yes <sup>(b)</sup><br>No <sup>(c)</sup> | 2 <sup>(b)</sup><br>1 <sup>(c)</sup>                     |
| Small-Scale Bioretention Basin <sup>(a)</sup>    | 80 or 90   | Yes                        | Yes <sup>(b)</sup><br>No <sup>(c)</sup> | 2 <sup>(b)</sup><br>1 <sup>(c)</sup>                     |
| Small-Scale Infiltration Basin <sup>(a)</sup>    | 80   | Yes                        | Yes                                     | 2  |
| Small-Scale Sand Filter                          | 80   | Yes                        | Yes                                     | 2  |
| Vegetative Filter Strip                          | 60-80  | No                         | No                                      | --   |

(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found on Page D-15)

| <b>Table 2</b><br><b>Green Infrastructure BMPs for Stormwater Runoff Quantity</b><br><b>(or for Groundwater Recharge and/or Stormwater Runoff Quality</b><br><b>with a Waiver or Variance from N.J.A.C. 7:8-5.3)</b> |  |                            |   |  |
|--|--|----------------------------|---|--|
| Best Management Practice   | Stormwater Runoff Quality TSS Removal Rate (percent) | Stormwater Runoff Quantity | Groundwater Recharge                    | Minimum Separation from Seasonal High Water Table (feet) |
| Bioretention System  | 80 or 90   | Yes                        | Yes <sup>(b)</sup><br>No <sup>(c)</sup> | 2 <sup>(b)</sup><br>1 <sup>(c)</sup>                     |
| Infiltration Basin   | 80   | Yes                        | Yes                                     | 2  |
| Sand Filter <sup>(b)</sup>   | 80   | Yes                        | Yes                                     | 2  |
| Standard Constructed Wetland   | 90   | Yes                        | No                                      | N/A  |
| Wet Pond <sup>(d)</sup>  | 50-90  | Yes                        | No                                      | N/A  |

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page D-15)

| <b>Table 3</b><br><b>BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or</b><br><b>Stormwater Runoff Quantity</b><br><b>only with a Waiver or Variance from N.J.A.C. 7:8-5.3</b> |  |                            |                      |  |
|---|--|----------------------------|----------------------|--|
| Best Management Practice  | Stormwater Runoff Quality TSS Removal Rate (percent) | Stormwater Runoff Quantity | Groundwater Recharge | Minimum Separation from Seasonal High Water Table (feet) |
| Blue Roof   | 0  | Yes                        | No                   | N/A  |
| Extended Detention Basin  | 40-60  | Yes                        | No                   | 1  |
| Manufactured Treatment Device <sup>(h)</sup>  | 50 or 80   | No                         | No                   | Dependent upon the device                                |
| Sand Filter <sup>(c)</sup>  | 80   | Yes                        | No                   | 1  |
| Subsurface Gravel Wetland   | 90   | No                         | No                   | 1  |
| Wet Pond  | 50-90  | Yes                        | No                   | N/A  |

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.

- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
  2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;
  3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
  4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
  5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing.  
The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge,

stormwater runoff quality, and stormwater runoff quantity standards at Section IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

| <b>Best Management Practice</b>  | <b>Maximum Contributory Drainage Area</b>  |
|----------------------------------|--|
| Dry Well                         | 1 acre   |
| Manufactured Treatment Device    | 2.5 acres  |
| Pervious Pavement Systems        | Area of additional inflow cannot exceed three times the area occupied by the BMP |
| Small-scale Bioretention Systems | 2.5 acres  |
| Small-scale Infiltration Basin   | 2.5 acres  |
| Small-scale Sand Filter          | 2.5 acres  |

3. To satisfy the stormwater runoff quantity standards at Section IV.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.

4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater

runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R.

5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:
  - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
  - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
  - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
  - ii. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

- i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
  - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

| Time (Minutes) | Cumulative Rainfall (Inches) | Time (Minutes) | Cumulative Rainfall (Inches) | Time (Minutes) | Cumulative Rainfall (Inches) |
|----------------|------------------------------|----------------|------------------------------|----------------|------------------------------|
| 1              | 0.00166                      | 41             | 0.1728                       | 81             | 1.0906                       |
| 2              | 0.00332                      | 42             | 0.1796                       | 82             | 1.0972                       |
| 3              | 0.00498                      | 43             | 0.1864                       | 83             | 1.1038                       |
| 4              | 0.00664                      | 44             | 0.1932                       | 84             | 1.1104                       |
| 5              | 0.00830                      | 45             | 0.2000                       | 85             | 1.1170                       |
| 6              | 0.00996                      | 46             | 0.2117                       | 86             | 1.1236                       |
| 7              | 0.01162                      | 47             | 0.2233                       | 87             | 1.1302                       |
| 8              | 0.01328                      | 48             | 0.2350                       | 88             | 1.1368                       |
| 9              | 0.01494                      | 49             | 0.2466                       | 89             | 1.1434                       |
| 10             | 0.01660                      | 50             | 0.2583                       | 90             | 1.1500                       |
| 11             | 0.01828                      | 51             | 0.2783                       | 91             | 1.1550                       |
| 12             | 0.01996                      | 52             | 0.2983                       | 92             | 1.1600                       |
| 13             | 0.02164                      | 53             | 0.3183                       | 93             | 1.1650                       |
| 14             | 0.02332                      | 54             | 0.3383                       | 94             | 1.1700                       |
| 15             | 0.02500                      | 55             | 0.3583                       | 95             | 1.1750                       |
| 16             | 0.03000                      | 56             | 0.4116                       | 96             | 1.1800                       |
| 17             | 0.03500                      | 57             | 0.4650                       | 97             | 1.1850                       |
| 18             | 0.04000                      | 58             | 0.5183                       | 98             | 1.1900                       |
| 19             | 0.04500                      | 59             | 0.5717                       | 99             | 1.1950                       |
| 20             | 0.05000                      | 60             | 0.6250                       | 100            | 1.2000                       |
| 21             | 0.05500                      | 61             | 0.6783                       | 101            | 1.2050                       |
| 22             | 0.06000                      | 62             | 0.7317                       | 102            | 1.2100                       |
| 23             | 0.06500                      | 63             | 0.7850                       | 103            | 1.2150                       |
| 24             | 0.07000                      | 64             | 0.8384                       | 104            | 1.2200                       |
| 25             | 0.07500                      | 65             | 0.8917                       | 105            | 1.2250                       |
| 26             | 0.08000                      | 66             | 0.9117                       | 106            | 1.2267                       |
| 27             | 0.08500                      | 67             | 0.9317                       | 107            | 1.2284                       |
| 28             | 0.09000                      | 68             | 0.9517                       | 108            | 1.2300                       |
| 29             | 0.09500                      | 69             | 0.9717                       | 109            | 1.2317                       |
| 30             | 0.10000                      | 70             | 0.9917                       | 110            | 1.2334                       |
| 31             | 0.10660                      | 71             | 1.0034                       | 111            | 1.2351                       |
| 32             | 0.11320                      | 72             | 1.0150                       | 112            | 1.2367                       |
| 33             | 0.11980                      | 73             | 1.0267                       | 113            | 1.2384                       |
| 34             | 0.12640                      | 74             | 1.0383                       | 114            | 1.2400                       |
| 35             | 0.13300                      | 75             | 1.0500                       | 115            | 1.2417                       |
| 36             | 0.13960                      | 76             | 1.0568                       | 116            | 1.2434                       |
| 37             | 0.14620                      | 77             | 1.0636                       | 117            | 1.2450                       |
| 38             | 0.15280                      | 78             | 1.0704                       | 118            | 1.2467                       |
| 39             | 0.15940                      | 79             | 1.0772                       | 119            | 1.2483                       |
| 40             | 0.16600                      | 80             | 1.0840                       | 120            | 1.2500                       |

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section IV.P, Q and R.

7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
  8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
  9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
  10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.
- R. Stormwater Runoff Quantity Standards
1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
  2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:
    - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
    - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
    - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
    - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
  3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

## **Section V. Calculation of Stormwater Runoff and Groundwater Recharge:**

- A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:
    - i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:  
[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1044171.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf)  
or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873;  
or
    - ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:  
<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.
  2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section V.A.1.i and the Rational and Modified Rational Methods at Section V.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
  3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
  4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.
  5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- B. Groundwater recharge may be calculated in accordance with the following:  
The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as

amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsrreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

## **Section VI. Sources for Technical Guidance:**

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

[http://www.nj.gov/dep/stormwater/bmp\\_manual2.htm](http://www.nj.gov/dep/stormwater/bmp_manual2.htm).

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

2. Additional maintenance guidance is available on the Department's website at:

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).

