

May 28, 2019

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

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

Council President Wittmann read the following statement into the record pursuant to the Open Public Meetings Act:

OPEN PUBLIC MEETINGS ACT
STATEMENT

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

Roll Call:

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

APPROVAL OF MINUTES

A motion was made by Council Member Kubiel, seconded by Council Member Turnbach, and with Council Members Hill, Huryk, Kubiel, Turnbach, Rodrick, and Council President Wittmann voting yes, and with Council Member Maruca abstaining, as she was not at the April 9, 2019 Regular Meeting, to approve the **Regular Meeting of April 9, 2019**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

A motion was made by Council Member Maruca ,seconded by Council Member Turnbach, and with Council Members Hill, Huryk, Maruca, and Council Member Turnbach voting yes, and with Council Members Kubiel, Rodrick and Wittmann abstaining, as they were not at the April 23 2019 Regular Meeting, to approve the **Regular Meeting of April 23, 2019**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

A motion was made by Council Member Maruca ,seconded by Council Member Kubiel, and with Council Members Huryk, Kubiel, Maruca, and Council Member Turnbach voting yes, and with Council Members Hill, Rodrick and Wittmann abstaining, as they were not at the May 14, 2019 Regular Meeting, to approve the **Regular Meeting of May 14, 2019**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS

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

Council President Wittmann voting yes, the following honoring proclamations a part of the Minutes.

Police Chief Little spoke regarding National Police Week and accepted Proclamation.

Township of Toms River
Proclamation
National Police Week
May 12-18, 2019

WHEREAS, in 1962, President Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls, as National Police Week; and

WHEREAS, the members of law enforcement of the Township of Toms River play an important role in safeguarding the rights and freedoms of the citizens of our community; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department; that members of our police department recognize their duty to serve the people by safeguarding life and property, protecting them against violence or disorder and protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the Toms River Township Mayor and Council urge our citizens to join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their communities, have established for themselves the rights and security of all citizens.

NOW, THEREFORE, We, Mayor THOMAS F. KELAHER, Council President GEORGE E. WITTMANN JR., the Toms River Township Council Members, and the residents of the Township of Toms River hereby proclaim May 12-18, 2019 as National Police Week in the Township of Toms River presented this twenty eighth day of May, 2019

Mayor Thomas F. Kelaher

George E. Wittmann, Jr.
Council President

Brian S. Kubiel

Maria L. Maruca

Maurice B. Hill, Jr.

Mayor Kelaher introduced proclamation for Police Unity Tour and presented to 14 others for their participation.

Township of Toms River

Proclamation

Police Unity Tour

May 28, 2019

***WHEREAS**, The Police Unity Tour is a non-profit organization whose primary goal is to raise awareness of Law Enforcement Officers who have died in the line of duty; and*

***WHEREAS**, The Police Unity Tour secondary purpose is to raise funds for the National Law Enforcement Officer's Memorial and Museum; and*

***WHEREAS**, In May 1997, the Police Unity Tour was organized, by Officer Patrick P. Montuore of the Florham Park Police Department, with the hope of bringing public awareness of Police Officers who have died in the line of duty and to honor their sacrifices. What started with 18 riders on a four-day fund-raising bicycle ride from Florham Park, NJ to the National Law Enforcement Officers Memorial in Washington, D.C. has grown into nine chapters consisting of nearly 2800 members nationwide who make the 300 mile trip annually; and*

***WHEREAS**, In 2018 with the completion of the National Law Enforcement Officers Museum the Hall of Remembrance was named in honor of the Police Unity Tour. This recognition will enhance the awareness and understanding of the **Police Unity Tour** with every visitor that enters the Museum.*

***NOW, THEREFORE**, We, Mayor **THOMAS F. KELAHER**, Council President **GEORGE E. WITTMANN JR.**, the Toms River Township Council Members, and the residents of the Township of Toms River hereby do recognize and honor all the Toms River Police Department members who participated in the **Police Unity Tour** and thank them for their service and dedication*

Mayor Thomas F. Kelaher

George E. Wittmann, Jr.
Council President

Brian S. Kubiak

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance T. Turnbach

Mayor Kelaher presented proclamation for 2018 PBA Local of the Year Award to representatives. PBA presented Detective Randy Petrick with a silver life bar for his retirement.

