

April 23, 2019

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

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

Council Vice-President Hill read the following statement into the record pursuant to the Open Public Meetings Act:

OPEN PUBLIC MEETINGS ACT
STATEMENT

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

Roll Call:

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

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

A motion was made by Council Member Hill, seconded by Council Member Maruca, and with Council Members Maruca and Council Vice-President Hill voting yes, with Council Members Kubiel, Rodrick, and Wittmann absent, and with Council Members Huryk and Turnbach abstaining, an excused absence for Council Member Rodrick was not approved.

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

APPROVAL OF MINUTES

A motion was made by Council Member Turnbach, seconded by Council Member Huryk, and with Council Members Huryk, Turnbach, and Council Vice-President Hill voting yes, with Council Members Kubiel, Rodrick, and Wittmann absent, and with Council Member Maruca abstaining, as she was not at the Regular Meeting of April 9, 2019, **the minutes of the Regular Meeting of April 9, 2019 were not approved and were carried to the Regular Meeting of May 14, 2019.**

HONORING RESOLUTIONS AND PRESENTATIONS

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

Council Member Huryk introduced and presented proclamation to Girl Scout Gold Award Bailey Farrell, who did a sensory garden for autistic children.

Township of Toms River

Proclamation

Girl Scout Gold Award

April 23, 2019

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

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

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

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

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

WHEREAS, Bailey Farrell has successfully completed all requirements to receive the Girl Scout Gold Award, including her Special project which was to create a Sensory Garden specifically geared towards children in her school's Special Education program with sensory processing disorders in order to become more acquainted and comfortable with using their senses.

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

Mayor Thomas F. Kelaher

George E. Wittmann Jr., Council President

Brian Kubiak

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance L. Turnbach

Council Member Huryk introduced and presented proclamation to Girls Scouts of the Jersey Shore representative for all Gold Award Recipients.

Township of Toms River

Proclamation

Girl Scout Gold Award

April 23, 2019

WHEREAS, The Girl Scout Gold award is earned by H.S. students across the nation and is the highest achievement awarded in scouting

WHEREAS, since 1916 the Girl Scout Gold 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, these exceptional young woman take it upon themselves to make a measurable and sustainable difference in their local or global communities

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, The Girl Scouts of the Jersey Shore does an amazing, exceptional and unmatched job in preparing their membership for this great achievement.

NOW, THEREFORE, We, Mayor THOMAS F. KELAHER, and Council President GEORGE E. WITTMANN Jr. of the Township of Toms River, on behalf of us, the Township Council, and the residents of the Township of Toms River, congratulate all the Gold award recipients from the Girl Scouts of the Jersey Shore on their outstanding achievement.

Mayor Thomas F. Kelaher

George E. Wittmann Jr. Council President

Brian Kubiak

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance L. Turnbach

Mayor Kelaher spoke regarding "Older Americans Month". Council Vice-President Hill presented proclamation to the Mayor.

Township of Toms River

Proclamation

Older Americans Month

April 23 2019

WHEREAS, the month of May has been designated throughout the nation as "Older Americans Month; and

WHEREAS, the theme for this year's recognition is "Engage at Every Age" emphasizing that you are never too old (or young) to take part in activities that can enrich your physical, and emotional well-being; and

WHEREAS, now is the time to "Engage at Every Age" by promoting activities, inclusion and wellness for older Americans and to celebrate the many ways in which older adults make a difference in our communities; and

WHEREAS, the Toms River Senior Services administers various essential and helpful programs to the senior residents of Toms River; and

WHEREAS, the older adults in Toms River and the people who support them deserve recognition for the contributions they have made and will continue to make to the culture, economy, and character of our community and our nation.

NOW, THEREFORE, We, Mayor THOMAS F. KELAHER, and Council President GEORGE E. WITTMANN Jr. of the Township of Toms River, on behalf of us, the Township Council, and the residents of the Township of Toms River, do proclaim May as "Older Americans Month" because together we can raise awareness of vital aging issues across the country

Mayor Thomas F. Kelaher

George E. Wittmann Jr. Council President

Brian Kubiak

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance L. Turnbach

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

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

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

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council Vice-President Hill announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith.

Council Member Turnbach asked for an explanation of the Ordinance by Chief Finance Officer Sharon Smith.

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

Council Member Maruca offered the following ordinance and moved its adoption; Council Member Turnbach seconded the motion:

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

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

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

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

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

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

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PUBLIC SALE OF A SIX-FOOT WIDE DRAINAGE EASEMENT ON PART OF TAX LOTS 259-262, BLOCK 1108.56 (3304 WINDSOR AVENUE) IN THE TOWNSHIP OF TOMS RIVER,

**OCEAN COUNTY, NEW JERSEY TO A CONTIGUOUS PROPERTY OWNER
PURSUANT TO N.J.S.A. 40A:12-13(b)(5)**

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

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

Council Member Maruca offered the following ordinance and moved its adoption; Council Member Huryk seconded the motion:

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

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

2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press.

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

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

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 450 (STREETS AND SIDEWALKS) TO ESTABLISH REGULATIONS GOVERNING THE OPERATION OF MOTOR VEHICLES ON FLOODED STREETS

WHEREAS, the operation of motor vehicles on flooded roadways can create a wave or wake which carries beyond the street edge or curblineline and causes damage to public and private property; and

WHEREAS, the Mayor and Council have determined that regulations should be established to protect public and private property against such damage:

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

1. Chapter 450 (Streets and Sidewalks) is hereby amended and supplemented to provide as follows:

ARTICLE IX

Operation of Motor Vehicles on Flooded Streets

§450-67. Definitions.

As used in this Article, the following terms have the meanings indicated:

FLOODED STREET — Any portion of any public street, roadway, or right-of-way in which water has accumulated to a depth of six inches.

§450-68. Prohibition.

No person shall operate a motor vehicle on a flooded roadway at a speed or in a manner that casts or discharges a wave or wake that carries beyond the edge of the street or curb line.