B. Submissions required for review by the Department should be mailed to: The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

## **Section VII. Solids and Floatable Materials Control Standards:**

A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in A.1. above does not apply:

i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;

ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

- iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
  - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
  - b. A bar screen having a bar spacing of 0.5 inches.
 Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).
- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

**Section VIII. Safety Standards for Stormwater Management Basins:**

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
  - 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
    - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
    - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
    - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
    - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
  - 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
    - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
    - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
    - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

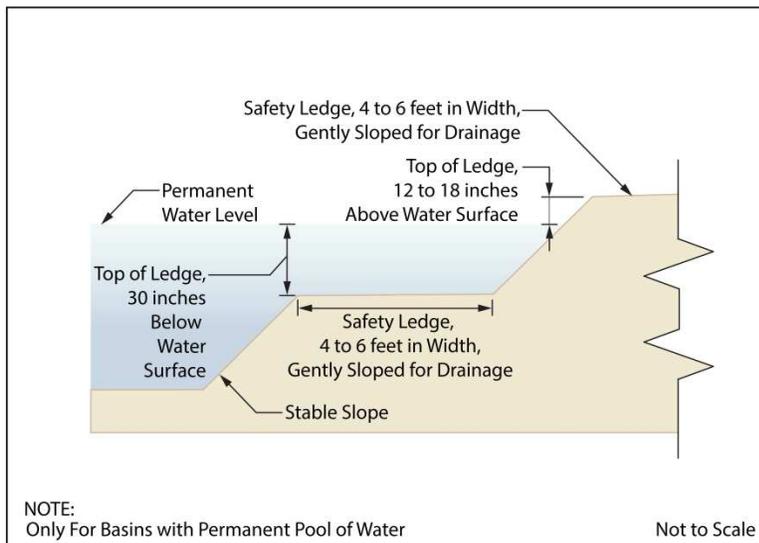
3. Stormwater management BMPs shall include escape provisions as follows:
  - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
  - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
  - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



**Section IX. Requirements for a Site Development Stormwater Plan:**

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit three (3) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to

determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections III through V are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section IV of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section X.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section IX.C.1 through IX.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

**Section X. Maintenance and Repair:**

A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section X.B and X.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:
  - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
  - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and

- iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.
8. The requirements of Section X.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

*Note: It may be appropriate to delete requirements in the maintenance and repair plan that are not applicable if the ordinance requires the facility to be dedicated to the municipality. If the municipality does not want to take this responsibility, the ordinance should require the posting of a two year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at:*

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

#### **Section XI. Penalties:**

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties:

- A fine of \$2,000.00 per violation.

#### **Section XII. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

#### **Section XIII. Effective Date:**

1. 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 remain in full force and effect.

2. 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.

3. 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 Kopp and carried, with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan 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 April 13, 2021 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 27, 2021 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:  
ANTHONY MERLINO  
ASSISTANT 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 16, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes.

#### CONSENT AGENDA

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

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

#### RESOLUTION

*APRIL 13, 2021*

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

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

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

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

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

| <i>NAME</i>             | <i>BLOCK</i> | <i>LOT</i>  | <i>Qual,Year</i> | <i>Amount</i>      |
|-------------------------|--------------|-------------|------------------|--------------------|
| <b>WASTE MANAGEMENT</b> | <b>411</b>   | <b>1.02</b> | <b>2020/4</b>    | <b>\$11,209.05</b> |
|                         |              |             | <b>2019/4</b>    | <b>\$10,717.91</b> |
|                         |              |             |                  |                    |
| <b>TOTALS:</b>          |              |             |                  | <b>\$21,920.96</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**

**APRIL 13, 2021**

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

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

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

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

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

| <i>NAME</i>      | <i>BLOCK</i>  | <i>LOT</i>   | <i>Qual,Year</i> | <i>Amount</i>     |
|------------------|---------------|--------------|------------------|-------------------|
| <b>CORELOGIC</b> | <b>172.04</b> | <b>21.19</b> | <b>2021/1</b>    | <b>\$3,516.62</b> |
|                  |               |              |                  |                   |
| <b>CORELOGIC</b> | <b>235.30</b> | <b>27</b>    | <b>2021/1</b>    | <b>\$1,004.13</b> |
|                  |               |              |                  |                   |
| <b>CORELOGIC</b> | <b>400.08</b> | <b>8</b>     | <b>2021/1</b>    | <b>\$958.95</b>   |
|                  |               |              |                  |                   |
| <b>CORELOGIC</b> | <b>410.08</b> | <b>2</b>     | <b>2021/1</b>    | <b>\$2,763.06</b> |
|                  |               |              |                  |                   |
| <b>CORELOGIC</b> | <b>411.32</b> | <b>3</b>     | <b>2021/1</b>    | <b>\$1,406.62</b> |
|                  |               |              |                  |                   |

|                      |                |              |               |                           |
|----------------------|----------------|--------------|---------------|---------------------------|
| <i>CORELOGIC</i>     | <i>412.10</i>  | <i>21</i>    | <i>2021/1</i> | <i>\$389.84</i>           |
|                      |                |              |               |                           |
| <i>CORELOGIC</i>     | <i>445.02</i>  | <i>3</i>     | <i>2021/1</i> | <i>\$960.82</i>           |
|                      |                |              |               |                           |
| <i>CORELOGIC</i>     | <i>648.01</i>  | <i>27</i>    | <i>2021/1</i> | <i>\$2,712.85</i>         |
|                      |                |              |               |                           |
| <i>CORELOGIC</i>     | <i>706.08</i>  | <i>3</i>     | <i>2021/1</i> | <i>\$1,061.57</i>         |
|                      |                |              |               |                           |
| <i>CORELOGIC</i>     | <i>724.28</i>  | <i>12</i>    | <i>2021/1</i> | <i>\$1,775.11</i>         |
|                      |                |              |               |                           |
| <i>CORELOGIC</i>     | <i>724.51</i>  | <i>40.02</i> | <i>2021/1</i> | <i>\$1,399.76</i>         |
|                      |                |              |               |                           |
| <i>CORELOGIC</i>     | <i>1002</i>    | <i>39</i>    | <i>2021/1</i> | <i>\$3,028.35</i>         |
|                      |                |              |               |                           |
| <i>CORELOGIC</i>     | <i>1097.54</i> | <i>38</i>    | <i>2021/1</i> | <i>\$1,515.11</i>         |
|                      |                |              |               |                           |
| <i>CORELOGIC</i>     | <i>1108.12</i> | <i>4</i>     | <i>2021/1</i> | <i>\$495.06</i>           |
|                      |                |              |               |                           |
| <i>CORELOGIC</i>     | <i>1108.13</i> | <i>61</i>    | <i>2021/1</i> | <i>\$1,225.81</i>         |
|                      |                |              |               |                           |
| <i>CORELOGIC</i>     | <i>1110.19</i> | <i>19</i>    | <i>2021/1</i> | <i>\$1,701.24</i>         |
|                      |                |              |               |                           |
| <i>CORELOGIC</i>     | <i>794.16</i>  | <i>23.01</i> | <i>2021/1</i> | <i>\$912.79</i>           |
|                      |                |              |               |                           |
| <i>CORELOGIC</i>     | <i>1694.05</i> | <i>9</i>     | <i>2021/1</i> | <i>\$1,508.60</i>         |
|                      |                |              |               |                           |
|                      |                |              |               |                           |
| <b><i>TOTAL:</i></b> |                |              |               | <b><i>\$28,336.29</i></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*

*APRIL 13, 2021*

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

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

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

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

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

| NAME                              | BLOCK         | LOT         | Qual,Year | Amount            |
|-----------------------------------|---------------|-------------|-----------|-------------------|
| <b>MONCZNIK, FAJGLA</b>           | <b>192.50</b> | <b>44</b>   |           | <b>\$959.36</b>   |
|                                   |               |             |           |                   |
| <b>LEINER, SIMCHA &amp; ALISA</b> | <b>167</b>    | <b>1.02</b> |           | <b>\$2,716.43</b> |
|                                   |               |             |           |                   |
| <b>WHITLEY, JOHN</b>              | <b>192.45</b> | <b>27</b>   |           | <b>\$1,102.99</b> |
|                                   |               |             |           |                   |
| <b>SANTORIELLO, LAURA</b>         | <b>1055</b>   | <b>46</b>   |           | <b>\$1,899.19</b> |
|                                   |               |             |           |                   |
| <b>STONE, BARBARA</b>             | <b>192.43</b> | <b>28</b>   |           | <b>\$1,079.36</b> |
|                                   |               |             |           |                   |
| <b>AMABILE, REGINA C.</b>         | <b>701</b>    | <b>18</b>   |           | <b>\$2,058.80</b> |
|                                   |               |             |           |                   |
| <b>TOTALS:</b>                    |               |             |           | <b>\$9,816.13</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, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 135.27 LOT 26 EFFECTIVE JANUARY 1<sup>ST</sup> , 2021, AND PROVIDING THAT PROPERTY TAXES FOR 2021, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED**