Township of Toms River

Proclamation

PBA Local of the year

May 28, 2019

WHEREAS, Receiving the award for **Local of the Year** is one of the PBA'S highest honors; and

WHEREAS, PBA local 137 is blessed to have motivated individuals, who want to help people any time that they can; and

WHEREAS, The Local may constantly be on the lookout for new ways to give back, but it's the member's consistency in supporting causes nearest to their hearts that also makes a difference; and

WHEREAS, In 2018, Local 137 raised more than \$25,000 for Special Olympics New Jersey by participating in the Polar Bear Plunge, Plane Pull and Snow Bowl; and

WHEREAS, the community is invested in **PBA Local 137**. Toms River residents show their support at the Local's annual Vest-A-Cop event at Pizza Hut, where residents helped raise money to purchase bulletproof vests for officers.

NOW, THEREFORE, We, Mayor **THOMAS F. KELAHER**, Council President **GEORGE E. WITTMANN JR.**, the Toms River Township Council Members, and the residents of the Township of Toms River hereby do congratulate, recognize, and honor all the members **PBA Local 137** and thank them for their service and dedication

Mayor Thomas F. Kelaher

*George E. Wittmann, Jr.
Council President*

Brian S. Kubiak

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance T. Turnbach

The following officers were introduced by Captain Mike Belcher for their retirements, promotions.

Retirements: Detective Randy Petrick
Detective Kevin Scully

Promotions: Detective Ryan Quinn
Detective Theodore Malony

Sergeant Michael Gallipoli
Sworn in by Mayor Kelaher

Officer Alexander F. Van Lew was introduced by Chief Little and sworn in by Mayor Kelaher.

Deputy Chief Michael Brosnan introduced the Life Saving Award for the following officers:

Sergeant Edmund Mooney
Officer Michael Rienstra
Officer Frank Moschella
Officer David Talty
Officer Christine Geskey
Officer Joshua Pedalino
Officer Adam Worth
Officer John Marsicano
Officer John Minor
Officer Michael Foy
Officer Jason Putkowski
Detective Theodore Malony Class C Award

Council President Wittmann announced a short recess would be taken at 6:39 p.m.

Council Members returned to the dias at 6:46 p.m.

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

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND

SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE TOWNSHIP CODE

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

Councilman Rodrick posted an email regarding Ciba and Master Plan.

Councilman Turnbach asked to move out of way of Council and audience.

Councilman Wittmann asked poster to be taken down, not part of agenda.

Pat Klaslo concerns regarding variances.

Marianne Wallace questioned the final reading of this ordinance.

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

A motion was made by Council Member Huryk, seconded by Council Member Rodrick with Council Members Hill, Maruca, Kubiel, Rodrick, Turnbach, and Council President Wittmann that the following **Ordinance be tabled indefinitely.**

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, SUPPLEMENTING SECTION 477-61 (SCHEDULE III: NO STOPPING OR STANDING) OF CHAPTER 477 (VEHICLES AND TRAFFIC) OF THE TOWNSHIP CODE, TO ESTABLISH NO STOPPING OR STANDING RESTRICTIONS ON A PORTION OF JOSEPH STREET, IN THE TOWNSHIP OF TOMS RIVER, NEW JERSEY

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

1. Section 477-61 (Schedule III: No Stopping or Standing) of Chapter 477 (Vehicles and Traffic) of the Code of the Township of Toms River, New Jersey is supplemented to add the following:

NAME OF STREET: Joseph Street

SIDES: North

HOURS: All Times

LOCATION: Beginning at the northwest corner of the intersection of New Jersey State Highway Route 35 North and Joseph Street to a point 250 feet west thereof.

NAME OF STREET: Joseph Street

SIDES: South

HOURS: All Times

LOCATION: Beginning at the southeast corner of the Intersection of New Jersey State Highway Route 35 South and Joseph Street to a point 360 feet east

thereof.

2. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 477 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

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

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

5. This ordinance is subject to the receipt by the New Jersey Department of Transportation of the duly executed certification by the Toms River Township Engineer as required by law.

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on May 28, 2019 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on June 11, 2019 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:
KENNETH B. FITZSIMMONS
TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, May 31, 2019..

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

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY AMENDING AND

**SUPPLEMENTING CHAPTER 516 (ANIMALS) OF THE TOWNSHIP CODE
TO ESTABLISH A CANADIAN GEESE CONTROL PROGRAM**

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

1. Chapter 516 (Animals) of the Township Code is hereby amended and supplemented to establish a new Article IV-A, entitled "Goose Control Program," to provide as follows:

**ARTICLE IV-A
Canadian Geese Control Program**

§516-40. Purpose and scope.

