

May 25, 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 | - Absent |
| Council Member Turnbach | - Present |
| Council Vice-President Maruca | - Present |
| Council President Geoghegan | - Present |

Councilman Turnbach announced this is the 12th absence of his tenure. No motion for an excused absence, so it goes unexcused.

APPROVAL OF MINUTES

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 Members Rodrick absent, to approve the **Regular Meeting of May 11, 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, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick absent, to make the following honoring proclamations a part of the Minutes.

Council President Geoghegan introduced and presented proclamations to the three Eagle Scouts, Matt Koppenhaver, Joseph Ryan and Thomas Doneman.

Township of Toms River

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Proclamation

Eagle Scout Court of Honor

May 25, 2021

WHEREAS, Thomas Doneman is involved with the Boy Scout Program, currently as a member of Boy Scout Troop 59 in Toms River; and

WHEREAS, Thomas Doneman has progressed through the ranks of Cub Scouts and Boy Scouts, and has achieved the rank of Eagle Scout; and

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

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

WHEREAS, Thomas Doneman has been part of both Pack and Troop 59 at the Silverton Firehouse and has enjoyed all aspects of scouting and earned many awards, including his Arrow of Light and numerous merit badges. A huge history buff, Tom's favorite troop memories are the trips to Gettysburg, Boston and Washington, DC where he participated in the laying of the wreath on the Tomb of the Unknown Soldier; and

WHEREAS, Thomas Doneman chose as the beneficiary for his Eagle Scout Project, Cattus Island Park, where he constructed and installed trash bins, overcoming the added challenges and obstacles created by the Covid-10 Pandemic and successfully completing his project early last Fall; and

WHEREAS, Thomas Doneman has successfully completed all requirements and has earned his Eagle Scout Rank.

*NOW, THEREFORE, I, MAURICE B. HILL, JR., Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate **Thomas Doneman** on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and effort for the good of his community.*

Mayor Maurice B. Hill, Jr.

**Kevin M. Geoghegan
Council President**

Maria Maruca

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River

Proclamation

Eagle Scout Court of Honor

May 25, 2021

WHEREAS, Joseph Ryan is involved with the Boy Scout Program, currently as a member of Boy Scout Troop 59 in Toms River; and

WHEREAS, Joseph Ryan has progressed through the ranks of Cub Scouts and Boy Scouts, and has achieved the rank of Eagle Scout; and

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

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

WHEREAS, Joseph Ryan began his scouting career at the age of 6 with Cub Scout Pack 92 at Silver Bay Elementary School, participating in scout sleepovers at places like Adventure Aquarium, Webelos Woods and competing in Pinewood Derbies. After successfully earning his Arrow of Light and joining Troop 59, Joseph participated in scouting weekend trips to places like Washington, DC where he took part in the wreath laying ceremony at the Tomb of the Unknown Soldier; and

WHEREAS, Joseph Ryan chose as the beneficiary for his Eagle Scout Project, Ocean County Park, where he constructed and installed large feed bins for the wildlife there; and

WHEREAS, Joseph Ryan has successfully completed all requirements and has earned his Eagle Scout Rank but the Covid-19 pandemic hit before he could be honored with an Eagle Court of Honor and celebrate his success.

NOW, THEREFORE, I, MAURICE B. HILL, JR., Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate Joseph Ryan on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and effort for the good of his community.

Mayor Maurice B. Hill, Jr.

**Kevin M. Geoghegan
Council President**

Maria Maruca

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River

Proclamation

Eagle Scout Court of Honor

May 25, 2021

WHEREAS, Matt Koppenhaver is involved with the Boy Scout Program, currently as a member of Boy Scout Troop 59 in Toms River; and

WHEREAS, Matt Koppenhaver has progressed through the ranks of Cub Scouts and Boy Scouts, and has achieved the rank of Eagle Scout; and

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

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

WHEREAS, Matt Koppenhaver began his scouting career with Pack 59 at the Silverton Firehouse earning his Arrow of Light and crossing over into Troop 59 where he has enjoyed many adventures, including trips to Gettysburg, Boston and Washington, DC. Most impressive on his resume is his participation in the National Boy Scout Jamboree where he joined thousands of scouts from around the world; and

WHEREAS, Matt Koppenhaver chose as the beneficiary for his Eagle Scout Project, Save Barnegat Bay, where he constructed and installed a greenhouse, overcoming the added challenges and obstacles created by the Covid-10 Pandemic and successfully completing his project early last Fall; and

WHEREAS, Matt Koppenhaver has successfully completed all requirements and has earned his Eagle Scout Rank.

NOW, THEREFORE, I, MAURICE B. HILL, JR., Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate Matt Koppenhaver on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and effort for the good of his community.

Mayor Maurice B. Hill, Jr.

**Kevin M. Geoghegan
Council President**

Maria Maruca

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Daniel T. Rodrick

Terrance L. Turnbach

Council Member Maruca introduced the Atlantic Clean Team and explained what their team does for the community.

Township of Toms River

Proclamation

Atlantic Clean Team

May 25, 2021

WHEREAS, Toms River Township is part of New Jersey's Clean Communities program created by the passage of the Clean Communities Act in 1986; and

WHEREAS, the Adopt-A-Spot Program is developed to give volunteer groups, businesses and citizens of the town of Toms River an opportunity to manage the cleanup of litter from adopted sections of town maintained roads or properties; and

WHEREAS, this helps improve both property and business values in Toms River Township; and

WHEREAS, in April 2021, the *Atlantic Clean Team*, a group composed of high school students, chose to adopt Shelter Cove Park; and

WHEREAS, the *Atlantic Clean Team* hit the beach and park of Shelter Cove where they picked up trash and debris, showing pride in our community and helping create a cleaner, more beautiful community for all residents to enjoy.