§450-69. Violations and penalties.

A. The Police Department is charged with enforcing this Article.

B. Any person or entity violating this Article shall be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29, and any subsequent amendments to those statutes.

2. All other provisions of Chapter 450 remain in full force and effect.

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

4. If any part of this ordinance is invalidated, pre-empted, or superseded by any state or federal law, regulation or judicial decision, that provision shall be severed and the remainder of the ordinance shall remain in full force and effect.

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

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on April 23, 2019 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on May 14, 2019 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:
KENNETH B. FITZSIMMONS
TOWNSHIP ATTORNEY
MUNICIPAL BUILDING

33 WASHINGTON STREET
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, April 26, 2019.

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

2019 Business Improvement District Budget Public Hearing

Alizar Zorojew, Director, Business Improvement District, gave presentation.

Council Members Hill and Turnbach thanked Zorojew for the redevelopment support of downtown.

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

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

MARCH 26, 2019

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

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

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

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

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

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

3. Pursuant to N.J.S.A. 40:56-84d, a copy of this resolution, including Schedule "A", shall be published in the Asbury Park Press, posted on the Township Clerk's bulletin board and on the Township web page no later than 10 days prior to the scheduled public hearing date.
4. After final adoption, a certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Chief Financial Officer
- b) Township Attorney
- c) Township Auditor
- d) Township Tax Assessor
- e) Township Tax Collector
- f) Ocean County Board of Taxation
- h) Alizar Nicholas Zorojew
Toms River Business Improvement District
218 Main Street
Toms River, N.J. 08753

SCHEDULE "A"

TR BID BUDGET			
	201 8 BUDGET	2018 ACTUAL 11/30/2018	2019 BUDGET
INFLOWS			
ASSESSMENTS	\$ 270,000	\$ 202,500	\$ 275,400
EVENT FEES Tickets/Vendors/Contestants	\$ 40,850	\$ 35,791	\$ 42,000
SPONSORSHIPS	\$ 40,000	\$ 40,000	\$ 45,000
RENT - INCUBATOR	\$ 37,800	\$ 34,690	\$ 37,500
GRANTS	\$ 6,500	\$ 9,725	\$ 12,725
MISCELLANEOUS INCOME	\$ -	\$ 10	\$ -
INTEREST	\$ 100	\$ 289	\$ 200
TROLLEY SPONSORS	was not incl on budget	\$ 42,500	\$ 50,000
TOTAL INFLOWS	<u>\$ 395,250</u>	<u>\$ 365,505</u>	<u>\$ 462,825</u>
OUTFLOWS			
SALARIES	\$ 163,000	\$ 154,016	\$ 177,600
PAYROLL TAXES	\$ 16,950	\$ 13,711	\$ 17,500
PROFESSIONAL FEES	\$ 4,000	\$ 12,623	\$ 6,500
INSURANCE	\$ 5,456	\$ 5,379	\$ 10,000
PAYROLL SERVICE	\$ 1,300	\$ 1,484	\$ 1,400
CULTURAL COMMITTEE	\$ 7,000	\$ 4,568	\$ 10,000
DESIGN COMMITTEE	\$ 19,250	\$ 8,861	\$ 16,200
ECONOMIC RESTRUCTURING- LAND USE	\$ 8,000	\$ 2,076	\$ 10,000
BUSINESS INCUBATOR	\$ 2,800	\$ 200	\$ 2,000
ORGANIZATION COMMITTEE	\$ 2,500	\$ 1,827	\$ 2,000
PROMOTION COMMITTEE	\$ 60,000	\$ 56,860	\$ 60,700
REPAIRS AND MAINTENANCE	\$ 2,000	\$ 12,892	\$ 6,000
OFFICE EXPENSE	\$ 11,965	\$ 13,700	\$ 14,000
UTILITIES/PHONE/INTERNET	\$ 19,400	\$ 18,315	\$ 19,000
MORTGAGE MONTHLY - SCB	\$ 39,286	\$ 36,013	\$ 39,286
MORTGAGE - ADDITIONAL PRINCIPAL	\$ 20,000		\$ 20,000
DUES AND SUBSCRIPTIONS			\$ -
POSTAGE AND PRINTING	\$ 600	\$ 605	\$ 600
MISCELLANEOUS EXPENSE	\$ -		\$ 39
TROLLEY COSTS	\$ 10,000	\$ 52,807	\$ 50,000
TOTAL OUTFLOWS	<u>\$ 393,507</u>	<u>\$ 395,937</u>	<u>\$ 462,825</u>
INFLOWS OVER OUTFLOWS	<u>\$ 1,743</u>	<u>\$ (30,432)</u>	<u>\$ -</u>

CONSENT AGENDA

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

R E S O L U T I O N

APRIL 23, 2019

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

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Year</i>	<i>Amount</i>
COMMONWEALTH USA SETTLEMENTS	694	47.02	2019/1	\$2,227.48
FIDELITY BANK	782	227.05	2019/1	1,322.36
TOTALS:				\$3,549.84

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

Approved as to content:

R E S O L U T I O N

APRIL 23, 2019

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

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Year</i>	<i>Amount</i>
BOBEV, EMIL & CHARLENE	944.28	28.32	2017/3	\$ 22.73
			2017/4	22.73
DEWEY PLACE ASSOCIATES	1099.41	15	2017/4	\$3,534.19
TOTALS:				\$3,579.65

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

Approved as to content:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SECOND AND FINAL ONE (1) YEAR EXTENSION OF AN OPEN-ENDED CONTRACT WITH HUNTER JERSEY PETERBILT, FOR THE SUPPLY OF PETERBILT REPAIR PARTS FOR THE DEPARTMENT OF PUBLIC WORKS, COMMENCING JUNE 24, 2019 THROUGH JUNE 23, 2020

APRIL 23, 2019

WHEREAS, resolution of the Township Council dated May 24, 2016, authorized the award of an open-ended contract for the Supply of Peterbilt Repair Parts for the Department of Public Works to Hunter Jersey Peterbilt, commencing June 24, 2016 through June 23, 2018; and

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

WHEREAS, the Department of Public Works has determined it is in the best interest of the Township of Toms River to authorize the second and final contract extension for a one (1) year term, commencing June 24, 2019 through June 23, 2020; and

WHEREAS, Hunter Jersey Peterbilt has agreed to extend their current contract for a second and final one (1) year term, commencing June 24, 2019 through June 23, 2020, under the same terms and conditions as the original contract;

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

1. It hereby authorizes the second and final extension of the existing contract with Hunter Jersey Peterbilt for the Supply of Peterbilt Repair Parts for the Department of Public Works, for a one (1) year term, commencing June 24, 2019 through June 23, 2020, under the same terms and conditions as the original contract.