- A. An infestation of Canadian Geese often creates unhealthy, unsanitary, and inutile conditions at Huddy Park and other recreational areas in the Township, which diminishes peoples' enjoyment of those facilities.
- B. Based on experiences in other municipalities, the Township Council has determined that this infestation can be controlled in a non-harmful way by permitting the non-commercial use of pet dogs to run at-large in affected facilities on a limited basis and at limited times.
- C. The purpose of this Article is to establish such a program at Huddy Park, with the potential for expansion to other Township parks and recreational facilities depending on the program's effectiveness.

§516-41. Permitted facilities; expansion.

- A. The geese control program established under this Article is permitted only at Huddy Park.
- B. The Business Administrator or his designee shall periodically evaluate the effectiveness of the program and report those findings to the Township Council. Based on those findings, the Township Council in the future may, by an amending ordinance, expand the program to other Township parks and recreational facilities.

§516-42. Policies and procedures.

- A. Notwithstanding any other contrary provision of the Township Code, dogs are permitted to run at-large in a facility designated pursuant the preceding subsection, subject to the restrictions set forth this Article.
- B. Dogs participating in the geese control program established under this Article must be properly licensed and vaccinated in accordance with Chapter 165 of the Township Code and state law. No dog that is declared, designated, or licensed as "potentially dangerous" pursuant to Chapter 165, Article III, or state law or court order may participate in this program.
- C. Participating dogs must be issued a separate registration by the Municipal Dog Licensing Agent. The Municipal Dog Licensing Agent shall process applications for the program and establish, maintain, and periodically update a registry of the participating dogs, a copy of which

shall be provided to the Township Clerk, the Division of Animal Control, the Division of Code Enforcement, and the Police Department.

- D. Registrations will be issued on a first-come, first-served basis. Registrations are effective for one calendar year and must be renewed annually.
- E. The registration fee is \$20.00.
- F. A maximum of 30 dogs may be registered in the program.
- G. Only one registration per dog, per household is permitted. The registration is non-transferrable to another dog and non-assignable to another dog owner.
- H. The registration must be either displayed on the dog or the dog's custodian dog while participating in the program and must be produced when requested by an enforcing authority.
- I. Participating dogs must be behaved, controlled, and curbed at all times.

§516-43. Permitted times.

- A. The geese control program established under this Article may operate only during regular park hours, unless otherwise determined by the Business Administrator or his designee.
- B. The program shall not operate when the designated facility is reserved for or being used for a scheduled activity or event. A schedule of such events/activities shall be posted on the Township website.
- C. The program shall not operate when the designated facility is being used by the general public or is under construction, maintenance, or renovation.
- D. The Business Administrator or his designee may suspend operation of the program as circumstances dictate.
- E. Appropriate signage shall be conspicuously posted at designated facilities to notify participants of the status of the program.

§516-44. Additional rules and regulations.

The Business Administrator or his designee may promulgate additional rules and regulations to ensure the safe and efficient administration of this program. These rules and regulations shall be established in writing and provided to the appropriate Township officials and agencies and program registrants.

§516-45. Enforcement.

The Division of Animal Control, the Division of Code Enforcement, and the Police Department are charged with enforcing this Article.

§516-46. Violations and penalties.

- A. Any persons violating this Article, or any rules and regulations promulgated hereunder, shall be subject to revocation or suspension of their registration and, upon conviction thereof, the maximum fines and penalties established under N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29.
 - B. The fines and penalties imposed hereunder are cumulative with any other violations of the Township Code.
2. All other provisions of Chapter 516 remain in full force and effect.
 3. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.
 4. If any part of this ordinance is invalidated, pre-empted, or superseded by any state or federal law, regulation or judicial decision, that provision shall be severed and the remainder of the ordinance shall remain in full force and effect.
 5. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on May 28, 2019 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on June 11, 2019 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:
KENNETH B. FITZSIMMONS
TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, May 31, 2019..

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

CONSENT AGENDA

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

A motion was made by Council Member Maruca, seconded by Council Member Kubiell, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, to approve all the following items listed on the Consent Agenda, except item **G, I, K, Q, and V**, which were done separately.