NOW, THEREFORE, We, Mayor Maurice B. Hill and Council President Kevin M. Geoghegan of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, recognize and thank the *Atlantic Clean Team* for their hard work and dedication in keeping Toms River Township and its waterways and parks free from litter.

Mayor Maurice B. Hill, Jr.

Kevin M. Geoghegan
Council President

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Council President Geoghegan presented a proclamation to Catherine Christie for Neurofibromatosis Awareness.

Township of Toms River

Proclamation

May 2021 as Neurofibromatosis Awareness Month

May 25, 2021

Whereas, The Children's Tumor Foundation is observing May 2021 as Neurofibromatosis (NF) Awareness Month to educate the public about this rare genetic disorder; and

Whereas, although over 2 million people around the world are living with NF and 1 in every 3,000 births is diagnosed with NF, it is still is relatively unknown to the public; and

Whereas, NF affects all populations equally, regardless of race, ethnicity or gender; and

Whereas, NF causes tumors to grow on nerves throughout the body and also can affect development of the brain, cardiovascular system, bones and skin; and

Whereas, the disorder can lead to blindness, deafness, bone abnormalities, disfigurement, learning disabilities, disabling pain, and cancer; and

Whereas, The Children's Tumor Foundation leads efforts to promote and financially sponsor world-class medical research aimed at finding effective treatments and, ultimately, a cure for NF; and

Whereas, The Children's Tumor Foundation is actively fostering collaborative partnerships in both science and industry to speed the drug research and development process through a number of consortia called Synodos; and

Whereas, The Children's Tumor Foundation works to improve access to quality patient healthcare through its national NF Clinic Network; and

Whereas, The Children's Tumor Foundation provides patient and family support through its information resources, youth programs, and local chapter activities; and

Whereas, much remains to be done in raising public awareness of NF to help promote early diagnosis, proper management and treatment, prevention of complications, and support for research.

NOW, THEREFORE, I, MAURICE B. HILL JR., Mayor of the Township of Toms River, on behalf of myself, The Township Council, and the residents of the Township of Toms River, in recognition of this important initiative, do hereby proclaim the month of May 2021 as "Neurofibromatosis (NF) Awareness Month."

Mayor Maurice B. Hill, Jr.

**Kevin M. Geoghegan
Council President**

Maria Maruca

Laurie A. Huryk

Joshua D. Kopp

May 25, 2021 6

Council Member Huryk introduced and designated June 4th Wear Orange Day for National Gun Violence Awareness Day.

Township of Toms River

Proclamation

WHEREAS, June 4, 2021, has been designated as *National Gun Violence Awareness Day* to ascertain that we honor and remember all victims and survivors of gun violence across our nation; and

WHEREAS, the health, safety and welfare of American citizens is the primary responsibility of mayors' and law enforcement officers who are best suited to make decisions to keep all citizens safe; and

WHEREAS, through this Proclamation, Toms River will be joining other communities across the State and hundreds of others in support of the **Wear Orange Movement**. This movement was started in Chicago in 2013 by friends of Hadiya Pendleton, a 15 year-old student who was shot and killed while playing in the park with her friends after taking an exam. This senseless act of violence perpetuated a national coalition of organizations to form to honor this young woman and all Americans killed or injured by guns everyday across our nation; and

WHEREAS, Americans are twenty-five times more likely to be killed with guns than people in other developed countries; and

WHEREAS, we renew our commitment to reduce gun violence and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE, We, Mayor Maurice B. Hill and Council President Kevin M. Geoghegan of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, join the campaign to **Wear Orange** on June 4, 2021, symbolizing the value of human life and to help raise awareness about gun violence.

Mayor Maurice B. Hill, Jr.

Kevin M. Geoghegan
Council President

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Chief Financial Officer Davidson 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 absent, to approve the following Resolution.

**RESOLUTION OF THE TOWNSHIP OF TOMS RIVER
AUTHORIZING THE CIRCULATION OF A PRELIMINARY
OFFICIAL STATEMENT AND FINAL OFFICIAL
STATEMENT IN CONNECTION WITH THE SALE OF THE
TOWNSHIP'S BOND ANTICIPATION NOTES IN AN
AGGREGATE AMOUNT NOT EXCEEDING \$26,062,000 AND
APPROVING A CONTINUING DISCLOSURE CERTIFICATE
WITH RESPECT TO SAID NOTES OF THE TOWNSHIP, AND
AUTHORIZING AND/OR RATIFYING OTHER ACTIONS IN
CONNECTION THEREWITH**

