

April 27, 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 Turnbach, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, and Turnbach and with Council President Geoghegan voting yes, to approve the **Regular Meeting of April 13, 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 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 make the following honoring proclamations a part of the Minutes.

Chief of Police Little presented retirement clock to Sr. Detective Daniel T. Brennan.

Council President introduced Zachary Parry and presented him with proclamation.

MAURICE “MO” B. HILL, JR.
MAYOR

May 11, 2021

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Zachary Parry
1 Tilton Avenue
So. Toms River, NJ 08757

Dear Zachary,

CONGRATULATIONS on your achievement of the rank of Eagle Scout.

I am sure you are aware that many of our Presidents, military and business leaders were Eagle Scouts. It is a remarkable accomplishment that in six short years as a Cub Scout and Boy Scout you have been able to attain the rank of Eagle Scout. As a member of Troop 50 of Toms River, you have been awarded over 37 merit badges, including: First Aid, Personal Fitness, Emergency Preparedness, Camping, Cooking, and Citizenship in your Community, Nation and the World. You have served as Den Chief to Pack 175 and Senior Patrol Leader of Troop 50. In addition, you served for 3 years as Chaplain's Aide and are a member of the Boy Scouts Order of the Arrow.

Zak, your Eagle Scout Project, Operation Santa Drop supported our deployed military members serving in Romania. You sent over 50 boxes of socks, tee shirts, snacks, personal hygiene items, homemade cards and goodies to your uncle's Navy unit serving overseas.

Zak, your accomplishments as a leader in the Boy Scouts are impressive. It is with **great pleasure that I commend your service to your community and country that is in keeping with the HIGHEST TRADITIONS of Eagle Scout, Boy Scouts of America. CONGRATULATIONS!**

Sincerely,

Maurice B. Hill, Jr. DMD
Mayor, Toms River, NJ

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

**RESOLUTION AUTHORIZING THE READING OF THE TOWNSHIP OF
TOMS RIVER 2021 CALENDAR YEAR BUDGET BY TITLE ONLY**

APRIL 27, 2021

WHEREAS, the statutory requirements regarding advertisement, posting and availability of the 2021 Calendar Year Local Municipal Budget of the Township of Toms River have been met;

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 2021 Calendar Year Local Municipal Budget of the Township of Toms River shall be read by title only pursuant to Statute.

2. Township Clerk shall send a certified copy of this resolution to each of the following:

- a. Chief Financial Officer
- b. Municipal Attorney

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c. Auditor
 d. State of New Jersey
 Division of Local Government Services
 PO Box 803
 Trenton, NJ 08625

2021 Municipal Budget Amendment Public Hearing

President Geoghegan announced the Amendment Public Hearing of the Budget.

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes, to close the Municipal Budget Public Hearing.

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 9th 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:

<u>ANTICIPATED REVENUES</u>	<u>FCOA</u>	<u>From</u>	<u>To</u>
<u>Miscellaneous Revenues</u>			
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			
		\$88,122,127.7	
	07-190	2	88,115,061.65
7			
· Total General Revenues			
	13-299	\$135,205,457. 25	<u>\$136,083,261.18</u>

GENERAL APPROPRIATIONS

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>25</u>	<u>\$136,083,261.18</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

APPROPRIATIONS

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 16th 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 27th, 2021 at 6:00 PM. The amended budget is included in its entirety on 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

2021 Municipal Budget

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 with Council President Geoghegan voting yes, to **approve the 2021 Municipal Budget.**

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 Lotano, and carried that an Ordinance entitled:

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 348-9.32 OF THE TOWNSHIP CODE TO REVISE THE REGULATIONS GOVERNING "WIRELISS COMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY"

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

Paul Jeffrey, 1661 Bay Blvd, Ortley, questioned poles location and approved process.

Township Attorney Merlino spoke regarding this Ordinance.

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

Council Member Maruca offered the following ordinance and moved its adoption, Council Member Lotano 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	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	Abstained
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CONSENTING TO THE FRANCHISE RENEWAL RIGHTS TO NEW JERSEY NATURAL GAS COMPANY TO LAY AND MAINTAIN GAS MAINS, PIPES AND SERVICE PIPES, IN AND UNDER THE SURFACE OF ANY OR ALL OF THE ROADS, STREETS, AVENUES, HIGHWAYS AND PUBLIC PLACES, FOR THE PURPOSE OF FURNISHING NATURAL GAS TO THE TOWNSHIP OF TOMS RIVER

WHEREAS, the New Jersey Natural Gas Company obtained the consent of this municipality to exercise its franchise rights by ordinance dated December 22, 1959, to lay and maintain gas mains, pipes and service pipes, in and under the surface of any or all of the roads, streets, avenues, highways and public places, for the purpose of furnishing gas therein; and

WHEREAS, pursuant to Ordinance 4247-10 adopted March 23, 2010, the Township renewed New Jersey Natural Gas Company's Franchise for ten (10) years, which renewal was approved by the Board of Public Utilities, by Order entered November 10, 2010, under Docket No. GE 10040290; and

WHEREAS, New Jersey Natural Gas Company's franchise expired November 9, 2020; and

WHEREAS, New Jersey Natural Gas Company is desirous of obtaining consent of the municipality to continue serving the municipality;

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

1. New Jersey Natural Gas Company be and is hereby authorized to lay, maintain and operate its conductors, mains, and pipes, together with the appurtenances thereto, in all the public streets, alleys, squares and public places in this municipality which are under the control and jurisdiction of the Township of Toms River for the purpose of conducting gas, or any mixture of gases of various types, including natural gas, for the purpose of transmitting and distributing such gas in this municipality for a period of five (5) years from the date hereof, upon the following terms and conditions:

2. New Jersey Natural Gas Company shall agree that, in all cases in which street openings or excavations are made for the purposes aforesaid, the pavement and the surface of the streets, alleys, squares or roadways shall be restored to the same condition as existed prior to the opening thereof; and

3. New Jersey Natural Gas Company shall conduct the work or the laying or maintaining of gas pipes therein in a careful and prudent manner;

4. New Jersey Natural Gas Company shall file with the Clerk of the Township of Toms River, within sixty (60) days from the date hereof, its acceptance of the terms and provisions of the franchise consent herein granted and its agreement to be bound by the terms and provisions thereof;

5. This Ordinance shall not become effective until it is approved by the Board of Public Utilities of the State of New Jersey.

6. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

7. 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.

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

Councilman Rodrick spoke on increased rate from New Jersey Natural Gas Company and want to move to table.

Councilwoman Maruca explained the resolution's purpose was not supporting increase but announced the public hearing was next meeting anyway.

A motion was made by Council Member Huryk, seconded by Council Member Turnbach and carried, with Council Members Huryk, Kopp, Lotano, Turnbach, Maruca, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no, 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

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May 11, 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 30, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no.

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

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, ESTABLISHING A NEW CHAPTER 234 OF THE
TOWNSHIP CODE TO PROHIBIT THE OPERATION OF CANNABIS ESTABLISHMENTS,
DISTRIBUTORS, AND DELIVERY SERVICES IN THE TOWNSHIP**

WHEREAS, at the November 2020 general election, New Jersey voters approved Public Question No. 1, which amended the State Constitution to permit the legalization of a controlled form of marijuana, called "cannabis," for recreational use by adults 21 years of age and over; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age and older and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licenses businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; and

WHEREAS, §31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in §3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, §31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, §31b of the Act also mandates, however, that any municipal regulation or prohibition must be adopted no later than 180 days from the Act’s effective date; and

WHEREAS, pursuant to §31b of the Act, if municipalities fail to timely take legislative action, the growing, cultivating, manufacturing, selling, and reselling of cannabis and cannabis items automatically default to the status of permitted uses in all industrial zones, and the retail selling of cannabis items to consumers automatically defaults to the status of a conditional use in all commercial and retail zones, for a five-year period during which they are immune from municipal regulation; and

WHEREAS, at the expiration of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, municipalities again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would operate prospectively only and would not apply to existing cannabis businesses; and

WHEREAS, the Mayor and Township Council have determined that, due to the uncertainty surrounding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Toms River in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township’s residents and members of the public who visit, travel, or conduct business in Toms River, to amend the Township Code to impose a blanket prohibition against all classes of cannabis establishments, cannabis distributors, and cannabis delivery services, as those

operations are defined in P.L. 2021, c. 16, §3, within the geographic boundaries of Toms River; and

WHEREAS, officials from two prominent non-profit organizations established for the purpose of advising New Jersey municipalities on legal matters (the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act’s 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts:

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

1. A new Chapter 234 of the Township Code, entitled “Cannabis Regulation,” is hereby established to provide as follows:

§234-1. Findings and declarations.

- A. At the November 2020 general election, New Jersey voters approved Public Question No. 1, which amended the State Constitution to permit the legalization of a controlled form of marijuana, called “cannabis,” for recreational use by adults 21 years of age and over.
- B. On February 22, 2021, the Governor signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age and older and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession.
- C. The Act establishes six marketplace classes of licenses businesses, including: (1) Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis; (2) Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items; (3) Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees; (4) Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another; (5) Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and (6) Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the

cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

- D. The Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in §3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and to establish civil penalties for the violation of any such regulations.
- E. The Act further authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services throughout the municipality.
- F. Any such prohibitions or regulations must be enacted no later than 180 days from the Act’s effective date; otherwise, the growing, cultivating, manufacturing, selling, and reselling of cannabis and cannabis items automatically default to the status of permitted uses in all industrial zones, and the retail selling of cannabis items to consumers automatically defaults to the status of a conditional use in all commercial and retail zones, for a five-year period, during which they are immune from municipal action.
- G. At the expiration of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality’s power to do so is restored, but must be exercised within 180 of the expiration of the statutory five-year grace period, and any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality.
- H. The Mayor and Township Council have determined that, due to the uncertainty surrounding the potential future impacts of allowing one or more classes of cannabis business to operate in Toms River, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township’s residents and members of the public who visit, travel, or conduct business in Toms River, to impose a blanket prohibition against all classes of cannabis establishments, cannabis distributors, and cannabis delivery services, as those enterprises are defined in P.L. 2021, c. 16, §3, within the geographic boundaries of Toms River.
- I. Such sweeping action is necessary due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted or otherwise regulated in the Township; the relatively short duration in which the Act would allow such decisions to be made before automatically imposing such uses in specified zoning districts subject to unspecified conditions; and to ensure sufficient time to carefully review all aspects of the Act and its potential impacts.

§234-2. Definitions.

The terms “cannabis,” “cannabis establishments,” “cannabis distributors,” and “cannabis delivery services” are defined as set forth in P.L. 2021, c.16, §3.

§234-3. Township-wide prohibition; exceptions.

- A. Pursuant to P.L. 2021, c. 16, §31b, all classes of cannabis establishments, cannabis distributors, or cannabis delivery services are prohibited from establishing or operating throughout the Township of Toms River, including, to the extent applicable, any part of the Township currently within or that subsequently falls under the jurisdiction of any independent state authority, commission, agency, or instrumentality of the State of New Jersey, notwithstanding any law to the contrary.
- B. Pursuant to P.L. 2021, c. 16, §31b, the prohibition established under §234-3A does not apply to the delivery of cannabis items and related supplies by a delivery service.

§234-4. Severance.

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

§234-5. Violations; penalties.

- A. The establishment or operation of a cannabis establishment, cannabis distributor, or cannabis delivery service in the Township of Toms River constitutes a violation of this Chapter, subject to the fines and penalties imposed herein.
- B. Any person or entity that establishes or operates a cannabis establishment, cannabis distributor, or cannabis delivery service in the Township of Toms River in violation of this Chapter is subject to the maximum fines and penalties provided under N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29, and any subsequent amendments to those statutes.
- C. Each day a cannabis establishment, cannabis distributor, or cannabis delivery service remains or established or continues to operate in violation of this Chapter constitutes a separate violation, subject to cumulative fines and penalties.