R E S O L U T I O N

MAY 28, 2019

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

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Year</i>	<i>Amount</i>
SOMMERSET MEADOWS @ DOVER HOMEOWNER	170	4.35	2018/2	\$ 30.41
			2018/1	30.41
SOMMERSET MEADOWS @DOVER HOMEOWNER	170	4.01	2018/2	286.53
			2018/1	286.53
Totals:				\$633.88

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

MAY 28, 2019

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

AND;

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

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

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

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

NAME	BLOCK	LOT	Year	Amount
SAINT BARBARA GREEK ORTHODOX CHURCH OF OCEAN COUNTY	192	36	2017/4	\$ 473.60
TOTALS:				\$473.60

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 11 LOT 757, EFFECTIVE JANUARY 1st, 2019, AND PROVIDING THAT PROPERTY TAXES FOR 2019, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

MAY 28, 2019

WHEREAS, the owner of real property in the Township of Toms River known as Block 11 Lot 757 located at 208 Manchester Avenue, has been certified by the Tax Assessor as a 100% Disabled Veteran, effective January 1st, 2019, and

WHEREAS, property taxes for 2019, 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 2019 real property taxes for Block 11 Lot 757 due on or after January 1st, 2019 shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 11 Lot 757 if any, shall be refunded on a pro-rated basis from January 1st, 2019.
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 Thomas F. Kelaher
 - b) Donald Guardian, Business Administrator
 - c) Kenneth B. Fitzsimmons, Township Attorney
 - d) Sharon Smith, Chief Financial Officer
 - e) Richard Kenny, Township Tax Assessor
 - f) Carl Dileo, Township Tax Collector

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A
100% WIDOW OF A DISABLED VETERANS' STATUS FOR THE OWNER OF BLOCK
693.16 LOT 22, EFFECTIVE JANUARY 25th, 2019, AND PROVIDING THAT PROPERTY
TAXES FOR 2019, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED**

MAY 28, 2019

WHEREAS, the owner of real property in the Township of Toms River known as Block 693.16 Lot 22 located at 823 Bay Avenue, has been certified by the Tax Assessor as a 100% Widow of a Disabled Veteran, effective January 25th, 2019, and

WHEREAS, property taxes for 2019, 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 2019 real property taxes for Block 693.16 Lot 22 due on or after January 25th, 2019 shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 693.16 Lot 22 if any, shall be refunded on a pro-rated basis from January 25th, 2019.
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 Thomas F. Kelaher
- b) Donald Guardian, Business Administrator
- c) Kenneth B. Fitzsimmons, Township Attorney
- d) Sharon Smith, Chief Financial Officer
- e) Richard Kenny, Township Tax Assessor
- f) Carl Dileo, Township Tax Collector

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT TO SITE ENTERPRISES INC., AS LOWEST RESPONSIBLE, RESPONSIVE BIDDER MEETING ALL THE SPECIFICATIONS, FOR THE DEMOLITION OF THE RED CARPET INN, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$345,000.00

MAY 28, 2019

WHEREAS, bids were received on May 15, 2019 for the Demolition of the Red Carpet Inn; and

WHEREAS, bids were received, as follows:

Caravella Demolition Inc. 40 Deforest Avenue East Hanover, NJ 07936	\$216,200.00
Site Enterprises Inc. 6861 Washington Avenue Egg Harbor Twp., NJ 08234	\$345,000.00
Tricon Enterprises Inc. 322 Beers Street Keyport, NJ 07735	\$349,000.00
Two Brothers Contracting Inc. 11 Vreeland Avenue Totowa, NJ 07512	\$357,442.00
Suffolk Recycling 242 Dover Road S. Toms River, NJ 08757	\$360,850.00
IBN Construction Corp. 49 Hermon Street Newark, NJ 07105	\$389,489.00
Source 1A LLC 990 Amaryllis Ave. Oradell, NJ 07649	\$430,855.00
Brick Industries Inc. 145 Natick Trail Brick, NJ 08724	\$449,747.00
Yannuzzi Group, Inc. 135 Kinnelon Road Suite 102 Kinnelon, NJ 07405	\$608,994.00
Wild Heart Industries 1524 Millstone River Road Hillsborough, NJ 08844	\$647,000.00
Midlantic Construction LLC 371 N. Main Street	

Barneгат, NJ 08005 \$981,175.00

WHEREAS, Caravella Demolition Inc. was unable to hold the price and withdrew their bid; and