WHEREAS, the Township Council of the Township of Toms River, in the County of Ocean, New Jersey (the "Township"), has previously adopted a bond ordinance numbered 4398-13 on April 23, 2013 as amended (collectively, the "Sandy Ordinance"), a bond ordinance numbered 4420-13 adopted on December 23, 2013 ("Ordinance 4420-13"), a bond ordinance numbered 4463-14 adopted on November 17, 2014 ("Ordinance 4463-14"), a bond ordinance numbered 4464-14 adopted on November 17, 2014 ("Ordinance 4464-14"), a bond ordinance numbered 4466-14 adopted on November 17, 2014 ("Ordinance 4466-14"), a bond ordinance numbered 4497-15 adopted on December 8, 2015 ("Ordinance 4497-15"), a bond ordinance numbered 4507-16 adopted on April 26, 2016 as amended by a bond ordinance numbered 4522-16 adopted on December 13, 2016 (collectively, "Ordinance 4507-16"), a bond ordinance numbered 4564-17 adopted on December 26, 2017 ("Ordinance 4564-17"), a bond ordinance numbered 4565-17 adopted on December 26, 2017 ("Ordinance 4565-17"), a bond ordinance numbered 4567-17 adopted on December 26, 2017 ("Ordinance 4567-17"), a bond ordinance numbered 4572-18 adopted on February 13, 2018 ("Ordinance 4572-18"), a bond ordinance numbered 4613-18 adopted on November 15, 2018 ("Ordinance 4613-18") and a bond ordinance numbered 4639-19 adopted on July 23, 2019 ("Ordinance 4639-19"), a bond ordinance numbered 4641-19 adopted on August 13, 2019 ("Ordinance 4641-19"), a bond ordinance numbered 4673-20 adopted on July 14, 2020 ("Ordinance 4673-20") and a bond ordinance numbered 4683-20 adopted on October 24, 2020 ("Ordinance 4683-20", and together with the Sandy Ordinance, Ordinance 4420-13, Ordinance 4463-14, Ordinance 4464-14, Ordinance 4466-14, Ordinance 4497-15, Ordinance 4507-16, Ordinance 4564-17, Ordinance 4565-17, Ordinance 4567-17, Ordinance 4572-18, Ordinance 4613-18, Ordinance 4639-19, Ordinance 4641-19, and Ordinance 4673-20, the "Ordinances") which authorized the issuance of bond anticipation notes; and

WHEREAS, the Township intends to issue its Bond Anticipation Notes in an aggregate amount not to exceed \$26,062,000 (the "Notes") under the Ordinances for the purpose of financing the cost of new and additional capital improvements and refunding a portion of the Township's \$11,827,000 Bond Anticipation Notes, Series 2020 which were issued on June 17, 2020 and mature on June 16, 2021, and used to finance and refinance the acquisition and improvement by the Township of properties for open space purposes; and

WHEREAS, all matters pertaining to the sale of the Notes have been delegated by the Ordinances to the Chief Financial Officer of the Township; and

WHEREAS, in connection with the offering and sale of the Notes, the Township intends to distribute a Preliminary Official Statement and final Official Statement setting forth certain information relating to the Township and the Notes, and the Township also intends to enter into a Continuing Disclosure Certificate.

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

SECTION 1. Authorization for Official Statement. The distribution by the Township, and its financial advisor, of the Preliminary Official Statement relating to the Notes (a draft of which is attached hereto as **Exhibit A** and shall be filed with the records of the Township) is hereby approved in substantially such form, with such insertions, deletions and changes therein and any supplements thereto as bond counsel may advise and the Township officer executing the same may approve, such approval to be evidenced by such Township officer's execution thereof. The Chief Financial Officer is hereby authorized to deem the Preliminary Official Statement "final" within the meaning of Rule 15c2-12 of the Rules of the Securities and Exchange Commission and to execute and deliver a certificate to that effect. The Chief Financial Officer is hereby authorized to approve the contents and terms of the final Official Statement in respect of the aforementioned notes in substantially the form of the Preliminary Official Statement. The Chief Financial Officer is hereby authorized to sign such Official Statement on behalf of the Township, in substantially such form, with such insertions, deletions and changes therein and any supplements thereto as bond counsel may advise and the Township officer executing the same may approve, such approval to be evidenced by such Township officer's execution thereof.

SECTION 2. Continuing Disclosure. The form of the Continuing Disclosure Certificate in substantially the form attached hereto as **Exhibit B** is hereby approved, and the execution of the Continuing Disclosure Certificate by the Chief Financial Officer of the Township is hereby authorized. The Township hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate executed by the Township and dated the date of issuance and delivery of the Notes, as originally executed and as it may be amended from time to time in accordance with the terms thereof. Notwithstanding any other provision of this Resolution, failure of the Township to comply with the Continuing Disclosure Certificate shall not be considered a default on the Notes; however, any holder may take such actions as may be necessary and appropriate, including seeking specific performance by court order, to cause the Township to comply with its obligations under this Section.

Section 3. Further Action. Any matter relating to the award, sale or execution of the Notes which has been delegated by the Ordinances to the Chief Financial Officer may be performed by said officer. On behalf of the Township, the appropriate representatives of the Township are authorized and directed to take all steps which are necessary or convenient to effectuate the terms of this Resolution with respect to the issuance, sale and delivery of the Notes, including, but not limited to the execution of all tax certificates and other closing documentation. All such actions heretofore taken are hereby ratified, approved and confirmed.

Section 4. Effective Date. This Resolution shall take effect upon adoption.

CERTIFICATE

I, Alison Carlisle, Clerk of the Township of Toms River, in the County of Ocean, New Jersey, HERBY CERTIFY that the foregoing annexed extract from the minutes of the meeting of the governing body of the Township duly called and held on May 25, 2021 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this ____ day of _____, 2021.

[SEAL]

ALISON CARLISLE, Township Clerk

FORM OF CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the "Disclosure Certificate") is executed and delivered by the Township of Toms River, in the County of Ocean, New Jersey (the "Issuer") in connection with the issuance by the Issuer of its \$26,062,000 principal amount of Bond Anticipation Notes, Series 2021 (the "Notes"). The Notes are being issued pursuant to bond ordinances duly adopted by the Township Council of the Issuer. The Issuer covenants and agrees as follows:

SECTION 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the Issuer for the benefit of the Noteholders and Beneficial Owners of the Notes and in order to assist the Participating Underwriter in complying with the provisions of Rule 15c2-12(b)(5) promulgated by the Securities and Exchange Commission ("SEC") under the Securities Exchange Act of 1934, as the same may be amended from time to time ("Exchange Act").