**APRIL 13, 2021**

WHEREAS, the owner of real property in the Township of Toms River known as Block 135.27 Lot 26, located at 3213 Flagstone Court, has been certified by the Tax Assessor as a a of a 100% Disabled Veteran, effective January 1<sup>st</sup>, 2021 and

WHEREAS, property taxes for 2021, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

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

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

1. All 2021 real property taxes for block 135.27 lot 26 due on or after January 1<sup>st</sup>, 2021, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 135.27 lot 26 if any, shall be refunded on a pro-rated basis from January 1<sup>st</sup>, 2021.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Mayor
  - b) Business Administrator
  - c) Township Attorney
  - d) Chief Financial Officer
  - e) Township Assessor
  - f) Township Tax Collector

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A  
100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 843 LOT 2.01  
EFFECTIVE JANUARY 1<sup>ST</sup> , 2021, AND PROVIDING THAT PROPERTY TAXES FOR 2021,  
AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED**

**APRIL 13, 2021**

WHEREAS, the owner of real property in the Township of Toms River known as Block 843 Lot 2.01, located at 804 Parkside Avenue, has been certified by the Tax Assessor as a a of a 100% Disabled Veteran, effective January 1<sup>st</sup>, 2021 and

WHEREAS, property taxes for 2021, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

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

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

1. All 2021 real property taxes for block 843 lot 2.01 due on or after January 1<sup>st</sup>, 2021, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 843 lot 2.01 if any, shall be refunded on a pro-rated basis from January 1<sup>st</sup>, 2021.

3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Mayor
  - b) Business Administrator
  - c) Township Attorney
  - d) Chief Financial Officer
  - e) Township Assessor
  - f) Township Tax Collector

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A  
100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 724.90 LOT 67.13  
EFFECTIVE JANUARY 1<sup>ST</sup>, 2021, AND PROVIDING THAT PROPERTY TAXES FOR 2021,  
AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED**

**APRIL 13, 2021**

WHEREAS, the owner of real property in the Township of Toms River known as Block 724.90 Lot 67.13, located at 1601 Ramsey Court, has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective January 1<sup>st</sup>, 2021 and

WHEREAS, property taxes for 2021, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

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

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

1. All 2021 real property taxes for block 724.90 lot 67.13 due on or after January 1<sup>st</sup>, 2021, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 724.90 lot 67.13 if any, shall be refunded on a pro-rated basis from January 1<sup>st</sup>, 2021.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Mayor
  - b) Business Administrator
  - c) Township Attorney
  - d) Chief Financial Officer
  - e) Township Assessor
  - f) Township Tax Collector

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A  
100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 571.69 LOT 9**

**EFFECTIVE JANUARY 1<sup>ST</sup> , 2021, AND PROVIDING THAT PROPERTY TAXES FOR 2021,  
AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED**

**APRIL 13, 2021**

WHEREAS, the owner of real property in the Township of Toms River known as Block 571.69 Lot 9, located at 344 Hilltop Road, has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective January 1<sup>st</sup>, 2021 and

WHEREAS, property taxes for 2021, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

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

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

1. All 2021 real property taxes for block 579.69 lot 9 due on or after January 1<sup>st</sup>, 2021, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 571.69 lot 9 if any, shall be refunded on a pro-rated basis from January 1<sup>st</sup>, 2021.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Mayor
  - b) Business Administrator
  - c) Township Attorney
  - d) Chief Financial Officer
  - e) Township Assessor
  - f) Township Tax Collector

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A  
100% DAV WIDOW'S DEDUCTION FOR THE OWNER OF BLOCK 135.02 LOT 2  
EFFECTIVE DECEMBER 1<sup>ST</sup>, 2020, AND PROVIDING THAT PROPERTY TAXES FOR 2020,  
AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED**

**APRIL 13, 2021**

WHEREAS, the owner of real property in the Township of Toms River known as Block 135.02 Lot2, located at 2340 East Ashfield Court, has been certified by the Tax Assessor as a of a 100% DAV Widow's Deduction, effective December 1<sup>st</sup>, 2020 and

WHEREAS, property taxes for 2020, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

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

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

1. All 2020 real property taxes for block 135.02 lot 2 due on or after December 1<sup>st</sup>, 2020, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 135.02 lot 2 if any, shall be refunded on a pro-rated basis from December 1<sup>st</sup>, 2020.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Mayor
  - b) Business Administrator
  - c) Township Attorney
  - d) Chief Financial Officer
  - e) Township Assessor
  - f) Township Tax Collector

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A  
100% DAV WIDOW'S DEDUCTION FOR THE OWNER OF BLOCK 1067 LOT 14  
EFFECTIVE JANUARY 1<sup>ST</sup>, 2021 FOR HALF OF A TWO HOME DWELLING, AND  
PROVIDING THAT PROPERTY TAXES FOR 2021, AS OF THE EFFECTIVE DATE, BE  
CANCELLED AND/OR REFUNDED**

**APRIL 13, 2021**

WHEREAS, the owner of real property in the Township of Toms River known as Block 1067 Lot 14, located at 1 ST LAWRENCE AVENUE, has been certified by the Tax Assessor as a of a 100% DAV Widow's Deduction on half of a two home dwelling, effective January 1<sup>st</sup>, 2021 and

WHEREAS, property taxes for 2021 on half of the two home dwelling, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

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

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

1. Half of the 2021 real property taxes for Block 1067 Lot 14 due on or after January 1, 2021, shall be cancelled.
2. Half of the real property taxes from the date of this Resolution paid on Block 1067 Lot 14 if any, shall be refunded on a pro-rated basis from January 1, 2021.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Mayor
  - b) Business Administrator

- c) Township Attorney
- d) Chief Financial Officer
- e) Township Assessor
- f) Township Tax Collector

**RESOLUTION TO INCREASE THE AMOUNT  
OF THE CASH CHANGE FUND  
FOR THE MUNICIPAL COURT**

**April 13, 2021**

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

1. The Cash Change Fund in the amount of \$100.00 which is already in existence for the Municipal Court is hereby increased to \$300.00.

2. The Cash Change Fund shall be returned to the Township Chief Financial Officer upon written request.

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

- A. State of New Jersey,  
**Division of Local Government Services**
- B. Chief Financial Officer
- C. Auditor
- D. Administration
- E. Municipal Court

Approved as to Content

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN AMENDMENT TO PO 19-06490  
FOR ADDITIONAL ENVIRONMENTAL SERVICES RELATED TO THE ACQUISITION OF THE  
GUTTMAN PROPERTY, BLOCK 171, LOTS 11, 17-19 AND 32 AND THE HUPPERT  
PROPERTY, BLOCK 171, LOTS 20 AND 22, REQUIRED TO COMPLETE THE PROJECT, TO  
T&M ASSOCIATES, FOR AN ESTIMATED ADDITIONAL FEE OF \$10,000.00, AND FOR A  
TOTAL PROJECT COST NOT TO EXCEED \$30,000.00**

**APRIL 13, 2021**

**WHEREAS**, in November, 2019, T&M Associates was authorized by the Township to perform up to \$20,000.00 in professional services consisting of transaction support and consulting assistance to the Township during negotiations with the seller and remediation of the Site by the Licensed Site Remediation Professional (LSRP) engaged by the Seller for the Guttman Property, Block 171, Lots 11, 17-19 and 32 and the Huppert Property, Block 171, Lots 20 and 22; and

**WHEREAS**, as of February 12, 2021, there remains a balance of approximately \$2,200.00 of the authorized \$20,000.00; and

**WHEREAS**, the environmental services on the Guttman Property have been completed, which included asbestos abatement on various structures, underground storage tank (UST) removal, soil excavation, and environmental reporting and issuance of a Response Action Outcome (RAO) by the previous owner's LSRP; and

**WHEREAS**, the environmental services on the Huppert Property are still in progress; and

**WHEREAS**, the Township requested T&M Associates to continue providing technical support associated with oversight of the environmental contractors-Licensed Site remediation Professionals (LSRPs) retained by the previous owner for the Huppert Property, on a time-and-expense basis for an estimated additional fee of \$10,000.00, in accordance with Standard Terms and Conditions currently arranged with the Township; and

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

1. It hereby authorizes an amendment to PO 19-06490 for additional environmental services related to the acquisition of the Guttman Property, Block 171, Lots 11, 17-19 and 32 and the Huppert Property, Block 171, Lots 20 and 22, required to complete the project, to T&M Associates, for an estimated additional fee of \$10,000.00, and for a total project cost not to exceed \$30,000.00.