WHEREAS, the bids have been reviewed by the Purchasing Division and the Engineering Division, and recommendation has been made to award the contract to Site Enterprises Inc., for a total contract price not to exceed \$345,000.00;

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. It hereby awards the contract for the Demolition of the Red Carpet Inn to Site Enterprises Inc., as lowest responsible, responsive bidder meeting all the specifications, for a total maximum contract amount not to exceed \$345,000.00. Funds in the amount of \$345,000.00, are available in Account No. X-04- -241-001. The award of this contract is subject to all terms and conditions of the bid specifications. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Engineering Division
- e) Aforementioned Bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Site Enterprises Inc., in the total contract amount not to exceed \$345,000.00, are available in Account No. X-04- -241-001.

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: May 28, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO ADVERTISE AND RECEIVE BIDS FOR REPLACEMENT OF CURBS & SIDEWALKS AT VARIOUS TOWNSHIP LOCATIONS

MAY 28, 2019

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

REPLACEMENT OF CURBS & SIDEWALKS AT VARIOUS TOWNSHIP LOCATIONS

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

1. The Purchasing Division is hereby authorized to prepare bid specifications for the above-mentioned items/project.
2. The Purchasing Division of the Township of Toms River is hereby authorized to advertise for the receipt of bids for the above-mentioned items/project.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Parks, Buildings & Grounds

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO UTILIZE AND
AUTHORIZING PAYMENT TO JK SEVA, INC., FOR THE KRONOS UPGRADE,
AT A TOTAL COST ESTIMATED TO BE \$36,450.00**

MAY 28, 2019

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

1. The Division of Purchasing is requesting authorization to use JK Seva, Inc., for the Kronos Upgrade.
2. JK Seva, Inc., 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 forms are on file in the Municipal Clerk's Office; and
3. The Township Council of the Township of Toms River, has determined that it is the best interest of the Township of Toms River to authorize the use of and payment to JK Seva, Inc.
4. It hereby authorizes payment to JK Seva, Inc., for the Kronos Upgrade, at a total cost estimated to be \$36,450.00.
5. Funds in the total cost estimated to be \$36,450.00, are available in Account No. 9-01- -A17-510. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.
6. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Township Attorney
 - b) Chief Financial Officer
 - c) Purchasing Division
 - d) Payroll Department
 - e) JK Seva, Inc.
40108 Highway 49
Suite C 242
Oakhurst, CA 93644

CERTIFICATION

THIS IS TO CERTIFY that the funds for the payment to JK Seva, Inc., in the total cost estimated to be \$36,450.00, are available in Account No. 9-01- -A17-510.

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: May 28, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CHANGE ORDER NO. 1 – WITH NICKOLAUS CONSTRUCTION COMPANY, FOR THE RESURFACING OF TWENTY-SIX (26) TENNIS COURTS AND SIX (6) BASKETBALL COURTS IN VARIOUS TOWNSHIP LOCATIONS, IN THE MAXIMUM AMOUNT NOT TO EXCEED AN ADDITIONAL \$12,500.00, FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED \$304,100.00

MAY 28, 2019

WHEREAS, resolution of the Township Council dated August 14, 2018, authorized an award of contract to Nickolaus Construction Company, for the Resurfacing of Twenty-Six (26) Tennis Courts and Six (6) Basketball Courts in Various Township Locations, in the total maximum contract price not to exceed \$291,600.00;

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. Change Order No. 1 – for the Resurfacing of Twenty-Six (26) Tennis Courts and Six (6) Basketball Courts in Various Township Locations, to wit:

DESCRIPTION OF CHANGE:

Authorize Change Order No. 1 for the Tennis Court Resurfacing Project at Bey Lea Park to increase PO #16-00782 by \$16,500.00 for Pickle ball Court equipment for 6 courts @ \$2,750.00 each at Bey Lea Park, Courts #11 and #12, less \$4,000.00 already in the bid, for a grand total extra of \$12,500.00.

	<u>REDUCTION</u>	<u>ADDITIONAL</u>
Total Reduction This C.O.	\$ 4,000.00	X
Total Extras This C.O.	X	\$16,500.00
Total Supplementary This C.O.	X	X
Total This C.O.	\$ 4,000.00	\$16,500.00
Previous Change Orders	X	X
Total Change Orders to Date	\$ 4,000.00	\$16,500.00
Net Change in Contract	X	\$12,500.00
ORIGINAL CONTRACT BID PRICE		\$291,600.00
NEW CONTRACT PRICE		\$304,100.00

be and the same is hereby ratified and confirmed.