SECTION 2. Definitions. The following capitalized terms shall have the following meanings:

"Beneficial Owner" shall mean any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Notes (including persons holding Notes through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Notes for federal income tax purposes.

"Continuing Disclosure Information" shall mean: (i) any notice required to be filed with the MSRB pursuant to Section 4 hereof; and (ii) any notice of an event required to be filed with the MSRB pursuant to Section 3(c) hereof.

"Dissemination Agent" shall mean the Issuer, or any successor Dissemination Agent designated in writing by the Issuer and which has filed with the Issuer a written acceptance of such designation.

"Financial Obligation" means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term "Financial Obligation" shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

"Listed Events" shall mean any of the events listed in Section 3(a) of this Disclosure Certificate.

"MSRB" shall mean the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Exchange Act.

"Noteholder" shall mean any person who is the registered owner of any Note, including holders of beneficial interests in the Notes.

"Participating Underwriter" shall mean any of the original underwriters of the Notes required to comply with the Rule in connection with offering of the Notes.

"Rule" shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

"State" shall mean the State of New Jersey.

SECTION 3. Reporting of Significant Events.

(a) Pursuant to the provisions of this Section 3, the Issuer shall give, or cause to be given, notice of the occurrence of any of the following events with respect to the Notes, if material:

1. principal and interest payment delinquencies;

2. non-payment related defaults, if material;
3. unscheduled draws on the debt service reserves reflecting financial difficulties;
4. unscheduled draws on the credit enhancements reflecting financial difficulties;
5. substitution of the credit or liquidity providers or their failure to perform;
6. adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Notes, or other material events affecting the tax-exempt status of the Notes;
7. modifications to rights of Noteholders, if material;
8. Note calls, if material, and tender offers;
9. defeasances;
10. release, substitution or sale of property securing repayment of the Notes, if material;
11. rating changes;
12. bankruptcy, insolvency, receivership or similar events of the Issuer, which shall be considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Issuer in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Issuer, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Issuer;
13. the consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. appointment of a successor or additional trustee or the change of name of a trustee, if material;
15. incurrence of a Financial Obligation of the Issuer, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the Issuer, any of which affect Noteholders, if material; and
16. default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the Issuer, any of which reflect financial difficulties.

(b) Whenever the Issuer obtains knowledge of the occurrence of a Listed Event described in subsection (a) for which the disclosure obligation is dependent upon materiality, the

Issuer shall as soon as possible determine if such event would be material under applicable federal securities laws.

(c) If disclosure of a Listed Event is required, the Issuer shall in a timely manner not in excess of ten business days after the occurrence of the event, file a notice of such occurrence with the MSRB in an electronic format as prescribed by the MSRB. All documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

SECTION 4. Termination of Reporting Obligation. The Issuer's obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Notes. If such termination occurs prior to the final maturity of the Notes, the Issuer shall give notice of such termination in the same manner as for a Listed Event under Section 3(c).

SECTION 5. Dissemination Agent. The Issuer may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Dissemination Agent, with or without appointing a successor Dissemination Agent. The Dissemination Agent shall not be responsible in any manner for the content of any notice or report prepared by the Issuer pursuant to this Disclosure Certificate. The initial Dissemination Agent shall be the Issuer.

SECTION 6. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Certificate, the Issuer may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, provided that the following conditions are satisfied:

(a) If the amendment or waiver relates to the provisions of Section 3, it may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of an obligated person with respect to the Notes, or the type of business conducted;

(b) The undertaking, as amended or taking into account such waiver, would, in the opinion of nationally recognized bond counsel, have complied with the requirements of the Rule at the time of the original issuance of the Notes, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and

(c) The amendment or waiver does not, in the opinion of nationally recognized bond counsel, materially impair the interests of the Noteholders or Beneficial Owners of the Notes.

In the event of any amendment or waiver of a provision of this Disclosure Certificate, the Issuer shall describe such amendment in the same manner as for a Listed Event under Section 3(a), and shall include a narrative explanation of the reason for the amendment or waiver.

SECTION 7. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the Issuer from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the Issuer chooses to include any information in any notice of occurrence of a Listed Event in addition to that which is specifically required by this Disclosure Certificate, the Issuer shall have no obligation under this Certificate to update such information or include it in any future notice of occurrence of a Listed Event.

SECTION 8. Default. In the event of a failure of the Issuer to comply with any provision of this Disclosure Certificate any Noteholder or Beneficial Owner of the Notes may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the Issuer to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an Event of Default on the Notes, and the sole remedy under this Disclosure Certificate in the event of any failure of the Issuer to comply with this Disclosure Certificate shall be an action to compel performance.

SECTION 9. Duties, Immunities and Liabilities of Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the Issuer agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which it may incur arising out of or in the exercise or performance of its powers and duties hereunder, including the costs and expenses (including attorneys fees) of defending against any claim of liability, but

excluding liabilities due to the Dissemination Agent's gross negligence or willful misconduct. The obligations of the Issuer under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Notes.

SECTION 10. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the Issuer, the Dissemination Agent, the Participating Underwriters and the Noteholders and Beneficial Owners from time to time of the Notes, and shall create no rights in any other person or entity.

Date: June __, 2021

TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY

By: _____
ALEXANDER P. DAVIDSON
Chief Financial Officer

“See PDF Attachments”

A motion was made by Council Member Huryk, 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 absent, to approve the following Resolution.

RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, NAMING THE TOWNSHIP-OWNED BUILDING LOCATED AT 54 WASHINGTON STREET IN HONOR OF FORMER TOMS RIVER REGIONAL SCHOOLS SUPERINTENDENT ALBERT J. DIETRICH

MAY 25, 2021

WHEREAS, the Township owns the land and associated buildings located at 54 Washington Street; and

WHEREAS, the building situated on that property is leased to the Toms River Regional School District, which the district uses to operate its Partnership Health Center; and

WHEREAS, by letter dated March 24, 2021, Interim Schools Superintendent Thomas Gialanella informed the Township that the school district had received a 200-plus signature petition to rename the building in honor of former Superintendent Albert J. Dietrich, who passed away on February 10, 2021; and

WHEREAS, because the building is Township-owned, Mr. Gialanella transferred the request to the Township; and

WHEREAS, the Mayor and Council believe that this is an appropriate honor;

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

1. The Township-owned building located at 54 Washington Street is hereby officially renamed the “Albert J. Dietrich Building”, in appreciation and honor for the late Mr. Dietrich’s many years of service to the Township of Toms River and the Toms River Regional School District.

2. A certified copy of this resolution shall remain on file in the Office of the Township Clerk and provided to the following parties:

a. Mayor

- b. Business Administrator
- c. Township Attorney
- d. Thomas Gialanella, Interim Superintendent
Toms River Regional School District
144 Hooper Ave.
Toms River, New Jersey 08753

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 Lotano, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick absent, to approve all the following items listed on the Consent Agenda.

RESOLUTION

MAY 25, 2021

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

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

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

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

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

| <i>NAME</i> | <i>BLOCK</i> | <i>LOT</i> | <i>Qual,Year</i> | <i>Amount</i> |
|---|----------------------|------------------|--|--------------------------|
| <i>CAPUANO, AARON & LYNDSLEY</i> | <i>1036</i> | <i>27</i> | <i>-C0102</i> <i>2018/1</i> <i>2018/2</i> | <i>\$4,726.35</i> |
| | | | | |
| <i>KLOSS, STANLEY</i> | <i>192.51</i> | <i>8</i> | <i>2021/3</i> | <i>\$1,125.99</i> |
| | | | | |
| <i>TOTALS:</i> | | | | <i>\$5,852.34</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:

RESOLUTION

MAY 25, 2021

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

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

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

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

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

| NAME | BLOCK | LOT | Qual,Year | Amount |
|--|----------------|----------|---------------|-------------------|
| REVERSE MORTGAGE SERVICE DEPARTMENT | 1501.24 | 9 | 2021/2 | \$2,537.28 |
| | | | | |

- 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

MAY 25, 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, JANE TIMMONS INCORRECTLY PAID \$1,004.13 TOWARD HER PROPERTY.

WHEREAS JANE TIMMONS HAS ASKED THE TAX COLLECTOR TO REFUND THE \$1,004.13.

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

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

| NAME | BLOCK | LOT | Qual,Year | Amount |
|----------------------|---------------|---------------|---------------|-------------------|
| TIMMONS, JANE | 297.06 | 125.01 | 1/2021 | \$1,004.13 |
| | | | | |

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

Approved as to content:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A JOINT PURCHASING AGREEMENT WITH THE COUNTY OF OCEAN AND TOMS RIVER TOWNSHIP, FOR MUSIC MANAGEMENT ASSOCIATES C/O FRANK HUGHES, FOR THE 2021 SUMMER CONCERT SERIES, FOR SEVEN (7) CONCERTS WITH VARIOUS BANDS, IN THE TOTAL AMOUNT NOT TO EXCEED \$10,000.00

MAY 25, 2021

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

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

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

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

WHEREAS, the amount not to exceed \$10,000.00 for Music Management Associates c/o Frank Hughes, for a total of seven (7) concerts with various bands, is the amount for the Township's annual portion of the 2021 Summer Concert Series;

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

1. Pursuant to N.J.S.A. 40A:11-10(a)(1), which authorizes a Joint Agreement for the provision and performance of goods and services, it hereby authorizes a joint agreement for services with the County of Ocean for the sharing of the 2021 Summer Concert Series costs in the total maximum not to exceed \$10,000.00 (the Township's portion).

2. It hereby authorizes payment to Music Management Associates c/o Frank Hughes, in the total amount not to exceed \$10,000.00 for seven (7) concerts with various bands, to perform the 2021 Summer Concert Series, sponsored by the County of Ocean and the Township of Toms River. Funds in the total maximum amount not to exceed \$10,000.00, (the Township's portion), are available in Account No. 1-01- -G76-535, contingent upon adoption of the CY2021 budget. The certification of funds availability statement with respect to this resolution is on file in the Office of the Township Clerk.

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

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

- a) Township Attorney
- b) Chief Financial Officer
- c) Purchasing Division
- d) Recreation Department
- e) County of Ocean
Department of Parks and Rec.

1198 Bandon Road
Toms River, NJ 08753

Attn: Brianna Blank

- f) Music Management Associates
c/o Frank Hughes
18A Edinburgh Lane
Manchester, NJ 08759

CERTIFICATION

THIS IS TO CERTIFY that the funds for the Joint Purchasing Agreement with the County of Ocean and the Township of Toms River for the 2021 Summer Concert Series with Music Management Associates c/o Frank Hughes, in the total amount not to exceed \$10,000.00 (the Township's portion), are available in Account No. 1-01- -G76-535, contingent upon the adoption of the CY2021 budget.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: May 25, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SECOND
AND FINAL ONE (1) YEAR CONTRACT EXTENSION FOR THE SUPPLY OF
BARBER SURF RAKE REPAIR PARTS, WITH H. BARBER & SONS, INC.,
COMMENCING JULY 22, 2021 THROUGH JULY 21, 2022**