2. T&M Associates will continue to provide technical support associated with oversight of the environmental contractors-Licensed Site remediation Professionals (LSRPs) retained by the previous owner for the Huppert Property, on a time-and-expense basis for an estimated additional fee of \$10,000.00, in accordance with Standard Terms and Conditions currently arranged with the Township.

3. Funds in the additional amount of \$10,000.00 are available in the following accounts:

|                            |             |
|----------------------------|-------------|
| Account No. X-04- -234-002 | \$ 1,562.83 |
| Account No. X-04- -235-002 | \$ 8,437.17 |
|                            | \$10,000.00 |

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) Township Engineer
- e) T&M Associates  
1144 Hooper Avenue  
Suite 202  
Toms River, NJ 08753

### **AMENDED CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the continued professional services by T&M Associates, in the additional amount of \$10,000.00, and for a total project cost of \$30,000.00, are available in the following accounts:

|                            |             |
|----------------------------|-------------|
| Account No. X-04- -234-002 | \$ 1,562.83 |
| Account No. X-04- -235-002 | \$ 8,437.17 |
|                            | \$10,000.00 |

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.

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

Dated: April 13, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE FIRST ONE (1) YEAR CONTRACT EXTENSION FOR LICENSED PLUMBER SERVICES WITH TIMOTHY PETERS PLUMBING & HEATING CO., INC., COMMENCING APRIL 27, 2021 THROUGH APRIL 26, 2022**

**APRIL 13, 2021**

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

**WHEREAS**, resolution of the Township Council dated March 26, 2019, rejected the only bid from Magic Touch Co., Inc., and authorized rebid for this service; and

**WHEREAS**, rebids were received from Timothy Peters Plumbing & Heating Co., Inc. and Magic Touch Construction Co., Inc., as follows:

Timothy Peters Plumbing & Heating Co., Inc.  
PO Box 1847  
Toms River, NJ 08754. . . . .

|    |   |          |
|----|---|----------|
| 1. | First Year:                               |          |
|    | Journeyman/Plumber Hourly Rate: . . . . . | \$ 87.62 |
|    | Apprentice Hourly Rate: . . . . .         | \$ 41.31 |
|    |   | -----    |
|    | Sum of Item 1.                            | \$128.93 |
| 2. | Second Year:                              |          |
|    | Journeyman/Plumber Hourly Rate: . . . . . | \$ 89.82 |
|    | Apprentice Hourly Rate: . . . . .         | \$ 43.51 |
|    |   | -----    |
|    | Sum of Item 2.                            | \$133.33 |
|    | Total Sum of Items 1 & 2:                 | \$262.26 |
|    | Total Bid (Sums of 1 & 2 divided by 2):   | \$131.13 |
| 3. | Cost of Materials above Dealer's Cost:    | 10.00%   |
| 4. | New Jersey State License Number:          | B107116  |

Magic Touch Construction Co., Inc.  
59 West Front Street  
Keyport, N.J. 07735 . . . . .

|    |   |          |
|----|---|----------|
| 1. | First Year:                               |          |
|    | Journeyman/Plumber Hourly Rate: . . . . . | \$ 87.62 |
|    | Apprentice Hourly Rate: . . . . .         | \$ 40.82 |
|    |   | -----    |
|    | Sum of Item 1.                            | \$128.44 |
| 2. | Second Year:                              |          |
|    | Journeyman/Plumber Hourly Rate: . . . . . | \$ 89.82 |
|    | Apprentice Hourly Rate: . . . . .         | \$ 47.81 |
|    |   | -----    |
|    | Sum of Item 2.                            | \$137.63 |
|    | Total Sum of Items 1 & 2:                 | \$266.07 |

|  |              |
|--|--------------|
| Total Bid (Sum of Items 1 & 2 divided by 2): | \$133.04     |
| 3. Cost of Materials above Dealer's Cost:    | 10.00%       |
| 4. New Jersey State License Number:          | 36BI00712400 |

**WHEREAS**, the above bids were reviewed by the Purchasing Division, Law Division and the Department of Parks, Buildings and Grounds, and it was recommended that an open-ended contract be awarded to Timothy Peters Plumbing & Heating Co., Inc., as the lowest bidder meeting all the bid specifications, over two (2) years;

**WHEREAS**, the Term of Contract was retroactive to April 27, 2019 through April 26, 2021, with the option to extend for up to two (2) additional one-year terms, pursuant to N.J.S.A. 40A:11-15, subject to all the terms and conditions of the bid specifications; and

**WHEREAS**, the Purchasing Division and the Division of Parks, Buildings and Grounds has determined that it is in the best interest of the Township to extend this contract for the first additional one (1) year extension term, commencing April 27, 2021 through April 26, 2022;

**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 one (1) year contract extension of the existing open-ended contract for Licensed Plumber Services with Timothy Peters Plumbing & Heating Co., Inc. The extended contract term shall be effective April 27, 2021 through April 26, 2022.

2. This will be an open-ended contract extension with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget. The extension of this contract is subject to all the terms and conditions of the original contract award at the second year rates:

|                                       |          |
|---------------------------------------|----------|
| Journeyman/Plumber Hourly Rate        | \$ 89.82 |
| Apprentice Hourly Rate                | \$ 43.51 |
| Cost of Materials Above Dealer's Cost | 10.00%   |

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) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Division of Parks, Buildings and Grounds
- e) Timothy Peters Plumbing & Heating Co., Inc.  
PO Box 1847  
Toms River, NJ 08754

## CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the first one (1) year contract extension with Timothy Peters Plumbing & Heating Co., Inc., for Licensed Plumber Services, will be open-ended with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget, at the second year rates:

|                                 |          |
|---------------------------------|----------|
| Journeyman/Plumber Hourly Rates | \$ 89.82 |
|---------------------------------|----------|

|                                       |          |
|---------------------------------------|----------|
| Apprentice Hourly Rate                | \$ 43.51 |
| Cost of Materials Above Dealer's Cost | 10.00%   |

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.

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

Dated: April 13, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO JOIN THE SOURCEWELL NATIONAL COOPERATIVE PURCHASING SYSTEM, TO UTILIZE THEIR COOPERATIVE CONTRACTS FOR THE PURCHASE OF GOODS AND SERVICES FOR THE TOWNSHIP**

**APRIL 13, 2021**

**WHEREAS**, P.L. 2011, c. 139 allows contracting units to enter into agreement with state, regional, or single government agencies that award contracts for its own use, and is authorized under its own laws to extend those contracts to other government agencies; and

**WHEREAS**, Sourcewell, authorized by Minnesota Statutes Section 123A.21, subdivision 7(a)(1) through (23), has offered voluntary participation in a Cooperative Purchasing System for the purchase of goods and services; and

**WHEREAS**, the Township of Toms River intends to join the Sourcewell National Cooperative Purchasing System to purchase goods and/or services, and to make the procurement process more efficient and to provide cost savings to the Township; and

**WHEREAS**, it is the responsibility of Toms River Township to comply with all applicable laws of the State of New Jersey, Local Public Contract Law (N.J.S.A. 40A:11-1 et seq.), and all other provisions of the revised statutes of the State of New Jersey;

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

1. The governing body of the Township of Toms River does hereby authorize the Mayor to enter into an agreement attached hereto as Schedule "A", allowing the Township to participate in the Sourcewell National Cooperative Purchasing System.

2. The Township shall be responsible to ensure that any procurements made through the cooperative system comply with all applicable laws of the State of New Jersey, Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

3. This resolution shall take effect immediately upon passage.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator

- d) Chief Financial Officer
- e) Township Attorney
- e) Sourcewell National Cooperative Purchasing System  
2020 12<sup>th</sup> Street NE  
PO Box 219  
Staples, MN 56479

**SCHEDULE "A" – SEE ATTACHMENTS**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RESCINDING ITEM #24A  
AWARDED TO TAYLOR OIL CO., INC., UNDER RESOLUTION DATED  
SEPTEMBER 8, 2020, FOR THE SUPPLY OF MOTOR OILS, ANTIFREEZE,  
GREASES AND LUBRICANTS**

**APRIL 13, 2021**

**WHEREAS**, bids for the Supply of Motor Oils, Antifreeze, Greases and Lubricants, were awarded on September 8, 2020; and

**WHEREAS**, bids were reviewed by the Purchasing Division and they recommended that a contract be awarded to Taylor Oil Co. Inc., for Item Numbers 4a, 9b, 10a, 16a, 24a and 24c; and

**WHEREAS**, the Purchasing Division requests authorization to rescind Item #24a due to the fact that the vendor can no longer hold the price;

**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 #24a, awarded to Taylor Oil Co., Inc., for the Supply of Motor Oils, Antifreeze, Greases and Lubricants, per Resolution dated September 8, 2020, because the vendor can no longer hold the price.