2. The extension of this contract shall be subject to all the terms and conditions of the original contract award, with the following discount and manufacturer:

Discount off Current Peterbilt Repair
Parts Price List: 25%

Manufacturer Bid: Peterbilt

3. 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 certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The extension of this contract is subject to all the terms and conditions of the original contract.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Department of Public Works
- e) Hunter Jersey Peterbilt
524 Monmouth Road
Clarksburg, NJ 08510

CERTIFICATION

THIS IS TO CERTIFY that the funds for the second and final extension of the open-ended one (1) year contract with Hunter Jersey Peterbilt, are contingent upon the availability of funds in the appropriate municipal budget.

The extension of this contract shall be subject to all the terms and conditions of the original contract award, with the following discount and manufacturer:

Discount off Current Peterbilt
Repair Parts Price List: 25%

Manufacturer Bid: Peterbilt

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: April 23, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF SOFTWARE MAINTENANCE FOR THE DEPARTMENT OF POLICE FROM

SPILLMAN TECHNOLOGIES, INC., IN THE AMOUNT OF \$141,422.56, FOR ONE YEAR, COMMENCING FEBRUARY 1, 2019 (\$35,355.64 PER QUARTER FOR 2019)

APRIL 23, 2019

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

1) The Division of Purchasing is requesting authorization to purchase software maintenance from Spillman Technologies, Inc., Salt Lake City, Utah, pursuant to 40A:11-5(1)(dd), the support or maintenance of proprietary software exception to public bidding. The total for 2019 will be \$35,355.64 per quarter, or \$141,422.56 for one year beginning February 1, 2019.

2. 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), it hereby awards a contract to Spillman Technologies, Inc., for the Purchase of Software Maintenance for the Department of Police.

3. The support or maintenance of proprietary software is authorized pursuant to N.J.S.A. 40A:11-5(1)(dd).

Contract Awarded to:	Spillman Technologies, Inc. 4625 West Lake Park Blvd. Salt Lake City, Utah 84120
Maximum Amount:	\$141,422.56 for 2019 (\$ 35,355.64 per quarter for 2019)
Account Nos.:	9-01- -P43-535 - \$ 5,400.00 9-01- -P45-510 - \$ 46,167.56 9-01- -P44-535 - \$ 31,800.00 9-01- -P42-535 - \$ 34,875.00 9-01- -P40-510 - <u>\$ 23,180.00</u>
Total:	\$141,422.56

4. This contract shall commence February 1, 2019 and terminate January 31, 2020.

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) IT Services
- e) Police Department
- f) Spillman Technologies, Inc.
4625 Lake Park Blvd.
Salt Lake City, Utah 84120

CERTIFICATION

THIS IS TO CERTIFY that the funds for the Purchase of Software Maintenance for the Department of Police from the contract with Spillman Technologies, Inc., in the amount of \$141,422.56 for 2019 (\$35,355.64 per quarter for 2019), are available in the following account numbers:

9-01- -P43-535 - \$ 5,400.00
9-01- -P45-510 - \$ 46,167.56
9-01- -P44-535 - \$ 31,800.00
9-01- -P42-535 - \$ 34,875.00
9-01- -P40-510 - \$ 23,180.00

Total: \$141,422.56

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: April 23, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE
TRANSFER/DONATION OF FOUR (4) POLICE BICYCLES NO LONGER USED BY THE
POLICE DEPARTMENT TO THE PLEASANT PLAINS FIRST AID SQUAD**

APRIL 23, 2019

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

1. It hereby authorizes the transfer/donation of four (4) police bicycles no longer used by the Police Department to the Pleasant Plains First Aid Squad.
2. The estimated value of these bicycles is \$75.00 each. One of the bicycles has asset #2848.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Township Attorney
 - b) Chief Financial Officer
 - c) Purchasing Division
 - d) Police Department

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF AN
HP PAGEWIDE LARGE-FORMAT COLOR DIGITAL PLOTTER FOR THE
DEPARTMENT OF ENGINEERING FROM R.S. KNAPP CO., INC., IN THE TOTAL
CONTRACT AMOUNT NOT TO EXCEED \$25,000.00**

APRIL 23, 2019

WHEREAS, the Purchasing Division has requested the Township to authorize the Purchase of an HP PageWide Large-Format Color Digital Plotter for the Department of Engineering from R.S. Knapp Co., Inc.; and

WHEREAS, R.S. Knapp Co., Inc. has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure Form, which certifies that the company has not made any contributions in contravention of New

Jersey's Pay to Play Law, N.J.S.A. 19:44A-20.4 et seq., which are on file in the Municipal Clerk's Office; and

WHEREAS, the Township Council of the Township of Toms River has determined that it is the best interest of the Township of Toms River to authorize this purchase;

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

1. It hereby authorizes the Purchase of an HP PageWide Large-Format Color Digital Plotter from R.S. Knapp Co., Inc. in the total amount not to exceed \$25,000.00.