MAY 25, 2021

WHEREAS, resolution of the Township Council dated June 26, 2018, authorized the award of a contract for the supply of Barber Surf Rake Repair Parts to H. Barber & Sons, Inc. for a two (2) year term, effective July 22, 2018 through July 21, 2020; and

WHEREAS, in addition, the terms of this contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15, which allows for this 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, resolution of the Township Council dated October 13, 2020, authorized the first extension for the supply of Barber Surf Rake Repair Parts to H. Barber & Sons, Inc. The first extended term was effective retroactive to July 22, 2020 through July 21, 2021; and

WHEREAS, the Purchasing Division has determined it is in the best interest of the Township to extend the contract with H. Barber & Sons, Inc. for the second and final one (1) year term, commencing July 22, 2021 through July 21, 2022, at the following rates:

- | | | |
|----|--|---------------------------------|
| 1) | Discount off current Barber Repair Parts Price List: | Zero % |
| | Manufacturer Bid: | H. Barber & Sons, Inc. "Barber" |
| 2) | Percentage discount for payment within 30 days: | Zero % |
| 3) | Availability of parts after receipt of order: | One day |

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 one (1) year contract extension of the existing contract with H. Barber & Sons, Inc., for the supply of Barber Surf Rake Repair Parts, commencing July 22, 2021 through July 21, 2022, at the following rates:

- | | | |
|----|--|---------------------------------|
| 1) | Discount off current Barber Repair Parts Price List: | Zero % |
| | Manufacturer Bid: | H. Barber & Sons, Inc. "Barber" |
| 2) | Percentage discount for payment within 30 days: | Zero % |
| 3) | Availability of parts after receipt of order: | One day |

2. The second and final one (1) year contract extension shall be subject to all the terms and conditions of the original contract award.

3. This extended contract will be an open-ended contract with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Bey Lea Golf Course
- e) Division of Parks, Buildings and Grounds
- f) H. Barber & Sons, Inc.
15 Raylkwich Drive
Naugatuck, CT 06770

CERTIFICATION

THIS IS TO CERTIFY that the funds for the second and final one (1) year contract extension for the supply of Barber Surf Rake Repair Parts with H. Barber & Sons, Inc., are contingent upon the availability of funds in the appropriate municipal budget.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: May 25, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF A
CONTRACT FOR THE PURCHASE OF NEW 95-GALLON SANITATION COLLECTION
SYSTEM AUTOMATED/SEMI-AUTOMATED (ROBO) CONTAINERS FOR THE
DEPARTMENT OF PUBLIC WORKS, REBID TO IPL NORTH AMERICA, INC.**

MAY 25, 2021

WHEREAS, the Division of Purchasing requests authorization to award a contract for the Purchase of New 95-Gallon Sanitation Collection System Automated/Semi-Automated (ROBO) Containers for the Department of Public Works, rebid to IPL North America, Inc.; and

WHEREAS, bids were first invited on October 16, 2020, and all bids were rejected at the January 26, 2021 Council Meeting as no bidders met the bid specifications; and

WHEREAS, bids were invited again on May 5, 2021, from the following vendors:
IPL North America, Inc. Cascade Engineering, Inc.
165 Industrial Park Rd. 3400 Innovation Ct. SE
Forsyth, GA 31029 Grand Rapids, MI 49512

WHEREAS, the bids were reviewed by the Division of Purchasing and the Department of Public Works, and they have determined that Cascade Engineering should be rejected because they took exceptions that did not meet our bid specifications and would not work with our current system; and

WHEREAS, it is recommended that the contract be awarded to IPL North America, Inc., as follows:

1. 95-Gallon Sanitation Containers - Each: \$66.50
2. Manufacturer and Model of Container Bid: IPL - Mastercard 60204
3. Delivery Time: Approximately 30 days

Parts:

4. Wheels - Each: \$3.75
5. Axles: \$3.50
6. Lids: \$13.75
7. Discount off parts not listed: 0%

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. Rebid Items shall be awarded as follows:

It is recommended that the rebid contract be awarded to IPL North America, Inc., which meets all of the bid specifications, as follows:

1. 95-Gallon Sanitation Containers - Each: \$66.50
2. Manufacturer and Model of Container Bid: IPL - Mastercard 60204
3. Delivery Time: Approximately 30 days

Parts:

4. Wheels - Each: \$3.75
5. Axles: \$3.50
6. Lids: \$13.75
7. Discount off parts not listed: 0%

2. Sanitation cans shall be a one-time order with a maximum amount up to 2000 cans. Parts will be ordered as needed. The award of this contract is subject to all the 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) Department of Public Works
- e) IPL North America, Inc.
165 Industrial Park Rd.
Forsyth, GA 31029

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE
PURCHASING DIVISION TO ADVERTISE AND RECEIVE SEALED BIDS FOR DIVE
TEAM EQUIPMENT FOR THE POLICE DEPARTMENT USING FEDERAL ASSET
FORFEITURE FUNDS**

MAY 25, 2021

WHEREAS, the Township of Toms River is desirous of receiving bids for the following items/project:

**DIVE TEAM EQUIPMENT FOR THE POLICE DEPARTMENT USING FEDERAL
ASSET FORFEITURE FUNDS**

(THE COST SHOULD NOT EXCEED \$75,000.00)

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. The Purchasing Division is hereby authorized to prepare bid specifications for the above-mentioned items/project.

2. The Purchasing Division is hereby authorized to advertise and receive sealed bids for the above-mentioned project. The cost should not exceed \$75,000.00.