2. Departments shall research and utilize other cooperative contracts for the purchase of this item.

3. All other terms and conditions of the resolution dated September 8, 2020, shall 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) Public Works
- e) Bey Lea Golf Course
- f) Police Department
- g) Office of Emergency Management
- h) Division of Parks, Building & Grounds
- i) Taylor Oil Co., Inc.  
77 Second Street  
Somerville, NJ 08876

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF OPEN-ENDED  
CONTRACTS TO S&S WORLDWIDE, INC. AND BSN SPORTS, LLC, WHO MEET ALL THE  
BID SPECIFICATIONS, FOR THE SUPPLY OF SPORTING GOODS REBID**

April 13, 2021 43

**APRIL 13, 2021**

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

WHEREAS, bids were received on March 30, 2021, from the following vendors:

|                       |                  |
|-----------------------|------------------|
| S & S Worldwide, Inc. | BSN Sports, LLC  |
| 75 Mill St.           | PO Box 7726      |
| Colchester, CT 06415  | Dallas, TX 75209 |

WHEREAS, the bids have been reviewed by the Division of Purchasing and recommendation has been made to award contracts to S&S Worldwide and BSN Sports, LLC, who meet all the bid specifications, as follows:

**S&S Worldwide** - Item Numbers: 11, 41, 52, 74, 75, 124, 137, 138, 183, and 226.

**BSN Sports, LLC** - Item Numbers: 16, 19, 22, 27, 28, 30a-c, 32, 56, 58, 62, 94, and 129.

WHEREAS, Item No. 24 is being rescinded because the specifications were not met; and

WHEREAS, Item Numbers 20, 29, 44, 49, 55, 80, 81, 84, 85, 91, 97-104, 106-108, 118, 120, 121, 130-132, 145, 148, 150, 151, 152, 155, 173, 174, 175, 184, 185, 192-223, and 229 received no bids. Prices will be negotiated;

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

1. It hereby awards contracts for the Supply of Sporting Goods Rebid, to S&S Worldwide and BSN Sports, LLC, who meet all of the bid specifications, as follows:

**S&S Worldwide** - Item Numbers: 11, 41, 52, 74, 75, 124, 137, 138, 183, and 226.

**BSN Sports, LLC** - Item Numbers: 16, 19, 22, 27, 28, 30a-c, 32, 56, 58, 62, 94, and 129.

2. Item No. 24 is being rescinded because the specifications were not met.

3. Item Numbers 20, 29, 44, 49, 55, 80, 81, 84, 85, 91, 97-104, 106-108, 118, 120, 121, 130-132, 145, 148, 150, 151, 152, 155, 173, 174, 175, 184, 185, 192-223, and 229 received no bids. Prices will be negotiated.

4. The Term of contracts shall be effective retroactive to March 21, 2021 through March 20, 2023. These contracts will be open-ended with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget.

5. 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.

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

# CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the open-ended contracts awarded to S&S Worldwide, Inc. and BSN Sports, LLC, for the Supply of Sporting Goods Rebid, are contingent upon funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget.

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

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

Dated: April 13, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF TWO STERTIL-KONI LIFTING SYSTEMS FOR PUBLIC WORKS, UTILIZING THE OCEAN COUNTY COOPERATIVE CONTRACT #B2020-172, FOR A TOTAL AMOUNT NOT TO EXCEED \$62,348.00**

**APRIL 13, 2021**

**WHEREAS**, pursuant to bids received, a contract was awarded by the County of Ocean, as Lead Agency for the Ocean County Cooperative Pricing System, Contract #B2020-172, of which Toms River Township is an active participant, as authorized by N.J.S.A. 40A:11-11(6); and

**WHEREAS**, the aforementioned contract was awarded to Stertil-Koni USA, Inc.;

**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 Stertil-Koni USA, Inc., for the Purchase of Two Stertil-Koni Lifting Systems for Public Works, utilizing the Ocean County Cooperative Contract #B2020-172, for a total contract amount not to exceed \$62,348.00, pursuant to N.J.S.A. 40A:11-11(6), as follows:

Stertil-Koni USA, Inc.

200 Log Canoe Circle

Stevensville, MD 21666

Ocean County Cooperative #B2020-172

|                       |  | Each               | @ 2                |
|-----------------------|--|--------------------|--------------------|
| Item 1                | Furnish, Deliver & Install Stertil-Koni ST-1085-2FWA Ebright Mobile Lifting System | \$30,528.00        | \$61,056.00        |
| Item 1b               | Five Year Extended Warranty  | \$646.00           | \$1,292.00         |
| <b>Total Purchase</b> |  | <b>\$31,174.00</b> | <b>\$62,348.00</b> |

2. Funds for this contract in the amount not to exceed \$62,348.00, are available in Account No. X-04-46-732-004. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of

April 13, 2021 45

this contract is subject to all terms and conditions of the bid specifications and the Master Contract as awarded by the Ocean County Cooperative Pricing System, Contract #B2020-172.

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

- a) Township Attorney
- b) Business Administrator
- c) Township Council
- d) Department of Public Works
- e) Director, Parks, Buildings & Grounds
- f) Chief Financial Officer
- g) Steril-Koni USA, Inc.  
200 Log Canoe Circle  
Stevensville, MD 21666

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract with Steril-Koni USA, Inc., in the total contract amount not to exceed \$62,348.00, are available in Account No. X-04-46-732-004.

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

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

Dated: April 13, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF  
OPEN-ENDED CONTRACTS FOR UNIFORMS AND SPECIALTY ITEMS FOR SCHOOL  
CROSSING GUARDS, BICYCLE POLICE, DISPATCHERS, BOOKING OFFICERS,  
MOTORCYCLE POLICE, COMMUNITY SERVICE OFFICERS (CSO'S), TOWN HALL  
SECURITY AND ANIMAL CONTROL OFFICERS TO GALLS, LLC, KEYPORT ARMY NAVY,  
R23K, INC. T/A AMERICAN UNIFORM & SUPPLY, AS THE LOWEST, RESPONSIBLE,  
RESPONSIVE BIDDERS WHO MEET ALL BID SPECIFICATIONS**

**APRIL 13, 2021**

**WHEREAS**, the Division of Purchasing of the Township of Toms River has requested authorization to award open-ended contracts for Uniforms and Specialty Items for School Crossing Guards, Bicycle Police, Dispatchers, Booking Officers, Motorcycle Police, Community Service Officers (CSO'S), Township Hall Security and Animal Control Officers; and

**WHEREAS**, bids were received on March 3, 2020, as follows:

|                       |                   |  |
|-----------------------|-------------------|--|
| Galls, LLC            | Keyport Army Navy | R23K, Inc. t/a American Uniform & Supply |
| 1340 Russell Cave Rd. | PO Box 985        | 6831 US 9                                |
| Lexington, KY 40505   | Brick, NJ 09823   | Howell, NJ 07731                         |

**WHEREAS**, the bids have been reviewed by the Purchasing Division, and they have recommended that the award of open-ended contracts be awarded as follows:

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**Galls, LLC** - Item Numbers: 1-27, 30-43, 46-48, 50-58, 60-74, 76-79, 81-89, 91-93, 96-102, 104, 106-109, 111-114, 116-118, 120-158, and 160.

**Keyport Army Navy** - Item Numbers: 49, 94, and 95.

**R23K, Inc. t/a American Uniform & Supply** - Item Numbers: 44, 45, 59, 80, 119.

WHEREAS, Item Numbers 28 and 29 were rejected because those items are no longer being manufactured and a substitute item will be rebid; and

WHEREAS, Item Numbers 75, 90, 103, 105, 110, 115, 159, and 161-164 received no bids and will be rebid;

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

1. It hereby awards open-ended contracts for Uniforms and Specialty Items for School Crossing Guards, Bicycle Police, Dispatchers, Booking Officers, Motorcycle Police, Community Service Officers (CSO'S), Town Hall Security and Animal Control Officers, as follows:

**Galls, LLC** - Item Numbers: 1-27, 30-43, 46-48, 50-58, 60-74, 76-79, 81-89, 91-93, 96-102, 104, 106-109, 111-114, 116-118, 120-158, and 160.

**Keyport Army Navy** - Item Numbers: 49, 94, and 95.

**R23K, Inc. t/a American Uniform & Supply** - Item Numbers: 44, 45, 59, 80, 119.

2. Item Numbers 28 and 29 were rejected because those items are no longer being manufactured and a substitute item will be rebid.

3. Item Numbers 75, 90, 103, 105, 110, 115, 159, and 161-164 received no bids and will be rebid.

4. The Term of Contracts shall be effective from April 23, 2021 through April 22, 2022. 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. The award of these contracts is subject to all the terms and conditions of the bid specifications.