2. Funds for this purchase are available in Account No. X-04- -236-001. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Division of Purchasing
- b) Chief Financial Officer
- c) Department of Engineering
- d) Township Attorney
- e) R.S. Knapp Co., Inc.
1000 Wall Street West
Lyndhurst, NJ 07071

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of an HP Page Wide Large-Format Color Digital Plotter for the Department of Engineering from R.S. Knapp Co., Inc. in the total maximum amount not to exceed \$25,000.00, is available in Account No. X-04- -236-001.

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: April 23, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO PURCHASE TEN (10) PANASONIC TOUGHBOOKS FOR THE DEPARTMENT OF POLICE FROM VENDOR WITH STATE CONTRACT, USING STATE CONTRACT NO. M0483, VENDOR NO. 89980, FROM CDW-G INC., IN THE TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$42,250.00

APRIL 23, 2019

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

1. In accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.4, (which allows for purchases without

competitive bids from the New Jersey State Contract), and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State contract are hereby approved.

2. Contract for the Purchase of Ten (10) Panasonic Toughbooks for the Department of Police, using State Contract No. M0483, Vendor No. 89980, from the following vendor:

CDW-G Inc.
 230 North Milwaukee Avenue
 Vernon Hills, IL 60061
Toughbooks

5320369	Panasonic Toughbook CF-31 13.1" Core i5-7300U 16 GB RAM 256	10	\$3,657.00
	\$3,675.00		
	Windows 10 Pro MFG. PART#: CF-318B-02VM UNSPSC: 43211503		
4195499	Panasonic Public Sector Service Package Extended Service	10	\$ 550.00
	\$5,500.00		
	Agreement – 2 year		
	Mfg. Part#: CF-SVCPSY5 UNSPSC: 81112307		
2591462	Verizon Device Scan	10	\$ 0.00
	\$ 0.00		
	Mfg. Part#: VZNWRLSACT UNSPSC: 81111511		
5320369	Panasonic Toughbook CF-31 13.1" Core i5-7300U 16 GB RAM 256 GB	10	\$ 0.00
	\$ 0.00		
	Windows 10 Pro Install		
2591462	Verizon Device Scan	10	\$ 0.00
	\$ 0.00		
			\$42,250.00

3. Funds in the amount of \$42,250.00, are available in Account No. X-04- -243-002.

4. Additional units may be purchased at this pricing upon 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.

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) Business Administrator
- d) Township Attorney
- e) Police Department
- f) CDW-G, Inc.
 230 North Milwaukee Avenue
 Vernon Hills, IL 60061

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of Ten (10) Panasonic Toughbooks for the Department of the Police using vendor with State contract, CDW-G, Inc., in the total maximum contract amount not to exceed \$42,250.00, are available in Account No. X-04- -243-002.

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: April 23, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO UTILIZE NJ STATE CONTRACT, AND THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY COOPERATIVE PRICING SYSTEM FOR THE PURCHASE OF VEHICLES FOR THE POLICE DEPARTMENT FROM BEYER FORD, LLC, MALL CHEVROLET, INC. AND HERTRICH FLEET SERVICES, INC., IN THE TOTAL AMOUNT NOT TO EXCEED \$63,800.51

APRIL 23, 2019

WHEREAS, the Township of Toms River is a member of the Educational Services Commission of New Jersey #17/18-21 and ESCNJ 17/18-44, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, pursuant to bids received, contracts were awarded to Beyer Ford, LLC, Mall Chevrolet, Inc., and Hertrich Fleet Services, Inc., by the Educational Services Commission of New Jersey, of which Toms River Township is an active participant, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, the Purchasing Division is requesting authorization to utilize NJ State Contract #86922 and ESCNJ contracts 17/18-21 and 17/18-44, to purchase vehicles as follows for the Police Department, using the following vendors:

Beyer Ford, LLC
170 Ridgedale Avenue
Morristown, NJ 07960
ESCNJ 17/18-21

2019 Ford Escape			
U9G SE 4WD	\$28,995.00	-22.60%	\$22,442.13
Exterior Color: Magnetic	delivery	\$250.00	\$22,692.13

Mall Chevrolet, Inc.
75 Haddonfield Road
Cherry Hill, NJ 08002
ESCNJ 17/18-44

2019 Chevy Equinox			
LS 1.5L Turbo AWD	\$28,495.00	-17.50%	\$23,508.38
Exterior Color: Mosaic Black Metallic	delivery	\$200.00	\$23,708.38

Hertrich Fleet Services Inc.
1427 Bay Rd.
Milford, DE 19963
86922

2019 Ford Fusion			
4 Dr. Sedan S FWD	\$17,400.00		\$17,400.00
Exterior Color: J7 Magnetic Metallic			<hr/>
			\$63,800.51

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

1. It hereby authorizes the Division of Purchasing to utilize NJ State Contract #86922 and ESCNJ contracts 17/18-21 and 17/18-44 to purchase vehicles for the Police Department in an amount not to exceed \$63,800.51, as stated above.

2. Funds for these purchases are available in Account No. X-19- -600-056, Federal Asset Seizure Funds, for Beyer Ford LLC - \$22,692.13, Mall Chevrolet, Inc. - \$23,708.38, and Hertrich Fleet Services Inc. - \$17,400.00, for a total amount not to exceed \$63,800.51. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Clerk
- d) Township Attorney
- e) Police Department
- f) Office of Emergency Management
- g) Educational Services Commission of New Jersey
1660 Stelton Road
Piscataway, N.J. 08854
- h) Beyer Ford LLC
170 Ridgedale Avenue
Morristown, NJ 07960
- i) Mall Chevrolet, Inc.
75 Haddonfield Road
Cherry Hill, NJ 08002
- j) Hertrich Fleet Services, Inc.
1427 Bay Road
Milford, DE 19963

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of vehicles for the Police Department from NJ State Contract 86922 with Hertrich Fleet Services, Inc. in the amount of \$17,400.00, ESCNJ Contract 17/18-21 with Beyer Ford LLC. in the amount of \$22,692.13, and ESCNJ Contract 17/18-44 with Mall Chevrolet, Inc. in the amount of \$23,708.38, for a total maximum amount not to exceed \$63,800.51, are available in Account No. X-19- -600-056 (Federal Asset Seizure Funds).