§234-6. Enforcement.

The Police Department and the Division of Code Enforcement are charged with enforcing this Chapter.

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

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

A motion was made by Council Member Maruca, seconded by Council Member Kopp and carried, with Council Members Kopp, Lotano, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes, and with Council Member Huryk voting no, 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 May 11, 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 30, 2021.

Township Attorney Merlino explained the Ordinance on cannabis to the Council and public.

Ordinance was adopted on first reading with Council Members Kopp, Lotano, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes, and with Council Member Huryk voting no.

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 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 THE TOMS RIVER WATERFRONT AND
SURROUNDING AREA LOCAL CONCEPT DEVELOPMENT STUDY**

APRIL 27, 2021

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

1. The Township supports the advancement of the Toms River Waterfront and Surrounding Area Local Concept Development Study to the next phase of the project: Preliminary Engineering.

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) Township Council
- d) Township Attorney
- e) Engineering Division
- f) Township Planner

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 Huryk, seconded by Council Member Turnbach and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes, to approve all the following items listed on the Consent Agenda except item **G, H, N, and O**, which were done separately.

R E S O L U T I O N

APRIL 27, 2021

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO A 2020 SENIOR DEDUCTION BEING REFUNDED BACK TO HOME 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:*

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
<i>BLESSING, DOREEN</i>	<i>724.11</i>	<i>138</i>	<i>2020/4</i>	<i>\$ 250.00</i>
<i>SOARES, LAURIE</i>	<i>192.30</i>	<i>36</i>	<i>2020/4</i>	<i>\$250.00</i>
<i>TOTALS:</i>				<i>\$500.00</i>

- 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 27, 2021

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO A 2020 VETERANS DEDUCTION BEING REFUNDED BACK TO HOME 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:*

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
<i>CATANIO, DEBORAH</i>	<i>297.04</i>	<i>1</i>	<i>2020/4</i>	<i>\$ 250.00</i>
<i>PANACCIONE, ANTHONY & MARILYN</i>	<i>192.35</i>	<i>417</i>	<i>2020/4</i>	<i>\$250.00</i>
<i>DERKOWSKI, KENNETH & HELEN</i>	<i>1694.50</i>	<i>11</i>	<i>2020/4</i>	<i>\$250.00</i>
<i>HOWLAND, ROBERT & CARMEN</i>	<i>411.45</i>	<i>23</i>	<i>2020/4</i>	<i>\$250.00</i>
<i>KINSKY, ROBERT & MARY ANN</i>	<i>540.04</i>	<i>36</i>	<i>2020/4</i>	<i>\$250.00</i>
<i>TOTALS:</i>				<i>\$1,250.00</i>

- 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 27, 2021

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO A 2020 WIDOW OF A VETERAN DEDUCTION BEING REFUNDED BACK TO HOME 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:*

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
GAVALA, AUDREY	1004	1	2020/4	\$ 250.00

- 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 27, 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:*

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
NARDONE, RAFFELLA	135.02	2		\$1,149.00

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 27, 2021

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO AN ERRONEOUS 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>Qual, Year</i>	<i>Amount</i>
TOWNSHIP OF TOMS RIVER BUILDING	646.01	10	2/2020	486.00
DEPARTMENT				

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 27, 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, 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>Qual,Year</i>	<i>Amount</i>
LAW OFFICE OF VALERIE HOFER AS TRUSTEE FOR THOMAS EDMOND & SUZANNE	232.09	48	2020/4	\$3,834.95

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 27, 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, 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>Qual,Year</i>	<i>Amount</i>
JACOBUS & ASSOCIATES, LLC AS TRUSTEE FOR COMMUNITY MALL	535	2	2020/4	\$24,802.83

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 724.66 LOT 9 EFFECTIVE JANUARY 1ST , 2021, AND PROVIDING THAT PROPERTY TAXES FOR 2021, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

APRIL 27, 2021

WHEREAS, the owner of real property in the Township of Toms River known as Block 724.66 Lot 9, located at 2109 Windsor Avenue, has been certified by the Tax Assessor as a a of a 100% Disabled Veteran, effective January 1st, 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 724.66 lot 9 due on or after January 1st, 2021, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 724.66 lot 9 if any, shall be refunded on a pro-rated basis from January 1st, 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, AUTHORIZING THE TOWNSHIP TO ENTER INTO AN AGREEMENT WITH JAMES M. RUTALA ASSOCIATES, LLC, FOR GRANTS CONSULTANT SERVICES, IN THE TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$25,000.00

APRIL 27, 2021

WHEREAS, the Purchasing Division has requested the Township for authorization to enter into an Agreement for Grants Consultant Services with James M. Rutala Associates, LLC, 717 River Drive, Linwood, NJ, 08221; and

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

WHEREAS, the Township Council has determined that it is the best interest of the Township of enter into an Agreement with James M. Rutala Associates, LLC, for Grants Consultant Services;

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

1. It hereby authorizes the Township to enter into an agreement with James M. Rutala Associates, LLC, for Grants Consultant Services, in the total maximum contract amount not to exceed \$25,000.00.

April 28, 2021 19

2. Funds for this purchase, in the total maximum amount not to exceed \$25,000.00, are available in Account No. 1-01- -F12-534. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) James M. Rutala Associates, LLC
717 River Drive
Linwood, NJ 08221
Attn: James M. Rutala, PP, AICP, MBA

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with James M. Rutala Associates, LLC, for a total maximum amount not to exceed \$25,000.00, are available in Account No. 1-01- -F12-534.