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) Office of Emergency Management
- f) Animal Shelter
- g) IT Department
- g) Aforementioned bidders

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended contracts awarded to Galls, LLC, Keyport Army Navy and R23K, Inc. t/a American Uniform & Supply, for uniforms and specialty items, for School Crossing Guards, Bicycle Police, Dispatchers, Booking Officers, Motorcycle Police Community Service Officers (CSO'S), Town Hall Security and Animal Control Officers, are contingent upon the availability of funds in the appropriate municipal budget year.

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

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

Dated: April 13, 2021

**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 LICENSE AGREEMENT WITH THE COUNTY OF  
OCEAN AND THE OCEAN COUNTY UTILITIES AUTHORITY FOR EMPLOYEE PARKING  
AND STORAGE OF CERTAIN MATERIALS AND EQUIPMENT ON THE LICENSED  
PREMISES, BLOCK 1033, LOT 1**

**APRIL 13, 2021**

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

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to a License Agreement on behalf of Toms River Township with the Ocean County Utilities Authority and the County of Ocean relating to a portion of the Ocean County Utilities Authority premises, located on Fielder Avenue, Block 1033, Lot 1, together with the County of Ocean, the purpose of which shall be to allow the Township of Toms River and the County of Ocean to provide employee parking and to store certain materials and equipment on the licensed premises for a period of one (1) year commencing on June 1, 2021 and ending on May 31, 2022. Said agreement provides that no charge shall be incurred by the Township. A copy of the License Agreement and Exhibits "A" and "B" are attached to this resolution as Schedule "A", and made a part hereof.

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

- a) Township Attorney
- b) Business Administrator
- c) Chief Financial Officer
- d) Township Engineer
- e) Public Works Department
- f) Recreation Department
- g) Kathleen Balassone  
Executive Assistant  
County Utilities Authority  
501 Hickory Lane  
PO Box "P"  
Bayville, NJ 08721  
Ocean
- h) John Sahradnik, Esq.  
Berry, Sahradnik, Kotzas, Riordan & Benson  
212 Hooper Avenue  
PO Box 757  
Toms River, NJ 08754

**SCHEDULE "A" – see attachments**

**RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO AN ADDENDUM TO THE OCCARESGRANT AGREEMENT, TO ENABLE THE TOWNSHIP TO RECEIVE FEDERAL FUNDING UNDER THE EXTENSION OF THE CARES ACT**

**April 13, 2021**

**WHEREAS**, in calendar year 2020, the Township and the County of Ocean entered into an agreement to enable the Township to receive federal funds under the CARES Act to cover pandemic-related expenses and shortfalls; and

**WHEREAS**, that agreement was scheduled to expire on December 30, 2020; and

**WHEREAS**, the CARES Act was extended through December 31, 2021; and

**WHEREAS**, to continue receiving federal funds under the extension to the CARES Act, the Township must enter into an addendum, annexed as Schedule A hereto, to the original agreement:

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to the addendum to the OCCaresGrant Agreement to enable the Township to continue to receive federal funds pursuant to the extended CARES Act.

2. A certified copy of this resolution and a fully-executed copy of the attached agreement shall remain on file in the Office of the Township Clerk and provided to the following parties:

- a. Mayor Maurice B. Hill, Jr.
- b. Business Administrator
- c. Chief Financial Officer
- d. Township Attorney
- e. Ocean County Board of Commissioners  
c/o Mary Ann Cilento, Clerk of the Board  
PO Box 2191  
Toms River, NJ 08754

**SCHEDULE "A" - See Attachments**

**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 13, 2021**

**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 Maurice B. Hill, Jr.
- b) Business Administrator
- c) Chief Financial Officer
- d) Tax Collector
- e) Township Attorney
- f) Housing & Property Maintenance
- g) Code Enforcement
- h) Division of Parks, Buildings & Grounds
- i) Dover Shopping Center Assoc. LLC.  
222 Haddon Ave., #301  
Haddon Township, NJ 08108
- j) Safeguard Properties  
7887 Safeguard Circle  
Valley View, OH 44125

**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. | 364.02              | 46                | 3 Clayton Avenue               | \$ 714.17           |
| 2. | 397.04              | 13                | 1837 Greenwood Road            | \$ 551.11           |

\*\*\*If there are any questions concerning the work/labor liens, please

Contact Craig Ambrosio at 732-341-1000 Ext. 8417. Thank you\*\*\*

**RESOLUTION AUTHORIZING THE SALE OF ABANDONED AND/OR  
UNCLAIMED MOTOR VEHICLES PURSUANT TO  
N.J.S.A. 39:10A-1 ET SEQ.**

April 13, 2021

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

1. It hereby authorizes the sale at public auction of the following abandoned and/or unclaimed motor vehicles pursuant to the provisions of N.J.S.A. 39:10A-1 et seq., on Wednesday, April 21, 2021 at 12 noon at Freedom Towing:

**Vehicles for Auction with Titles:**

Request to hold abandoned vehicle auctions on Wednesday, April 21, 2021 at the following locations and times:

Freedom Towing, 1725 Lakewood Road, Unit 1, Toms River, NJ at 12 noon

| YEAR | MAKE     | VIN#              |
|------|----------|-------------------|
| 2006 | CHRYSLER | 2C3KA53G56H411897 |
| 2004 | TOYOTA   | JTDBE32K840271808 |
| 2005 | MERCURY  | 1MEFM55SX5A611479 |
| 2003 | FORD     | 2FAFP71W43X101166 |
| 2006 | CHEVY    | 1GCCS198X68246215 |
| 2002 | FORD     | 1FTRF17W02NA17439 |
| 2003 | TOYOTA   | 4T1BE32K43U144301 |
| 2007 | MAZDA    | JM1BK12F371732413 |

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

- a) Attorney
- b) Chief of Police Mitch Little
- c) Chief Financial Officer
- d) Freedom Towing  
1725 Lakewood Road, Unit 1,  
Toms River, NJ 08755

**LEGAL NOTICE  
TOWNSHIP OF TOMS RIVER  
PUBLIC SALE**

**TAKE NOTICE** that the undersigned shall expose for sale in accordance with R.S. 39:10A-1, at public auction on **Wednesday, April 21, 2021 at 12 noon at Freedom Towing**, the below described motor vehicle(s) which came into the possession of the Township of Toms River Police Department through abandonment or failure to claim same within 30 days. The public auction will take place at the above indicated date, time and location(s). The motor vehicle(s) may be examined at the indicated location(s) Monday through Friday, 9:00 a.m. to 5:00 p.m.

All vehicle(s) listed have clear title. Failure to inspect said vehicle(s) will not be considered as cause for any claim for adjustment whatsoever. **ALL SALES WILL BE FINAL.** Cash or check will be required at the time of the sale when the sale is completed. Vehicle(s) must be removed from the premises at the purchaser's expense within 48 hours of sale date. Opening bids start at tow expense.

**Vehicles For Auction with Titles:**

| YEAR | MAKE     | VIN#              |
|------|----------|-------------------|
| 2006 | CHRYSLER | 2C3KA53G56H411897 |
| 2004 | TOYOTA   | JTDBE32K840271808 |
| 2005 | MERCURY  | 1MEFM55SX5A611479 |
| 2003 | FORD     | 2FAFP71W43X101166 |
| 2006 | CHEVY    | 1GCCS198X68246215 |
| 2002 | FORD     | 1FTRF17W02NA17439 |
| 2003 | TOYOTA   | 4T1BE32K43U144301 |
| 2007 | MAZDA    | JM1BK12F371732413 |

**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 DC REALTY GROUP, BLOCK 724.19, LOT 2 (729 Fischer Blvd)**

**April 13, 2021**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as DC Realty Group, Block 724.19 Lot 2.

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 \$510.00 currently on deposit in account # X-19- -601-796 is hereby released with applicable interest if any;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Joseph DiMarsico  
DC Realty Group, LLC  
276 Grande River Blvd  
Toms River, NJ 08753

**RESOLUTION**

**April 13, 2021**

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

| <u>Name</u>        | <u>Type of License</u> | <u>Taxi Company</u> |
|--------------------|------------------------|---------------------|
| 18-21 Ramesh Kumar | Taxi Driver            | Comfort Ride LLC    |

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

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

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

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

**RESOLUTION AUTHORIZING TOMS RIVER TOWNSHIP, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, APPROVING AMUSEMENT GAMES LICENSE  
APPLICATION FOR BARNACLE BILL'S, INC.**

**April 14, 2020**

WHEREAS, the Township of Toms River has adopted an ordinance to provide for the licensing, conduct, operation and playing of certain amusement games in accordance with the "Amusement Licensing Law" (Chapter 109, P.I. 1959) and fixed the fees for said licenses; and

WHEREAS, the ordinance provides for all of the premises to which licenses are to be issued which are located in this municipality which said municipality has heretofore been designated by Ordinance No. 4458-14 as a seashore. or resort area with parts hereof customarily constituting an amusement or arcades can operate lawfully: and

WHEREAS, the barrier island sections of the Township qualify as seashore or resort areas in which designated amusements or entertainment zones can be established: and

WHEREAS, the said applicant has complied with the "Amusement Games Licensing Law" (Chapter 109, P.I. 1959), the rules and regulations promulgated by the Office of Amusement Games Control Commission in the Department of Community Affairs and the State of New Jersey, and with local ordinances, have submitted the proper license fees and application and is being the desire of this governing body to grant said license.