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: April 23, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO ADVERTISE FOR AND RECEIVE PROPOSALS FOR BANKING SERVICES FOR THE FINANCE DEPARTMENT

APRIL 23, 2019

WHEREAS, it has been brought to the attention of the Township Council of the Township of Toms River, that the Purchasing Division is desirous of advertising and receiving proposals for Banking Services for the Finance Department;

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

1. The Purchasing Division of the Township of Toms River is hereby authorized to advertise and receive proposals for Banking Services for the Finance Department.

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE IMPLEMENTATION OF A \$25.00 REGISTRATION FEE AND THE ISSUING OF PERMITS FOR THE USE OF STORAGE RACKS FOR CANOES AND KAYAKS AT TOWNSHIP-OWNED FACILITIES AT ORTLEY BEACH (BAY SIDE), MONEY ISLAND, WATER STREET AND GILFORD PARK, PURSUANT TO ORDINANCE 4628-19, ARTICLE II, 198-6 BY THE TOWNSHIP COUNCIL

APRIL 23, 2019

WHEREAS, the Department of Recreation is requesting a \$25.00 registration fee and the issuing of permits for the use of Storage Racks for Canoes and Kayaks at Township-Owned Facilities at Ortley Beach (Bay Side), Money Island, Water Street and Gilford Park; and

WHEREAS, the Township Council of the Township of Toms River, has determined that it is the best interest of the Township of Toms River for the Department of Recreation to develop and implement a \$25.00 registration fee and the issuing of permits for the use of Storage Racks for Canoes and Kayaks at Township-Owned Facilities at Ortley Beach (Bay Side), Money Island, Water Street and Gilford Park, pursuant to Ordinance 4628-19, Article II, 198-6;

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 Department of Recreation to develop and implement a \$25.00 registration fee and the issuing of permits for the use of Storage Racks for Canoes and Kayaks at Township-Owned Facilities at Ortley Beach (Bay Side), Money Island, Water Street and Gilford Park, pursuant to Ordinance 4628-19, Article II, 198-6 by the Township Council.

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

- a) Department of Recreation
- b) Chief Financial Officer
- c) Township Attorney

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, EXTENDING THE TERM OF CERTAIN CONTRACTS EXEMPT FROM PUBLIC BIDDING TO JUNE 25, 2019

APRIL 23, 2019

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

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

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

WHEREAS, on March 26, 2019 the Township Council passed a resolution extending the terms of certain 2018 contracts exempted from public bidding to April 23, 2019; and

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

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

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

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

1. It hereby approves the extensions of contracts up to and including June 25, 2019 with the following firms:
 1. Chiesa, Shahinian and Giantomasi P.C., for professional bankruptcy counsel legal services
 2. William J. Willard, Esq., of the firm DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., for professional COAH legal services
 3. Acacia Financial Group, Inc., as Financial Advisor and Counseling Services (Arbitrage)
 4. Chiesa, Shahinian and Giantomasi, P.C., and Michael J. Gross, Esq., of Giordano, Halleran & Cieslam Esqs, as General Environmental Legal Counsel
2. The rates of pay will be the same as those awarded during 2018 calendar year.
3. A notice of these extensions shall be published within 10 days of the date of this Resolution, pursuant to law.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor Thomas Kelaher
 - b) Chief Financial Officer
 - c) Business Administrator
 - d) Township Attorney
 - e) All Department Heads
 - f) Engineering Division
 - g) Purchasing Division
 - h) Tax Assessor
 - i) Township Clerk's Office
 - j) Chiesa, Shahinian and Giantomasi, P.C.
1 Boland Drive
West Orange, New Jersey 07052
 - k) William J. Willard, Esq., of the firm DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.,
15 Mountain Blvd.
Warren, New Jersey 07059
 - l) Acacia Financial Group, Inc.,

6000 Midlantic Drive
Mt. Laurel, New Jersey 08054
m) Michael J. Gross, Esq.
Giordano, Halleran & Ciesla, Esqs.
125 Half Mile Road
Red Bank, N.J. 07701

**CERTIFICATION OF CHIEF FINANCIAL OFFICER PURSUANT TO
LOCAL PUBLIC CONTRACT LAW**

THIS IS TO CERTIFY the contract awards on the attached Resolution are open-ended contracts and, accordingly, pursuant to NJAC 5:30-5.5 the availability of funds cannot be certified at this time. However, funds will be certified at such times as goods or services are ordered or otherwise called for. Prior to incurring the liability, by placing the order, the certification of available funds shall be made by the Chief Financial Officer of certifying officer, as appropriate, and attached to the file copy of the purchase order or other such document. Furthermore, pursuant to NJAC 5:30-5.5(c)(2), these contracts are subject to the availability of funds, the adoption of the CY19 budget and the adoption of the appropriate Capital Ordinances, if applicable.