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 27, 2021

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF OPEN-ENDED CONTRACTS FOR THE SUPPLY OF PRINTED FLAT FORMS, LETTERHEAD AND ENVELOPES, TO PARSELLS PRINTING; CONCEPT PRINTING INC. D/B/A/ CONCEPT PRINT; ENVELOPES & PRINTED PRODUCTS INC. AND JERSEY SHORE PRINTING ASSOCIATES INC., AS THE LOWEST BIDDERS, MEETING ALL OF THE BID SPECIFICATIONS

APRIL 27, 2021

WHEREAS, bids were invited for the Supply of Printed Flat Forms, Letterhead and Envelopes; and

WHEREAS, bids were received from the following vendors, on April 13, 2021:

Parsells Printing
938 Spring Valley Rd
Maywood, NJ 07607

Concept Printing Inc.
d/b/a Concept Print
40 Lydecker St
Nyack, NY 10960

Envelopes & Printed Products Inc.
135 Fairview Ave
Prospect Park, NJ 07508

Jersey Shore Printing
Associates Inc.
153 First Ave
Atlantic Highlands, NJ 07716

Ridgewood Press
609 Franklin Turnpike
Ridgewood, NJ 07450

Paper Mart Inc.
151 Ridgedale Ave
E. Hanover, NJ 07936

WHEREAS, the bids have been reviewed by the Purchasing Division, which recommends that open-ended contracts be awarded to the following vendors, as the lowest bidders, meeting all of the bid specifications:

Parsells Printing for Item Numbers: 7 and 47.

Concept Printing Inc. d/b/a Concept Print for Item Numbers: 7, 8, 12, 14-31, 33, 34, 36-46, 48-54, 56-59, 61-92, 94, 95 and 98-103.

Envelopes & Printed Products Inc. for Item Numbers: 1-6, 9-11, 13, 35, 55, 60 and 93.

Jersey Shore Printing Associates Inc. for Item Numbers: 7, 32, 96, and 97; and

WHEREAS, the bids received from Ridgewood Press and Paper Mart Inc. are rejected because both vendors used an incorrect proposal form rendering their bids non-responsive.

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

1. Open-ended contracts for the Supply of Printed Flat Forms, Letterhead and Envelopes are hereby awarded to the following vendors, as the lowest bidders, meeting all of the bid specifications:

Parsells Printing for Item Numbers: 7 and 47.

Concept Printing Inc. d/b/a Concept Print for Item Numbers: 7, 8, 12, 14-31, 33, 34, 36-46, 48-54, 56-59, 61-92, 94, 95 and 98-103.

Envelopes & Printed Products Inc. for Item Numbers: 1-6, 9-11, 13, 35, 55, 60 and 93.

Jersey Shore Printing Associates Inc. for Item Numbers: 7, 32, 96, and 97.

2. The bids received from Ridgewood Press and Paper Mart Inc. are rejected because both vendors used an incorrect proposal form rendering their bids non-responsive.

3. The Term of Contracts shall be effective retroactive from April 24, 2021 through April 23, 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.

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) All Township Departments
- e) All Aforementioned Bidders

CERTIFICATION

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

Pasells Printing

Concept Printing Inc. d/b/a Concept Print

Envelopes & Printed Products Inc.

Jersey Shore Printing Associates, Inc.

are open-ended contracts with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: April 27, 2021

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING OPEN-ENDED CONTRACTS FOR THE SUPPLY OF WORK, SPORT AND LIFEGUARD CLOTHING FOR VARIOUS DEPARTMENTS IN THE TOWNSHIP, TO ORIGINAL WATERMEN INC., KEYPORT ARMY NAVY, EAST COAST DESIGNS, DOT DESIGNING LLC, AND HANOVER UNIFORM COMPANY, AS THE LOWEST, RESPONSIVE BIDDERS MEETING ALL OF THE BID SPECIFICATIONS

APRIL 27, 2021

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

WHEREAS, bids were received on March 24, 2021, from the following vendors:

Original Watermen Inc. 1198 Joshua Way Vista, CA 92081	Keyport Army Navy PO Box 985 Brick, NJ 08723	East Coast Designs 90 Columbus Ave Hasbrouck Heights, NJ 07604
Dot Designing LLC 242 Possum Hollow Rd Monroe Twp., NJ 08831	Hanover Uniform Company 3501 Marmenco Ct Baltimore, MD 21230	

WHEREAS, the bids have been reviewed by the Purchasing Division, and recommendation has been made to award open-ended contracts to the following vendors, who are the lowest responsive bidders, meeting all of the bid specifications per line item:

Original Watermen Inc. - Item Numbers: 91, 110, and 115.

Keyport Army Navy - Item Numbers: 1, 2, 5, 11, 12, 15, 17-20, 22, 25, 26, 29, 30, 32, 34, 36, 37, 39, 40, 42-44, 46-54, 57, 60-62, 67-69, 75, 78, 107, 108, 111, 112, 117-119, 121-125, 127, 129, and 130.

East Coast Designs - Item Numbers: 16, 71, 83 and 84.

Dot Designing LLC - Item Numbers: 13, 14, 21, 23, 24, 28, 31, 33, 38, 41, 72-74, 77, 79-82, 92-104, 109, 113, 114, 116, 120, 126, and 128.

Hanover Uniform Company - Item Numbers: 3, 4, 6-8, 10, 27, 35, 45, 55, 58, 59, 63-66, 70, 76, 85-90, 105, 106, and 131.

Item Numbers 29, 31 and 116 were tied bids and awarded via coin toss.

Item number 9 and 56 are rejected because the items bid did not meet the specifications. This item will not be rebid. Quotes will be obtained prior to purchasing.

April 28, 2021 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. Open-ended contracts for the Supply of Work, Sport and Lifeguard Clothing for Various Departments in the Township are hereby awarded to the following vendors, which are the lowest responsive bidders, meeting all of the bid specifications per line item:

Original Watermen Inc. - Item Numbers: 91, 110, and 115.