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

1. It hereby approves of Amusement Game License to Barnacle Bill's, Inc. attached, located at 1968 Route 35 North Ortley Beach, N.J. 08751 to operate from April 24, 2019 to April 24, 2020.
2. A Certified copy of this resolution shall be provides by the Office of the Township Clerk to each of the following:
  - a) Mayor
  - b) Attorney
  - c) Business Administrator

- d) Township Council
- e) Mitchell Little, Chief of Police
- f) Barnacle Bill's Inc  
1968 Route 35 North  
Ortley Beach, NJ 08751
- g) NJ Department of Law & Public Safety  
Division of Consumer Affairs  
Legalized Games of Chance Control Commission  
P.O. Box 46000  
Newark, NJ 07101

## **RESOLUTION**

**April 13, 2021**

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

### **MESSAGE BUSINESS**

- 12-21            Massage Envy  
                  2 Route 37 W. Suite G-4  
                  Toms River, NJ 08753**
- 13-20            Asian Therapy  
                  1201 Hooper Ave  
                  Toms River, NJ 08753**

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

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

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

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

Councilman Rodrick questioned the following Resolution.

Township Chief Financial Officer Davidson explained the following Resolution.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF SPILLMAN  
SOFTWARE MAINTENANCE FROM MOTOROLA SOLUTIONS, INC., (FOR THE POLICE  
DEPARTMENT), UNDER THE PROPRIETARY SOFTWARE EXCEPTION TO PUBLIC  
BIDDING, IN THE TOTAL MAXIMUM AMOUNT OF \$144,274.36 FOR ONE YEAR,  
RETROACTIVE TO JANUARY 1, 2021 THROUGH DECEMBER 31, 2021**

**APRIL 13, 2021**

**WHEREAS**, the Division of Purchasing is requesting authorization to purchase Spillman Software Maintenance from Motorola Solutions, Inc., 500 West Monroe, Chicago, IL, 60661, pursuant to 40A:11-5(1)(dd), the support or maintenance of proprietary software exception to public bidding. The total for 2021 will be \$144,274.36 for one year, retroactive to January 1, 2021 through December 31, 2021.

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

1. Pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(dd), (the support or maintenance of proprietary software exception to public bidding), a contract is hereby awarded to Motorola Solutions, Inc. for the purchase of Spillman Software Maintenance for the Police Department.
2. The support or maintenance of proprietary software is authorized pursuant to N.J.S.A. 40A:11-5(1)(dd), as follows.

|                      |   |
|----------------------|---|
| Contract Awarded to: | Motorola Solutions, Inc.<br>500 West Monroe<br>Chicago, IL 60661  |
| Maximum Amount:      | \$144,724.36 for 1 year<br>(retroactive to January 1, 2021<br>through December 31, 2021)  |
| Account Nos.:        | 1-01- -P43-535 - \$ 6,200.00<br>1-01- -P45-510 - \$ 34,903.36<br>1-01- -P44-535 - \$ 32,462.00<br>1-01- -P42-535 - \$ 50,459.00<br>1-01- -P40-510 - \$ <u>20,250.00</u> |
|                      | Total: \$ 144,274.36  |

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

- f) Motorola Solutions, Inc.  
500 West Monroe  
Chicago, IL 60661

## CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the purchase of Spillman Software Maintenance for the Police Department from Motorola Solutions, Inc., in the total maximum amount of \$144,274.36, for one year, retroactive to January 1, 2021 through December 31, 2021, are available in the following accounts:

1-01- -P43-535 - \$ 6,200.00  
1-01- -P45-510 - \$ 34,903.36  
1-01- -P44-535 - \$ 32,462.00  
1-01- -P42-535 - \$ 50,459.00  
1-01- -P40-510 - \$ 20,250.00

Total: \$ 144,274.36

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

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

Dated: April 13, 2021

Councilman Rodrick questioned the following Resolution.

Township Chief Financial Officer Davidson explained the following Resolution.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO UTILIZE STATE CONTRACT T-0109 FOR MAINTENANCE OF MOTOROLA RADIO COMMUNICATIONS EQUIPMENT USING CONTRACT #83909, FOR THE POLICE DEPARTMENT, WITH MOTOROLA SOLUTIONS, INC., C/O WIRELESS COMMUNICATIONS ELECTRONICS, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$49,618.80, ANNUALLY**

**APRIL 13, 2021**

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

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

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

Solutions, Inc., c/o Wireless Communications Electronics, for a total contract amount not to exceed \$49,618.80, annually, as follows:

**State Contract #T-0109, Vendor #83909**

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

Term of contract shall be One (1) year upon date of approval, or retroactive to March 1, 2021 through February 28, 2022.

Total cost will be 12 months at \$4,134.90 per month, totaling \$49,618.80 annually.

3. Funds in the amount of \$49,618.80 are available in Account No. 1-01- -P45-549.

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

State Contract No. T0109

Vendor No. 83909

Account No. 1-01- -P45-549

Total Contract Amount: \$49,618.80 Annually  
(\$4,134.90 per month for 12 months)

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) 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 contract amount not to exceed \$49,618.80, are available in Account No.1-01- -P45-549.

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

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

April 13, 2021 57

Dated: April 13, 2021

Township Engineer Chankalian asked to explain the following Resolution.

Art Anderson, 12 Park St, questioned the following Resolution.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF A CONTRACT TO EARLE ASPHALT COMPANY, AS THE LOWEST RESPONSIBLE BIDDER MEETING ALL OF THE BID SPECIFICATIONS, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$438,525.00, FOR THE 2021 DUNE REPAIR PROJECT**

**APRIL 13, 2021**

**WHEREAS**, bids were invited for the 2021 Dune Repair Project; and

**WHEREAS**, bids were received on March 31, 2021, from the following vendors:

|                             |              |                                   |                |
|-----------------------------|--------------|-----------------------------------|----------------|
| Vendor:                     | Total Price: | Vendor:                           | Total Price:   |
| Earle Asphalt Company       | \$438,525.00 | SumCo Eco-Contracting, LLC        | \$522,500.00   |
| PO Box 556                  |              | 2 Centennial Dr., Suite 4D        |                |
| Farmingdale, NJ 07727       |              | Peabody, MA 01960                 |                |
| <br>                        |              |                                   |                |
| Mount Construction Co, Inc. | \$494,900.00 | Walters Marine Construction, Inc. | \$689,000.00   |
| 427 South White Horse Pike  |              | 414 Woodbine Ocean View Rd        |                |
| Berlin, NJ 08009            |              | Ocean View, NJ 08230              |                |
| <br>                        |              |                                   |                |
| Earthworks, Inc.            | \$516,000.00 | Compass Construction, Inc.        | \$1,313,800.00 |
| 13 Morello Court            |              | PO Box 191                        |                |
| Farmingdale, NJ 07727       |              | New Egypt, NJ 08533               |                |

**WHEREAS**, the bids have been reviewed by the Purchasing Division and Engineering Department, and recommendation has been made to award a contract to Earle Asphalt Company, as the lowest responsible bidder meeting all of the bid specifications, for a total contract price not to exceed \$438,525.00;

**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 Earle Asphalt Company, as the lowest responsible bidder meeting all of the bid specifications, for the 2021 Dune Repair Project, for a total contract price not to exceed \$438,525.00. The funds are available in Account Number X-04- -217-003. The award of this contract is subject to all the terms and conditions of the bid specifications. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Business Administrator
- c) Purchasing Division
- d) Chief Financial Officer
- e) Township Attorney
- f) Engineering Department
- g) Aforementioned bidders

## CERTIFICATION

**THIS IS TO CERTIFY**, that the funds for the contract awarded to Earle Asphalt Company in the total contract amount not to exceed \$438,525.00, are available in Account No. X-04- -217-003.