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: April 23, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO
EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO 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 23, 2019

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

1. It hereby authorizes the 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, 2019 and ending on May 31, 2020. 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
Ocean County Utilities Authority
501 Hickory Lane
PO Box "P"
Bayville, NJ 08721
- 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 OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, APPROVING SUBMISSION OF A GRANT APPLICATION AND THE EXECUTION OF A GRANT AGREEMENT WITH THE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES FOR A COMMUNITY POLICING DEVELOPMENT GRANT

APRIL 23, 2019

WHEREAS, the Office of Community Oriented Policing Services is accepting applications for the Community Policing Development Grant (CPD); and

WHEREAS, this program is available to municipalities; and

WHEREAS, the Community Policing Development Program is a competitive grant program designed to advance the practice of community policing by providing guidance on promising practices through the development and testing of innovative strategies; building knowledge about effective practices and outcomes; and supporting new, creative approaches to preventing crime and promoting safe communities; and

WHEREAS, the Township of Toms River is eligible to apply for this grant program; and

WHEREAS, the Township of Toms River carefully considers grant programs that assist the city in achieving projects and programs that are priorities for the community; and

NOW, THEREFORE, BE IT RESOLVED that City Council of the Township of Toms River formally approves that grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application on behalf of the Township of Toms River.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Toms River and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

- a) Mayor Thomas Kelaher
- b) Business Administrator
- c) Chief Financial Officer
- d) Township Attorney
- e) Chief Mitchell A. Little

- f) James M Rutala, PP, AICP, MBA
Rutala Associates, LLC

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ADOPTING THE
TOMS RIVER TOWNSHIP POLICY AND PROCEDURE MANUAL FOR
THE ORTLEY BEACH STREETScape FEDERAL AID PROJECT**

APRIL 23, 2019

WHEREAS, the Township of Toms River is authorized by statute to enter into grant agreement contracts which receive Federal funding through the New Jersey Department of Transportation (NJDOT) Local Aid Division; and

WHEREAS, it is the understanding of the Township of Toms River that certain Federal programs including the Federal Highway Administration require specific procurement requirements for the selection of firms which must be followed in order to obtain funds from these agencies; and

WHEREAS, it is the desire of the Township of Toms River to insure a process consistent with these requirements and with State law; and

WHEREAS, the Township created a Policy and Procedures Manual for the oversight of the Ortley Beach Streetscape Federal Aid Project, dated October 2018, last revised April 8, 2019.

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

1. Administrative responsibilities of the Township, contract bid preparation and award procedures, construction and project management for the Ortley Beach Streetscape Federal Aid Project shall be coordinated as outlined in the Policy and Procedure Manual, which is attached to this resolution as Exhibit "A", and made a part hereof.
2. Solicitation for Consultant Services for Professional Services, Competitive Contracts, and Extraordinary Unspecifiable services for Federal Aid Projects shall be coordinated as outlined in the Policy and Procedure Manual.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor Thomas F. Kelaher
 - b) Township Council
 - c) Business Administrator
 - d) Township Attorney
 - e) Chief Financial Officer
 - f) Township Planner
 - g) Assistant Township Planner
 - h) NJDOT Division of Local Aid and Economic Development
Local Aid District 3
1035 Parkway Ave.
PO Box 600
Trenton, NJ 08625
Attn: Thomas Berryman, Manager

EXHIBIT "A"

"SEE ATTACHMENTS"

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

**AUTHORIZING THE DIVISION OF PURCHASING TO
ADVERTISE AND RECEIVE PROPOSALS FOR POOL NON-
EMERGENCY VETERINARIAN SERVICES EXEMPT FROM THE
BIDDING PROCESS FOR THE 2019 CALENDAR YEAR**

APRIL 23, 2019

WHEREAS, the Township Council of the Township of Toms River is desirous of receiving proposals for Pool Non-emergency veterinary services exempt from the bidding process for the 2019 calendar year; and

WHEREAS, this service is subject to the Campaign Finance Reform Act, as set forth in N.J.S.A. 19:44A-20.5 and awarded under the "Open and Fair Process", N.J.S.A. 19:44A-20.1, *et. seq.* and Chapter 84 of the Toms River Township Administrative Code; and

WHEREAS, the criteria to be considered is as follows:

- (a) Name and business address of proposed contractor. The names and roles of the individuals who will perform the task, and a description of their experience with projects similar to the matter being advertised.
- (b) References which include evidence of successful transactions for provision of similar goods or services.
- (c) Description of ability to provide the goods or services in a timely fashion (for service contracts, include staffing, familiarity, and location of key staff).
- (d) Cost details, including the hourly rates of each of the individuals who will perform services, time estimates for each individual, all expenses, and, where appropriate, a total cost of "not to exceed" amount.
- (e) Qualifications of the individuals who will perform the tasks and the amounts of their respective participation.
- (f) Other relevant experience.
- (g) Ability to perform the task or provide goods in a timely fashion.
- (h) Cost consideration, including, but not limited to, as applicable, historical costs for similar goods or services, expertise involved and comparable costs for comparable public entities; and

WHEREAS, proposals by vendors are to be sealed and opened at a time certain as determined by the Division of Purchasing, and such proposals shall become available to the public at that time:

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:

1. The Division of Purchasing is hereby authorized to advertise for the receipt of proposals for Pool Non-emergency veterinary services described below under a fair and open process as set forth in Chapter 84, "Contracts, Public", of the Toms River Township Administrative Code utilizing the following criteria:
 - (a) Name and business address of proposed contractor. The names and roles of the individuals who will perform the task, and a description of their experience with projects similar to the matter being advertised.
 - (b) References which include evidence of successful transactions for provision of similar goods or services.
 - (c) Description of ability to provide the goods or services in a timely fashion (for service contracts, include staffing, familiarity, and location of key staff).

- (d) Cost details, including the hourly rates of each of the individuals who will perform services, time estimates for each individual, all expenses, and, where appropriate, a total cost of "not to exceed" amount.
 - (e) Qualifications of the individuals who will perform the tasks and the amounts of their respective participation.
 - (f) Other relevant experience.
 - (g) Ability to perform the task or provide goods in a timely fashion.
 - (h) Cost consideration, including, but not limited to, as applicable, historical costs for similar goods or services, expertise involved and comparable costs for comparable public entities.
2. Pool Non-emergency veterinary services are not to exceed \$68,000.00, for CY19 and to be taken from Account No. 9-13- -911-011 - \$55,000.00; Account No. 9-13- -911-002 - \$8,000.00; and Account No. 9-01- -P45-534 - \$5,000.00.
 3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor Thomas Kelaher
 - b) Township Council
 - c) Business Administrator
 - d) Township Clerk
 - e) Director, Human Services
 - f) Township Attorney