Keyport Army Navy - Item Numbers: 1, 2, 5, 11, 12, 15, 17-20, 22, 25, 26, 29, 30, 32, 34, 36, 37, 39, 40, 42-44, 46-54, 57, 60-62, 67-69, 75, 78, 107, 108, 111, 112, 117-119, 121-125, 127, 129, and 130.

East Coast Designs - Item Numbers: 16, 71, 83 and 84.

Dot Designing LLC - Item Numbers: 13, 14, 21, 23, 24, 28, 31, 33, 38, 41, 72-74, 77, 79-82, 92-104, 109, 113, 114, 116, 120, 126, and 128.

Hanover Uniform Company - Item Numbers: 3, 4, 6-8, 10, 27, 35, 45, 55, 58, 59, 63-66, 70, 76, 85-90, 105, 106, and 131.

Item Numbers 29, 31 and 116 were tied bids and awarded via coin toss.

Item number 9 and 56 are rejected because the items bid did not meet the specifications. This item will not be rebid. Quotes will be obtained prior to purchasing.

2. The contract term shall commence on April 24, 2021 through April 23, 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 year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of these contracts are subject to all terms and conditions of the bid specifications.

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

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

CERTIFICATION

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

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

Dated: April 27, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE FIRST AND FINAL
TWO-YEAR EXTENSION OF THE OPEN-ENDED CONTRACT WITH WITT O'BRIEN'S LLC,
FOR TECHNICAL ASSISTANT CONTRACTOR PUBLIC ASSISTANCE/FEMA PROGRAM
SERVICES, COMMENCING MAY 13, 2021 THROUGH MAY 12, 2023**

APRIL 27, 2021

WHEREAS, resolution of the Township Council of the Township of Toms River dated May 14, 2019, authorized the award of an open-ended contract for Technical Assistant Contractor Public Assistance/FEMA Program Services to Witt O'Brien's LLC, 1201 15th Street NW, Suite 600, Washington, DC, 20005, for a two (2) year term, effective May 14, 2019 through May 13, 2021; 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-year terms, or one (1) additional two-year term upon expiration of the original contract; and

WHEREAS, the Purchasing Department and the Office of Emergency Management have determined it is in the best interest of the Township of Toms River to extend the contract for the first and final two-year extension term, commencing May 13, 2021 through May 12, 2023, 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, Ocean County, New Jersey, as follows:

1. It hereby authorizes the first and final two-year contract extension with Witt O'Brien's LLC for Technical Assistant Contractor Public Assistance/FEMA Program Services, for one (1) additional two-year term, commencing May 13, 2021 through May 12, 2023, under the same terms and conditions as the original contract.

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 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.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Office of Emergency Management
- e) Witt O'Brien's LLC
1201 15th Street NW, Suite 600
Washington, DC 20005

CERTIFICATION

THIS IS TO CERTIFY that the funds for the first and final two-year open-ended contract extension with Witt O'Brien's LLC, are contingent upon the availability of funds

in the appropriate municipal budget, subject to all the terms and conditions of the original contract award.

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 27, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE RESCISSION OF
ITEM NUMBERS 32, 33, 56, 80, 158-161 AND 211-213 FOR FIRST AID SUPPLIES
AWARDED TO HENRY SCHEIN, INC., AND AUTHORIZING THE PURCHASING
DIVISION TO REBID ITEMS AS NECESSARY**

APRIL 27, 2021

WHEREAS, bids were awarded on August 25, 2020 for the Supply of First Aid Supplies; and

WHEREAS, the bids were reviewed by the Purchasing Division, which recommended that a contract be awarded to Henry Schein, Inc., 135 Duryea Road, Melville, NY 11747 for Item Numbers 1-3, 8, 9, 11-16, 19-22, 27, 30-33, 35, 38, 43, 52, 54, 56, 57, 59-63, 65-67, 69-70, 72-78, 80-95, 97-118, 121-123, 125, 126, 130-133, 136, 138-142, 144-148, 150-152, 156, 158-161, 166, 167, 169, 170, 171, 174, 176, 181, 183, 185-192, 196-199, 201, 203, 206, and 209-214; and

WHEREAS, the Purchasing Division requests authorization to rescind Item numbers 32, 33, 56, 80, 158-161 and 211-213, which were awarded to Henry Schein Inc., due to the fact that the vendor is unable to hold their pricing for the duration of the contract; and

WHEREAS, the Purchasing Division has determined that it would be in the best interest of the Township to rebid items as needed and obtain quotes for others;

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 the contract for Supply of First Aid Supplies for Item Numbers 32, 33, 56, 80, 158-161 and 211-213, awarded to Henry Schien, Inc., by resolution dated August 25, 2020, due to the fact that the vendor is unable to hold their pricing for the duration of the contract.

2. The appropriate Township Officials are hereby authorized to rebid items as needed and obtain quotes for others.

3. All other terms and conditions of the resolution dated August 25, 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

April 28, 2021 25

- c) Township Attorney
- d) All Departments
- e) Henry Schein Inc.
135 Duryea Road
Melville, NY 11747

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF REBID
AND NEGOTIATED CONTRACTS FOR WELDING SUPPLIES, FOR ITEM NUMBERS 1-8,
21, 22 AND 29 TO VARIOUS VENDORS, FOR THE DEPARTMENT OF PUBLIC WORKS**

APRIL 27, 2021

WHEREAS, bids were first received on December 8, 2020, for Welding Supplies;
and

WHEREAS, Item Numbers 1-8 were rejected, and Item Numbers 21, 22 and 29
received no bids; and

WHEREAS, Item Numbers 1-8, 21, 22 and 29 were rebid on January 27, 2021;
and

WHEREAS, one bid was received from Industrial Welding Supply, 4 Val Street,
Sayreville, NJ, 08872; and

WHEREAS, Item Numbers 1-8 were rejected because the items bid were non-
responsive, and Item Numbers 22 and 29 received no bids; and

WHEREAS, rebid Item No. 21 shall be awarded to Industrial Welding Supply; and

WHEREAS, based on NJSA 40A:11-5(3)(a) negotiations were invited from four
bidders; and

WHEREAS, two vendors, Airgas USA LLC, 6990A Snowdrift Rd., Allentown, PA,
18106, and Praxair Distribution, Inc., 60 Arctic Pkwy, Trenton, NJ, 08638, responded to
the request, and negotiated items shall be awarded as follows:

Airgas USA LLC – Item Numbers: 1, 2, 5, 7 and 8.