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

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

Dated: April 13, 2021

Councilman Rodrick asked for an explanation for the following Resolution.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, SUPPORTING SENATE NO. 3522, ESTABLISHING A  
NEW BOARD OF TRUSTEES FOR THE LOCAL PART OF THE PUBLIC EMPLOYEES'  
RETIREMENT SYSTEM (PERS) TO PRESERVE THE STRUCTURE AND INTEGRITY OF THE  
MORE SOLVENT LOCAL PART**

**APRIL 13, 2021**

**WHEREAS**, S-3522 would establish a new board of trustees for the Local Part of the Public Employees' Retirement System (PERS) to preserve the structure and integrity of the more solvent Local Part; and

**WHEREAS**, county, municipal, and other local governments have met their pension obligations as employers for more than a decade, while the State of New Jersey has continued to underfund the pension systems in varying degrees since 1996 and thus creating one of the worst publicly funded retirement systems in the entire nation; and

**WHEREAS**, despite fulfilling their fiduciary duties in meeting their pension obligations, local governments across the State will experience double digit percentage increases in total employer pension contributions in 2021 as determined in figures recently published by the Division of Pension and Benefits in the State Department of Treasury; and

**WHEREAS**, even more alarming for local government employers is the fact that the unfunded accrued liability once again increased in 2021 to a staggering \$26.6 billion for PERS alone, causing in part, a decrease in the funded ratio for the Local Part of PERS to 65.4%, the State Part to 31.2%, and the combined rate to a disconcerting 52.2%, far below the target funded ratio of 75.0%; and

**WHEREAS**, this legislation would protect local governing bodies from the State of New Jersey further directing property taxpayer dollars to subsidize its long mismanagement and underfunding of the pension systems, as it would provide the new balanced board of trustees of PERS with the ability to determine or modify member benefits, direct policies and investments to achieve full funding, and serve as the fiduciary of system;

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

1. The Governor and Legislature should enact S-3522 to establish a new board of trustees for the Local Part of the Public Employees' Retirement System (PERS) to preserve the structure and integrity of the more solvent Local Part.

2. Certified copies of this Resolution shall be forwarded to Governor Phil Murphy, Senate President Stephen M. Sweeney, Speaker of the General Assembly Craig Coughlin, and the clerks of the boards of county commissioners in all twenty-one counties.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Chief Financial Officer
- e) Township Attorney
- f) Governor Phil Murphy  
Office of the Governor  
The State House  
PO Box 001  
Trenton, NJ 08625
- g) Senate President Stephen M. Sweeney  
935 Kings Highway, Suite 400  
West Deptford, NJ 08086
- h) Speaker of the General Assembly Craig Coughlin  
569 Rahway Avenue  
Woodbridge, NJ 07095
- i) Ocean County Board of Commissioners  
PO Box 2191  
Toms River, NJ 08754

## REPORTS

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

|  | 2021         | 2020         |
|--|--------------|--------------|
| Bey Lea Golf Course – March                | \$166,481.65 | \$68,393.32  |
| Bey Lea Golf Course – YTD through March    | \$173,934.73 | \$76,498.41  |
| Winding River Ice Rink – March             | \$103,307.00 | \$83,160.00  |
| Winding River Ice Rink – YTD through March | \$229,689.39 | \$281,862.00 |
| Building Permits - March                   | \$391,233.00 | \$160,052.00 |
| Building Permits – YTD through March       | \$749,831.00 | \$796,098.00 |
| Beach Badges – Week 1 (pre-season)         | \$27,045.00  | \$0          |
| Pool Badges – Week 1 (pre-season)          | \$75.00      | \$0          |

## APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **April 12, 2021**, was approved on motion by Council Member Turnbach, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes. The following respective exceptions to their votes were noted as abstentions to this vote.

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

Purchase Order 21-01608 and 21-01608, payable to Silverton First Aid Squad, Inc., in the amount of \$28,298.94.

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

Purchase Order 21-01598, payable to N.J. Motor Vehicle Commission in the amount of \$60.00.

Purchase Order 21-01500 and 21-01788, payable to NJ MVC LEASE Program in the amount of \$8,643.00.

Purchase Order 21-01302, payable to NJ MVC Business and Government Services in the amount of \$150.00.

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

Purchase Order 21-01047, payable to Rutgers State University of N.J. in the amount of \$150.00.

Purchase Order 20-00569, 21-01402 & 21-01403, payable to Remington & Vernick Engineers in the amount of \$3,394.14.

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

Purchase Order 21-01152, 21-01153, 21-01155, 21-01156, 21-01157, 21-01415, & 21-01765, payable to Owen Little & Associates Inc., in the amount of \$18,941.04.

Purchase Order 21-01606, & 21-01608, Silverton First Aid Squad, Inc., in the amount of \$28,298.94.

Purchase Order 21-01256, payable to Oceana Harbor House in the amount of \$3,900.00.

Purchase Order 21-01104, payable to American Coring & Supply Inc., in the amount of \$12,240.00.

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

Purchase Order 21-01864, payable to Holman Frenia Allison PC in the amount of \$50,000.00.

Purchase Order 21-01486, payable to Preferred Behavioral Health in the amount of \$4,992.12.

Purchase Order 21-01104, payable to American Coring & Supply Inc., in the amount of \$12,240.00.

Council Member Rodrick – none

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

Purchase Order 21-01500, & 21-01788, payable to Magistrate Salaries in the amount of \$13,874.82.

Purchase Order 21-00653 & 21-01656, payable to Citta, Holzapfel, and Zabarsky in the amount of \$13,100.00.

## ELECTED OFFICIALS COMMENTS

Mayor Hill complimented all involved on the efficiency of the distribution of the COVID vaccines given at Senior Center.

Councilman Kopp congratulated Emily Miceli for her Girl Scout Gold Award.

Councilman Rodrick spoke regarding schools facing major budget shortfall, asked if legally permissible could the Township donate some of this federal Cares Act dollars to schools.

Councilwoman Huryk spoke regarding Clean Ocean Action Beach Sweep this Saturday, starting at 9:00 or 10:00 a.m.

Councilman Turnbach touched upon Councilman Rodrick's comments and added that schools got 21 million of their own from Federal Cares Act; spoke regarding some great and noteworthy organizations – Fulfill, Hope Center, House of Hope, commented on Recalibrate's 5K and asked volunteers to reach out to help out at the Hope Center. He also thanks Pastor Robby Ytterberg and all members of Hope Center.

Councilwoman Maruca spoke regarding dunes/sand and work planned for fencing; comments on budget; comments on Clean Ocean Action. Thanked Walmart and Senior Center for the COVID vaccines; Hope Center comments; Operation BBQ; Chef Lou's Army providing 1000 hot meals. She asked Mayor Hill and Administrator Amoruso to extend permits already submitted for outdoor dining to support our local eateries for Summer in the Streets/ Downtown Outdoor Dining coming up.

Councilman Lotano spoke regarding Senior Center giving out vaccines; Joe Bella's opened Friday, April 16<sup>th</sup>; May 1 kicking off Downtown Night Out; May 1<sup>st</sup> is Recalibrate and Just Believe's 5K fundraiser – Winding River Park.

Councilman Geoghegan thanked Walmart for giving out vaccines at the Senior Center; commended Ralph Stucco and all involved who made the 500 vaccine delivery possible; budget comments.

## PUBLIC COMMENTS

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

Mairin Ballack, Executive Director, Business Improvement District, spoke regarding our application to be part of the "Main Street New Jersey" designation Program; commented on events going on at the Mathis House; Battle River Brewery; Water Street events and Toms River Artist Community.

Art Anderson, 12 Park Street, asked questions about the bill list, and "Clean Ocean Action."

Geraldine Lucas, Silverton, spoke regarding having issues with theft in her area, trouble with her neighbors.

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

A motion was made by Council Member Maruca, seconded by Council Member Turnbach, and carried to enter into a private Executive Session at 7:03 p.m.

## 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  
Attorney Client Privilege  
Matters of Litigation  
Contract Negotiations

3. The following specific topics were announced.

1. Executive Session Minutes: March 23, 2021 Regular Meeting
2. Personnel Issues
3. Renewal of New Jersey Natural Gas Franchise
4. Report on New Recreational Cannabis Legislation

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             | - Yes |
| Council Member Kopp              | - Yes |
| Council Member Lotano            | - Yes |
| Council Member Rodrick           | - Yes |
| Council Member Turnbach          | - Yes |
| Council Vice-President Geoghegan | - Yes |
| Council President Maruca         | - Yes |

The Council **reconvened** the public portion at 7:20 P.M., a motion was made by Council Member Turnbach, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes.

A motion was made by Council Member Huryk, seconded by Council Member Maruca, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and with Council President Geoghegan voting yes, and Councilman Rodrick 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 23, 2021 Regular Meeting**

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

No other business appearing, the meeting was **adjourned** at 7:22 P. M., on motion with Council Member Maruca, seconded by Council Member Turnbach, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes..

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KEVIN GEOGHEGAN, COUNCIL PRESIDENT

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ALISON CARLISLE, TOWNSHIP CLERK