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 23, 2019

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

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

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

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

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

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

- a) Mayor Thomas F. Kelaher
- b) Business Administrator
- c) Chief Financial Officer
- d) Tax Collector
- e) Township Attorney
- f) Housing & Property Maintenance
- g) Code Enforcement
- h) Director, Parks, Buildings & Grounds
- i) Certisimo, Joseph
541 Martin Road
Toms River, NJ 08753
- j) Wilbur, Jason P.
1861 New Hampshire Avenue
Toms River, NJ 08755
- k) Federal National Mortgage Assoc.
14221 Dallas Pkwy. #1000
Dallas, TX 75254
- l) Alfonso, Maria E. & Carlos A. Correa
308 Keats Avenue
Toms River, NJ 08753
- m) Mr. Cooper, LLC
350 Highland Drive
Lewisville, TX 75067

SCHEDULE "A"

CERTIFICATION OF COSTS

	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TOTAL</u>
1.	1080.11	6	541 Martin Road	\$378.91
2.	192.35	480	1861 New Hampshire Avenue	\$378.91
3.	394.01	5	1032 Valley Stream Road	\$532.81
4.	711	48	308 Keats Avenue	\$532.81
5.	171.01	2	1946 Sawmill Court	\$532.81

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY,
REJECTING PROPOSALS RECEIVED FOR CERTAIN SERVICES
EXEMPT FROM PUBLIC BIDDING, AND AUTHORIZING THE
DIVISION OF PURCHASING TO ADVERTISE AND RECEIVE
NEW PROPOSALS**

APRIL 23, 2019

WHEREAS, a resolution of the Toms River Township Council dated October 9, 2018 authorized the Division of Purchasing to advertise and receive proposals for certain services exempt from public bidding for the 2019 calendar year; and

WHEREAS, these services are subject to the Campaign Finance Reform Act, as set forth in N.J.S.A. 19:44A-20.5 and to be awarded under the "Open and Fair

Process”. N.J.S.A. 19:44A-20.1, et. seq. and Chapter 84 of the Toms River Township Administrative Code; and

WHEREAS, on December 4, 2018 through December 6, 2018 proposals were opened, and reviewed by the Township; and

WHEREAS, upon review the Council found that there were insufficient proposals submitted for certain services to promote competition and provide a reasonable selection of firms for the council to review; and

WHEREAS, the Council is desirous to authorize additional requests for proposals; and

WHEREAS, the criteria and procedure for the new proposals are to be pursuant to the Campaign Finance Reform Act, as set forth in N.J.S.A. 19:44A-20.5 and to be awarded under the “Open and Fair Process”. N.J.S.A. 19:44A-20.1, et. seq. and Chapter 84 of the Toms River Township Administrative Code as follows:

- (a) Name and business address of proposed contractor. The names and roles of the individuals who will perform the task, and a description of their experience with projects similar to the matter being advertised.
- (b) References which include evidence of successful transactions for provision of similar goods or services.
- (c) Description of ability to provide the goods or services in a timely fashion (for service contracts, include staffing, familiarity, and location of key staff).
- (d) Cost details. including the hourly rates of each of the individuals who will perform services, time estimates for each individual, all expenses, and, where appropriate, total cost of "not to exceed" amount.
- (e) Qualifications of the individuals who will perform the tasks and the amounts of their respective participation.
- (f) Other relevant experience.
- (g) Ability to perform the task or provide goods in a timely fashion.
- (h) Cost consideration, including, but not limited to, as applicable, historical costs for similar goods or services, expertise involved and comparable costs for comparable public entities; and

WHEREAS, proposals for this service are to be sealed and opened by the Division of Purchasing, and such proposals shall become available to the public at that time:

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:

- 4. The proposals submitted for the following services as authorized on October 9, 2018 are hereby rejected for lack of competition in these fields:
 - a. Bankruptcy Counsel
 - b. Financial Advisor
 - c. Pool General Environmental Counsel
 - d. COAH Legal Counsel Services
- 5. The Division of Purchasing is hereby authorized to advertise for the receipt of proposals for the following services exempt from public bidding under a fair and open process as set forth in Chapter 84, “Contracts, Public”, of the Toms River Township Administrative Code:
 - e. Bankruptcy Counsel
 - f. Financial Advisor
 - g. Pool General Environmental Counsel

- h. COAH Legal Counsel Services
- 3. The rates and conditions for these services shall be the same as authorized by resolution on October 9, 2018.
- 4. Any firm whose proposal was rejected is not prohibited from submitting a new proposal for the services listed, above.
- 5. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor Thomas Kelaheer
 - b) Purchasing Division
 - c) Chief Financial Officer
 - d) Business Administrator
 - e) Township Attorney
 - f) Township Council

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

April 23, 2019

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

g) 1968 Route 35 North
Ortley Beach, NJ 08751
NJ Department of Law & Public Safety
Division of Consumer Affairs
Legalized Games of Chance Control Commission
P.O. Box 46000
Newark, NJ 07101

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING REDUCED PERFORMANCE GUARANTEES FOR A MAJOR SUBDIVISION KNOWN AS BLOCK 410, LOTS 10 AND 11 (10.01 – 10.25) (CHURCH ROAD)

April 23, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as McDonald's, Block 609.01, Lots 9, 17, 18, 19 & 21.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$950.00 which represents the initial required escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by McDonald's Corporation, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. McDonald's Corporation
Po Box 182571
Columbus, OH 43218-2571

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 FARRO'S TEES, BLOCK 444.07, LOT 22 (Fischer Blvd)

April 23, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Farro's Tees, Block 444.07, Lot 22.