Praxair Distribution Inc. – Item Numbers: 3, 4 and 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. Open-ended rebid and negotiated contracts for Welding Supplies for the
Department of Public Works, are hereby awarded as follows:

Industrial Welding Supply – rebid Item No. 21.

Airgas USA LLC – Item Numbers: 1, 2, 5, 7 and 8.

Praxair Distribution Inc. – Item Numbers: 3, 4 and 6.

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

3. These contracts are subject to all the terms and conditions of the bid
specifications. Term of contracts shall be effective retroactive to November 15, 2020
through November 14, 2022.

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) Industrial Welding Supply
4 Val St.
Sayreville, NJ 08872
- f) Airgas USA, LLC
6990A Snowdrift Rd.
Allentown, PA 18106
- g) Praxair Distribution, Inc.
60 Artic Pkwy.
Trenton, NJ 08638

CERTIFICATION

THIS IS TO CERTIFY that the funds for the award of rebid and negotiated contracts for Welding Supplies to Industrial Welding Supply, Airgas USA, LLC and Praxair Distribution, Inc., are contingent upon the availability of funds in the appropriate municipal budget year.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: April 27, 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 AGREEMENTS AND EXTENSIONS OF AGREEMENTS
FOR THE COLLECTION OF SOLID WASTE AND RECYCLABLE MATERIALS FOR
QUALIFIED PRIVATE COMMUNITIES AND NOT-FOR-PROFIT ENTITIES**

APRIL 27, 2021

WHEREAS, effective May 1, 2019, the Township entered into extensions of two-year agreements with qualified private communities and not-for-profit entities within Toms River Township to provide for the collection of solid waste and recyclable materials; and

WHEREAS, these agreements expire on April 30, 2021; and

WHEREAS, the parties intend to extend those agreements for an additional two years, effective May 1, 2021 through April 30, 2023, under the same terms and conditions;

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 Mayor is authorized to execute and the Township Clerk to attest to two-year extensions of the current agreements for the collection of solid waste and recyclable materials from qualified private communities and not-for-profit entities within the Township of Toms River.

2. Copies of the agreements will be kept on file in the Office of the Township Clerk.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Director of Public Works
- f) Chief Financial Officer
- g) Purchasing Agent

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS, BLOCK 811, LOTY 5 & 7 (Elizabeth Avenue)

April 27, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 811, Lots 5 & 7.

WHEREAS, Performance Bonds have been posted as follows:

1) Check in the amount of \$5,000.00 which represents the Safety & Stabilization guarantee.

2) Check in the amount of \$500.00 which represents the 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 KAP Management, 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 coy hereof to each of the following:

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. KAP Management, LLC
Jeffrey Patterson
617 Riverside Avenue
Toms River, NJ 08757

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN OCEANSIDE AT ORTLEY CONDO ASSOCIATION, BLOCK 1022, Lot 2.01 (NEW LOT 2.06) (1920 Ocean Avenue)

April 27, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 1022, Lot 2.01 (new lot 2.06).

WHEREAS, Performance Bonds have been posted as follows:

1) Check in the amount of \$7,600.00 which represents the full portion of the performance guarantee amount.

2) Check in the amount of \$500.00 which represents the 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 Oceanside at Ortley Condo Association, 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. Oceanside at Ortley Condo Association
7855 Boulevard East – Apartment 28-J
North Bergen, NJ 07047

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A SITE PLAN KNOWN AS, OCEANSIDE AT ORTLEY CONDO ASSOCIATION, BLOCK 1022, Lot 2.01 (NEW LOT 2.06) (1920 Ocean Avenue)

April 27, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Site Plan known as Block 1022, Lot 2.01 (new lot 2.06).

WHEREAS, Performance Bonds have been posted as follows:

1) Check in the amount of \$9,500.00 which represents the full portion of the performance guarantee amount.

2) Check in the amount of \$500.00 which represents the 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 Oceanside at Ortley Condo Association, 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. Oceanside at Ortley Condo Association
7855 Boulevard East – Apartment 28-J
North Bergen, NJ 07047

RESOLUTION

April 27, 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

14-21 Ocean Blue Day Spa
2811 Route 37 E.
Toms River, NJ 08753

WHEAREAS, 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 herby 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**

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF A CONTRACT TO SHORE TOP CONSTRUCTION CORP., AS THE LOWEST RESPONSIVE BIDDER, MEETING ALL OF THE BID SPECIFICATIONS, FOR BARRIER ISLAND PICKLEBALL COURTS, AT A TOTAL CONTRACT PRICE NOT TO EXCEED \$612,115.00

APRIL 27, 2021

WHEREAS, bids were invited for Barrier Island Pickleball Courts; and

WHEREAS, bids were received on April 21, 2021 as follows:

Vendor: Bid:	Total Bid:	Vendor:	Total
Shore Top Construction Corp. 23 Yellowbrook Rd. Farmingdale, NJ 07727	\$612,115.00	Seacoast Construction Inc. 15 Addington Ct. East Brunswick, NJ 08816	\$717,228.00

WHEREAS, the bids have been reviewed by the Purchasing Division and the Engineering Division, and recommendation has been made to award a contract to Shore Top Construction Corp., as the lowest responsive bidder, meeting all of the bid specifications, at a total contract price not to exceed \$612,115.00;

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 for Barrier Island Pickleball Courts to Shore Top Construction Corp., as the lowest responsive bidder, meeting all of the bid specifications, at a total contract price not to exceed \$612,115.00.