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

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING
DIVISION TO ADVERTISE AND RECEIVE SEALED BIDS FOR ONE (1) NEW AND
UNUSED SLIP IN DUAL-AUGER PATCH UNIT – MODEL DA-3SM OR EQUAL, FOR
THE DEPARTMENT OF PUBLIC WORKS**

MAY 25, 2021

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

**ONE (1) NEW AND UNUSED SLIP IN DUAL-AUGER PATCH UNIT – MODEL DA-
3SM OR EQUAL, FOR THE DEPARTMENT OF PUBLIC WORKS**

**THE DEPARTMENT OF PUBLIC WORKS WILL BE TRADING IN THE
FOLLOWING:**

**Truck #194 2010 Peterbilt, VIN: 3BPZL00X5BF119890, Fixed Asset #5652
Truck #87 2001 Volvo, VIN: 4V5KC9GG22N333040, Fixed Asset #4452**

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

1. The Purchasing Division is hereby authorized to prepare bid specifications for the above-mentioned items/project.

2. The Purchasing Division is hereby authorized to advertise for the receipt of sealed bids for the above-mentioned items/project.

3. The Department of Public Works will be trading in the following:

Truck #194 2010 Peterbilt, VIN: 3BPZL00X5BF119890, Fixed Asset #5652
Truck #87 2001 Volvo, VIN: 4V5KC9GG22N333040, Fixed Asset #4452

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF EQUIPMENT FOR POLICE VEHICLES FROM VENDORS WITH STATE CONTRACTS, MOTOROLA SOLUTIONS, INC. C/O WIRELESS C&E, CONTRACT #83909, IN THE AMOUNT NOT TO EXCEED \$80,239.60; CDW-G INC., CONTRACT #ESCNJ 18/19-03, IN THE AMOUNT NOT TO EXCEED \$6,452.50; CDW-G INC., CONTRACT #89980, IN THE AMOUNT NOT TO EXCEED \$58,000.00; AND FROM EMERGENCY ACCESSORIES & INSTALLATIONS, CONTRACT #17-FLEET-00761, IN THE AMOUNT NOT TO EXCEED \$38,991.34; FOR A TOTAL COMBINED MAXIMUM AMOUNT NOT TO EXCEED \$183,683.44

MAY 25, 2021

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

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

2. State Contract #83909, for the Purchase of Equipment for Police Vehicles for the Department of Police, from Motorola Solutions, Inc., c/o Wireless C&E, for a total contract purchase amount not to exceed \$80,239.60. See Schedule "A" attached hereto and made a part hereof.

3. Contract #ESCNJ 18/19-03, for the Purchase of Equipment for Police Vehicles for the Department of Police, from CDW-G, for a total contract purchase amount not to exceed \$6,452.50. See Schedule "A" attached hereto and made a part hereof.

4. Contract #89980, for the Purchase of Equipment for Police Vehicles for the Department of Police, from CDW-G, for a total contract purchase amount not to exceed \$58,000.00. See Schedule "A" attached hereto and made a part hereof.

5. Contract #17-Fleet-00761, for the Purchase of Equipment for Police Vehicles for the Department of Police, from Emergency Accessories & Installations, for a total contract purchase amount not to exceed \$38,991.34. See Schedule "A" attached hereto and made a part hereof.

7. Funds in the amount not to exceed \$183,683.44 are available in the following accounts:

| | | |
|-------------|----------------|---------------------|
| Account No. | X-04- -248-006 | \$107,733.96 |
| Account No. | X-04- -243-002 | \$ 75,949.48 |
| | | <u>\$183,683.44</u> |

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) Motorola Solutions, Inc.
c/o Wireless C&E
153 Cooper Rd.
West Berlin, NJ 08091
- f) CDW-G
200 N. Milwaukee Avenue
Vernon Hills, IL 60061
- h) Emergency Accessories & Installations
250 Haddonfield-Berlin Rd.
Cherry Hill, NJ 08034

SCHEDULE "A"

"see attachments"

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contracts for vendors with State contracts, Motorola Solutions, Inc. c/o Wireless C&E, in the total amount not to exceed \$80,239.60, CDW-G INC., in the total amount not to exceed \$6,452.50, CDW-G INC., in the total amount not to exceed \$58,000.00, and Emergency Accessories & Installations in the total amount not to exceed \$38,991.34, for a total combined amount not to exceed \$183,683.44, are available in the following accounts:

| | |
|-----------------------------------|---------------------|
| Account No. X-04- -248-006 | \$107,733.96 |
| <u>Account No. X-04- -243-002</u> | <u>\$ 75,949.48</u> |
| | \$183,683.44 |

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: May 25, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RESCINDING THE CONTRACT
WITH ASCEND CONSTRUCTION MANAGEMENT INC. FOR GENERAL
CONSTRUCTION AND REPAIR SERVICES AWARDED BY RESOLUTION OF
JANUARY 14, 2020, AND TO RECEIVE SEALED BIDS FOR A NEW CONTRACT
FOR GENERAL CONSTRUCTION AND REPAIR SERVICES**

MAY 25, 2021

WHEREAS, an open-ended contract was awarded to Ascend Construction Management Inc. by resolution on January 14, 2020, for General Construction and Repair Services, with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget, and not to exceed \$150,000.00 per year based upon the bid specifications; and

WHEREAS, the above contract was for a two (2) consecutive year period from January 14, 2020 through January 13, 2022, and pursuant to N.J.S.A. 40A-11-15, the contract may be extended for up to two (2) additional one-year terms, or one (1) additional two-year term after the expiration of the original contract term; and

WHEREAS, the contract extensions were subject to the availability and appropriation of funds for each year the contract is to be extended, with all terms and conditions of the contract to remain the same, and any price changes authorized on contract extensions shall be pursuant to N.J.S.A. 40A:11-15.; and

WHEREAS, Ascend Construction Management Inc. has informed the Township that they no longer wish to provide these 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 rescinds the contract awarded to Ascend Construction Management Inc. for General Construction and Repair Services, by resolution on January 14, 2020, as they have informed the Township that they no longer wish to provide these services.