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 \$550.00 currently on deposit in account # 6-14- -902-101 is hereby released with applicable interest;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Dominick Farro
873 Fischer Blvd
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS, MCDONALD'S CORPORATION, BLOCK 609.01, LOTS 9, 17, 18, 19 AND 21 (Route 37)

April 23, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as McDonald's, Block 609.01, Lots 9, 17, 18, 19 & 21.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$950.00 which represents the initial required escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by McDonald's Corporation, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. McDonald's Corporation
Po Box 182571
Columbus, OH 43218-2571

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS CHASE BANK, BLOCK 506.03, LOT 28.04 (1095 Route 37 West)

April 23, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Chase Bank Block 506.03, Lot 28.04.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #2284903 in the amount of \$41,850.00 which represents the ninety percent portion of the Performance Guarantee amount.
- 2) Bond # 2284904 in the amount of \$5,000.00 which represents the Safety and Stabilization Guarantee amount.
- 3) Check in the amount of \$4,650.00 which represents the ten percent portion of the performance guarantee amount.
- 4) Check in the amount of \$7,573.46 which represents the initial required escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Core States Construction Services, Inc., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Core States Construction Services, Inc.
3039 Premiere Parkway, Suite 700
Duluth, GA 30097

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS FRANK DUELLY HOLDINGS, BLOCK 159, LOT 6.01 (2345 Route 9)

April 23, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Frank Duelly Block 159, Lot 6.01.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #72136777 in the amount of \$4,500.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$500.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$500.00 which represents the initial required escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Frank Duelly Holdings, LLC., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Frank Duelly Holdings, LLC
2345 Highway 9
Toms River, NJ 08753

A motion was made by Council Member Maruca, seconded by Council Member Huryk, and Council Members Huryk, Maruca, Turnbach, and Council Vice-President Hill voting yes, and with Council Members Kubiell, Rodrick and Wittmann absent, that the following Resolution:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AWARDED CERTAIN CONTRACTS FOR SERVICES EXEMPT FROM THE BIDDING PROCESS COMMENCING APRIL 24, 2019 UP TO AND INCLUDING DECEMBER 31, 2019

BE TABLED TO THE NEXT COUNCIL MEETING ON MAY 14, 2019.

REPORTS

NONE

APPROVAL OF BILLS

Council Vice-President Hill asked for a report on the bills.

The Bill List, dated **April 17, 2019** was approved on motion by Council Member Turnbach, seconded by Council Member Huryk, and carried with Council Members , Huryk, Maruca, Turnbach, and Council Vice-President Hill voting yes, and with Council Members Kubiell, Rodrick and Wittmann absent. The following respective exceptions to their votes were noted as abstentions to this vote:

Council Vice-President Hill abstained due to Business conflicts on the following:

Purchase Order 19-01996, payable to Community Medical Center, in the amount of \$1,188.08.

Purchase Order 19-02173, payable to Toms River Board of Education in the amount of \$22,972.95.

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

Purchase Order 19-00163, payable to Board of Education in the amount of \$11,876,811.92.

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

Purchase Order 19-01677, payable to Remington & Vernick Engineers in the amount of \$2,227.00.

Purchase Order 19-02025, payable to Recreation Salaries in the amount of \$8,357.02.

Purchase Order 19-00619, payable to Borough of Lavallette in the amount of \$1,211.93.

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

Purchase Order 19-02176 & 19-02025, payable to NJ Motor Vehicle Commission in the amount of \$4,050.00.

Purchase Order 19-01678, payable to Dasti & McGuckin in the amount of \$1,323.00.

Purchase Order 19-00994, payable to Gregory McGuckin in the amount of \$2,065.50.

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

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

Purchase Order 19-01678, payable to Dasti & McGuckin in the amount of \$1,323.00.

Purchase Order 19-00994, payable to Gregory McGuckin in the amount of \$2,065.50.

Purchase Order 19-02025, payable to Magistrate Salaries in the amount of \$7,635.44.

Purchase Order 19-00455, payable to Citta, Holzapfel and Zabarsky in the amount of 47,100.00.

NOTE: The above list of exceptions were not approved but carried to the May 14, 2019 Regular Council Meeting.

ELECTED OFFICIALS COMMENTS

Mayor Kelaher spoke regarding removal of statue of Kate Smith for political reasons by Philly Flyers.

Councilman Turnbach spoke regarding Food Fest May 4th; Property Tax Rebate Program.

Councilwoman Maruca spoke regarding beach badges sold at Recreation till Memorial Day; and May 11th Police Department Open House from 12-4 p.m. with Animal Shelter.

Councilwoman Huryk spoke regarding Cattus Island Nature Festival April 27th; Greater Toms River Chamber on May 3rd "Meet Your Congressman"; Food Fest May 4th and Chili Cook Off May 18th.

Councilman Hill spoke regarding Kate Smith statue; and 50th college reunion at Rutgers.

PUBLIC COMMENTS

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

Pat Klaslo questioned why bill lists were moved to next meeting. Township Attorney Merlino answered.

No further comments from the public appearing, a motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried to close public comment.

A motion was made by Council Member Maruca, seconded by Council Member Huryk, and carried to enter into a private Executive Session at 6:45 PM.

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

R E S O L U T I O N

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

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

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

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

Matters of Personnel
Attorney Client Privilege
Land Acquisitions

3. The following specific topics were announced.
 1. Executive Session Minutes Review: April 9, 2019 Regular Meeting
 2. Personnel:
 3. Review of status of all real property acquisitions (voluntary acquisitions and eminent domain actions).
4. It is anticipated that deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

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

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

The Council **reconvened** the public portion at 7:32 P.M., a motion was made by Council Member Huryk, seconded by Council Member Maruca, and carried with Council Members Huryk, Maruca, Turnbach, and Council Vice-President Hill voting yes, and with Council Members Kubiel, Rodrick and Wittmann absent.

No other business appearing, the meeting was **adjourned** at 7:34 P. M., on motion with Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Huryk, Maruca, Turnbach, and with Council Vice-President Hill voting yes, and with Council Members Kubiel, Rodrick and Wittmann absent.

COUNCIL VICE-PRESIDENT MAURICE B. HILL

ALISON CARLISLE, TOWNSHIP CLERK