2. Funds in the amount not to exceed \$612,115.00 are available in the following Accounts:

X-04-46-732-012	\$129,969.07
X-04- -219-001	\$482,145.93
<u> </u>	<u> </u>
Total:	\$612,115.00

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

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) Engineering Division
- e) Shore Top Construction Corp.
23 Yellowbrook Rd.
Farmingdale, NJ 07727

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Shore Top Construction Corp., at a total cost not to exceed \$612,115.00, are available in the following Accounts:

X-04-46-732-012	\$129,969.07
X-04- -219-001	\$482,145.93
<u> </u>	<u> </u>
Total:	\$612,115.00

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 27, 2021

A motion was made by Council Member Maruca, seconded by Council Member Turnbach, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no, to approve the following Resolution.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, REJECTING THE BID RECEIVED FOR

April 28, 2021 31

ONE (1) NEW ZAMBONI MODEL 546 OR EQUIVALENT ICE RE-SURFACER FOR THE TOMS RIVER TOWNSHIP'S WINDING RIVER SKATING CENTER AND AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS TO APPROVE FOR REBID FOR THIS PURCHASE

APRIL 27, 2021

WHEREAS, bids were invited on February 23, 2021, for One (1) New Zamboni Model 546 or Equivalent Ice Re-Surface for the Toms River Township's Winding River Skating Center; and

WHEREAS, one bid was received on April 7, 2021 as follows:

	J & C Ice Technologies, Inc. 180 Gold Mine Rd, Unit 5 Flanders, NJ 07836
One (1) Gasoline Powered New Zamboni Model 546 (or Equivalent):	<u>\$133,875.00</u>
Make/Model:	<u>Zamboni Model 546</u>
Year Bid:	<u>2021</u>
GRAND TOTAL BID	<u>\$133,875.00</u>
Delivery Date:	<u>Approximately 180 days or sooner</u>
<u>ARO</u> Prompt Payment Discount for payment made within fifteen (15) days of delivery and acceptance by the Township of Toms River Winding River Skating Center:	<u>N/A</u>
Location of Service Department:	<u>Flanders, NJ</u>

EXCEPTIONS: INSURANCE REQUIREMENTS: Comprehensive Automotive Liability. For the above mentioned insurance, J&C will only carry \$500,000 Combined Single Limit for any auto instead of the \$1,000,000 coverage listed in section 3 of the Insurance Requirements.

WHEREAS, J & C Ice Technologies, Inc. took exception on the insurance requirements, so therefore their bid was non-responsive; and

WHEREAS, the bid has been reviewed by the Purchasing Division and the Law Division, and recommendation has been made that it would be in the best interest of the Township to reject the bid pursuant to N.J.S.A. 40A:11-13.2(a) and rebid this contract;

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

1. It is in the best interest of the Township to reject the above-mentioned bid received, pursuant to N.J.S.A. 40A:11-13.2(a).

2. The appropriate Township Officials are hereby authorized to rebid for this purchase.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Parks, Buildings & Grounds
- e) Winding River Ice Skating Center
- f) J & C Ice Technologies, Inc.
180 Gold Mine Rd., Unit 5
Flanders, NJ 07836

A motion was made by Council Member Maruca, seconded by Council Member Turnbach, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no, to approve the following Resolution.

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING A PROFESSIONAL SERVICE
CONTRACT WITH V-COMM, L.L.C., FOR ASSISTING THE ENGINEERING DIVISION IN
THE DESIGN OF VARIOUS RF COMPONENTS OF THE FEDERALLY MANDATED POLICE
RADIO PROJECT, IN A TOTAL ESTIMATED AMOUNT NOT TO EXCEED \$100,000.00**

APRIL 27, 2021

WHEREAS, the Township of Toms River requests authorization to retain V-COMM, LLC, to assist the Engineering Division in the design of various RF Components of the federally mandated Police Radio Project; and

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

WHEREAS, V-COMM, LLC has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure Form, which certifies that the firm has not made any contributions in contravention of New Jersey's Pay to Play Law, N.J.S.A. 19:44A-20.4 et seq., and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 et seq., and V-COMM, LLC acknowledges that the contract will prohibit them from making any such contributions through the term of this contract. The forms are on file in the Municipal Clerk's Office; 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. A professional services contract is hereby awarded to V-COMM, L.L.C., to assist the Engineering Division in the design of various RF components of the federally mandated Police Radio Project, in accordance with V-COMM, L.L.C.'s Proposal dated April 2, 2021, in a total estimated amount not to exceed \$100,000.00. Funds in the amount of \$100,000.00 are available in Account No. X-04-46-832-004. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

2. The Mayor is hereby authorized to execute and the Township Clerk to attest to a Professional Services Contract with V-COMM, LLC. The term of contract commences April 28, 2021 and continues through December 31, 2021.

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

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

- a) Township Attorney
- b) Chief Financial Officer
- c) Engineering Division
- d) Purchasing Division
- e) V-COMM, L.L.C.
2540 US Highway 130, Suite 101
Cranbury, NJ 08512

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with V-COMM, L.L.C., for a total estimated amount not to exceed \$100,000.00 are available in Account No. X-04-46-832-004.

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 account at that time.

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: April 27, 2021

A motion was made by Council Member Huryk, seconded by Council Member Lotano, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no, to approve the following Resolution.

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

April 27, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Riverwood Chase, AKA Nobility Crest at Dover, LLC, Phase III, Block 166, Lots 3, 4, 9 and 15.

WHEREAS, the Township Engineer has recommended the release of the Cash Performance Guarantees;

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

- 1) Previously reduced Cash Bond in the amount of \$2,511.00 in account # 1-14- -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. Nobility Crest at Dover, LLC
101 Prosper Way, Unit #6
Brick, NJ 08723

Township Engineer Chankalian explained the following Resolution.