2. It hereby authorizes the Purchasing Division to advertise for sealed bids for these services.

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) Ascend Construction Management, Inc.
3327 Sunset Ave.
Ocean, NJ 07712

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS, BLOCK 394.13, LOT 150 (1290 Hooper Avenue)

May 25, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 394.13, Lot 150.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Cash Bond in the amount of \$9,600.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$6,022.50 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 1290 Hooper Ave, 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. Hooper Ave, LLC
447 Northfield Avenue
West Orange, NJ 07052

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS, BLOCK 444.07, LOT 21 (879 Fischer Blvd)

May 25, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 444.07, Lot 21.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Cash Bond in the amount of \$5,000.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$525.00 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 D & J Realty Corp., 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. D & J Realty Corp
952 Lakewood Road
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS BLOCK 166, LOTS 2 AND 10. (Cox Cro Road)

May 25, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as, Block 166 Lots 2 & 10,

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 Bond # SNN4002808 in the amount of \$49,356.00 is hereby released;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Stafford Contracting, LLC
500 Barnegat Blvd
Barnegat, NJ 08005

REPORTS – NONE

APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **May 21, 2021**, was approved on motion by Council Member Turnbach, seconded by Council Member Maruca, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick absent. The following respective exceptions to their votes were noted as abstentions to this vote.

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

Purchase Order 21-02745 payable to Silverton First Aid Squad in the amount of \$20,633.48.

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

Purchase Order 21-02462, payable to Dasti McGuckin, Attorneys at Law in the amount of \$8,421.70.

Purchase Order 21-02307, payable to N.J. Motor Vehicle Commission in the amount of \$250.00.

Purchase Order 21-02344, payable to Waters Edge Condo Association in the amount of \$1,907.74.

Purchase Order 21-02672, payable to NJ MVC Lease Program in the amount of \$4,171.00.

Council Member Huryk – none

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

Purchase Order 21-,02018, 21-02285, 21-02286, 21-02287, & 21-02289, payable to Owen Little & Associates in the amount of \$17,023.25.

Purchase Order 21-02745 payable to Silverton First Aid Squad in the amount of \$20,633.48.

Purchase Order 21-02008, payable to Borough of South Toms River in the amount of \$702.00.

Council Member Lotano – none

Council Member Rodrick – absent

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

Purchase Order 21-00653, payable to Citta, Holzapfel, Zabarsky in the amount of \$6,250.00

Purchase Order 21-02462, payable to Dasti McGuckin, Attorneys at Law in the amount of \$8,421.70.

Purchase Order 21-02672, payable to Magistrate Salaries in the amount of \$6,937.41.

ELECTED OFFICIALS COMMENTS

Mayor Hill complimented the three high school students and spoke regarding Memorial Day.

Council Member Huryk spoke regarding Pride Day on June 13th 11-5 p.m., on Washington Street and Memorial Day.

Council Member Lotano spoke regarding High School South's Senior Prom; mask mandates being lifted.

Council Member Turnbach ask Council to draft a resolution to Attorney General's Office regarding 2021-4 designed to remove certain stipulations from for non-violent drug offenders. One major oversight is that it forgives those who were employing kids in their drug distribution. NJSA2C35-6 needs to be removed.

Council Member Maruca spoke regarding EMS week last week; thank Chief Financial Officer Davidson for his work on the note resolution; beach replenishment update given by Township Engineer Chankalian, and stressed *Wednesday*, June 9th next Council Meeting due to Primary Election on Tuesday, June 8, 2021.

Council Member Kopp spoke regarding mask mandate; restaurant industry; and Memorial Day.

Council President Geoghegan spoke regarding EMS week, and Memorial Day.

PUBLIC COMMENTS

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

Cindy Wyandt, spoke regarding Deer Hollow Park turning into a dog park. Township Administer Amoruso suggested setting up a meeting.

Mike Sergio, 1339 Windsor Avenue, spoke regarding and opposed Deer Hollow Park using it as a dog park.

Sam Foster mentioned that chess club is reopening.

Geraldine Lucas, Silverton, spoke on her community living situation.

Lorraine Halliwell spoke regarding political push on COVID vaccine.

Kenneth Fellow spoke on legalizing cannabis and offering to share his research to Council Members.

Alex Sunday spoke regarding Deer Hollow Park as an dog park.

Daniel Castle spoke regarding the banning of marijuana.

Art Anderson, 12 Park St., asked questions regarding the bill list.

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

A motion was made by Council Member Maruca, seconded by Council Member Lotano and carried to enter into a private Executive Session at 7:24 p.m.

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

RESOLUTION

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

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

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

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

Matters of Personnel
 Attorney Client Privilege
 Contract Negotiations

- 3. The following specific topics were announced.
 - 1. Executive Session Minutes: May 11, 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 | - Absent |
| Council Member Turnbach | - Yes |
| Council Vice-President Maruca | - Yes |
| Council President Geoghegan | - Yes |

The Council **reconvened** the public portion at 8:57 P.M., a motion was made by Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick absent.

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

**RESOLUTION APPROVING
EXECUTIVE SESSION MINUTES**

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

NOW, THERFORE, 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:

May 11, 2021 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 8:57 P. M., on motion with Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick absent.

KEVIN GEOGHEGAN, COUNCIL PRESIDENT

ALISON CARLISLE, TOWNSHIP CLERK