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 voting no, to approve the following Resolution.

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A
MAJOR SITE PLAN KNOWN AS, BLOCK 1079.02, LOTS 19 & 20 (515 Fischer Blvd)**

April 27, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 1079.02, Lots 19 & 20.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Cash Bond in the amount of \$18,100.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$1,310.00 which represents the 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 Mattia Building Contractors, 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. Mattia Building Contractors Inc
1700 Grand Central Avenue
Lavallette, NJ 08735

REPORTS - NONE

APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **April 22, 2021**, was approved on motion by Council Member Turnbach, seconded by Council Member Kopp, 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 Member Maruca abstained due to Business conflicts on the following:

Purchase Order 21-01951, payable to NJ MVC LEASE Program in the amount of \$3,913.00.

Purchase Order 21-01871, payable to Dasti McGuckin, Attorneys at Law in the amount of \$11,778.37.

Council President Geoghegan had none.

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

Purchase Order 21-00409, payable to Rutgers University Center in the amount of \$390.00.

Purchase Order 21-01305, 21-01481, 21-01585, & 21-01854, payable to Remington & Vernick Engineers in the amount of \$10,560.12.

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

Purchase Order 21-01587 & 21-01806, payable to Owen, Little & Associates Inc., in the amount of \$11,729.25.

Purchase Order 21-01129, payable to Oceans Harbor House in the amount of \$1,435.00.

Council Member Lotano had none.

Council Member Rodrick voting no due to conflicts on the following:

Purchase Order 21-01871, payable to Dasti McGuckin, Attorneys at Law in the amount of \$11,778.37.

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

Purchase Order 21-01951, payable to Magistrate Salaries in the amount of \$6,937.41.

Purchase Order 21-00653 and 21-01929, payable to Citta, Holzapfel, and Zabarsky in the amount of \$8,750.00.

Purchase Order 21-01871, payable to Dasti McGuckin, Attorneys at Law in the amount of \$11,778.37.

ELECTED OFFICIALS COMMENTS

Mayor Hill thanked Township Chief Financial Officer Alex Davidson for all work done on the 2021 Budget.

Councilman Rodrick spoke regarding legalizing marijuana by the state.

Councilman Lotano congratulated the Kopp family on the birth of their son; comments on Downtown Night Out, and Board of Education Superintendent search.

Councilwoman Huryk congratulated the Kopp family; Downtown dining and commented on cannabis legislation with 64% of the municipality in favor of it.

Councilman Kopp spoke regarding May 1st 5K run fundraiser for Recalibrate.

Councilwoman Maruca spoke regarding past Saturday's Atlantic Clean Team who did a beach cleaning; Police Department is recruiting; Pickleball courts contract awarded; Toms River High School South prom to be on Washington Street on May 20th; Congratulations to Detective Brennan on his retirement and welcome Warren John to the Kopp family.

Councilman Turnbach offered his congratulations to the Kopp family for the birth of their son; 5K run fundraiser for Recalibrate; spoke on Board of Education situation and school funding formula.

Council President Geoghegan commented on Councilman Rodrick's behavior by reading a letter he received back in 2020 and was interrupted by Councilman Rodrick speaking over him. Council President Geoghegan then announced a short recess at 6:55 p.m. Motions to go into Recess were indiscernible due to shouting by Councilman Rodrick. Council reconvened at 7:08pm. Council again goes into recess for another 5 minutes. Council Members returned to the dais at 7:13 p.m.

Councilman Turnbach made a motion from the floor to have a roll call vote to clarify for the public if any of our Council members admits to having contacted Kathy Eagan to influence the choice of Toms River Schools' next Superintendent.

A motion was made by Council Member Turnbach, seconded by Council Member Geoghegan, and carried with Council Members Turnbach, Huryk, Kopp, Lotano, Maruca, Rodrick, and with Council President Geoghegan voting yes to holding the vote- but all voted "no" as not having contacted her.

PUBLIC COMMENTS

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

Daniel Kessel, 7 Vale St, Bayville, spoke regarding cannabis legislation.

Daniel Morrey, 1204 Fellowship Court, Supports dispensaries.

Sam Foster, 1 C Westwood Drive, Brick, comments on cannabis.

Bryce Morgan spoke on selling cannabis.

Christine Luland, Barnes Lane, questioned if ordinance is adopted how would public be notified of changes.

Paul Jeffries, 1661 Lake Blvd, Ortley Beach, thanked Council for pickle ball courts; Surf Club, open acres and building.

Rachel Rabelgato spoke on education fund crises and support.

Jen Howe, 22 Admiral Avenue, Chick Fil-A Fundraiser for TR Education Foundation, 5K for Recalibrate; Friday, May 14th 5 p.m. the Brewery and Distillery will be hosting a fundraiser event; and bus drivers still needed.

Sharon Greenberg, Pin Oak Court, spoke regarding marijuana and thank you to our Council for making the right decision on the RLUIPA case, Jackson now being sued for discrimination.

On motion by Council Member Maruca, seconded by Council Member Kopp 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 7:48 p.m.

A motion was made by Council Member Maruca, seconded by Council Member Turnbach, 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
Contract Negotiations

3. The following specific topics were announced.
 1. Executive Session Minutes: April 13, 2021 Regular Meeting
 2. Personnel Issues
 3. Potential Real Property Acquisitions
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	- Abstained
Council Member Turnbach	- Yes
Council Vice-President Geoghegan	- Yes
Council President Maruca	- Yes

The Council **reconvened** the public portion at 7:55 P.M., a motion was made by Council Member Huryk, seconded by Council Member Lotano, 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 Lotano, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick abstained, 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:

April 13, 2021 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 8:00 P. M., on motion with Council Member Huryk, seconded by Council Member Kopp, and carried with Council

Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes.

KEVIN GEOGHEGAN, COUNCIL PRESIDENT

ALISON CARLISLE, TOWNSHIP CLERK