2. Funds for Change Order No. 1, in the additional amount of \$12,500.00, are available in Account No. X-04- -238-002. 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) Chief Financial Officer
- b) Parks, Buildings & Grounds
- c) Township Attorney
- d) Purchasing Division
- e) Nickolaus Construction Company
PO Box 2322
Vincentown, NJ 08088

CERTIFICATION

THIS IS TO CERTIFY that the funds for Change Order No. 1, with Nickolaus Construction Company, in the additional amount not to exceed \$12,500.00, are available in Account No. X-04- -238-002.

The actual encumbrance of the funds will be based upon the approval of fully executed purchase orders by the Chief Financial Officer. The purchase orders will encumber the funds for the above account at that time.

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: May 28, 2019

**RESOLUTION AUTHORIZING THE RENEWAL OF
POCKET LIQUOR LICENSE 1507-33-001-008
ISSUED TO 37 EATS LLC PURSUANT TO NJABC SPECIAL
RULING 33: 1-12. 39**

May 28, 2019

WHEREAS, the liquor license holder listed below has made application for the renewal of his respective license and has paid the necessary fee for his renewal; and

WHEREAS, the aforesaid application and other proceedings relative to said application and license are in regular and proper form; and

WHEREAS, David P. Rible, Director, of the State of New Jersey Alcoholic Beverage Control, has authorized the Township of Toms River to consider the renewal application for Plenary Retail Consumption License Number 1507-33-001-008 for the 2017-2018 license term, pursuant to the provisions of N. J. S. A. 33: 1-12. 39; 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. The Plenary Retail Consumption Liquor License is hereby granted to the following applicant, which is presently the holder of the license:

1507-33-001-008
37 EATS LLC
952 Lakewood Rd
Toms River, NJ 08753
(POCKET)

2. The license referred to in the preceding paragraphs shall

be executed for and on behalf of this Municipality by the Clerk of the Township with an effective date of July 1, 2017.

3. The Township Clerk shall forthwith report to the Division of Alcoholic Beverage Control of the State of New Jersey, and to the State Tax Department, the issuance of this license as soon as this license is issued.

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

- a) Department of Police
- b) Chief Financial Officer
- c) Attorney
- d) State of New Jersey
Division of Alcoholic Beverage Control
P. O. Box 087
Trenton, NJ 08625-0087
- e) State Tax Dept.
- f) 37 Eats LLC
952 Lakewood Rd
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND
ACCEPTING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS
LESTER GLENN, BLOCK 506.02, LOTS 20 AND 21 (1193/1199 ROUTE 37 WEST)**

May 28, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Lester Glenn, Block 506.02, Lots 20 and 21

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount \$70,150.00, currently on deposit in account # 9-14-902-101 which represents the 10% Maintenance Guarantee, is accepted and will remain on account to represent the Maintenance Cash Bond;

WHEREAS, the Township Engineer has made an inspection of said Major Site Plan and finds that all improvements have been satisfactorily completed; and WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees and acceptance of Maintenance Guarantees;

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

- 1) Previously posted Surety Bond # ELI139619 in the amount of \$631,350.00, is hereby released;
- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Lester glenn Buick, INC
386 Route 37
PO Box 908
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS SIDDHIVINAYAK TEMPLE BLOCK 171, LOT 40 (1916 Lakewood Road)
May 28, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Siddhivinayak Temple, Block 171, Lot 40.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount \$1,410.00 which represents the 10% Maintenance Guarantee, currently on account # X-19- -601-765, is accepted and will remain on account to represent the Maintenance Cash Bond;

WHEREAS, the Township Engineer has made an inspection of said Minor Site Plan and finds that all improvements have been satisfactorily completed; and WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees and acceptance of Maintenance Guarantees;

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

- 2) Previously posted Surety Bond in the amount of \$12,690.00, is hereby released;
- 3) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Siddhivinayak Temple
1046 Silverton Road
Toms River, NJ 08755

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING REDUCED PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS, STATE LIQUORS, BLOCK 192.05, LOTS 1, 61 AND 78 (Hooper Avenue)

May 28, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 192.05, Lots 1, 61 & 78.

WHEREAS, Reduced Performance Bonds have been posted as follows:

- 1) Amendment # 3, Letter of Credit # 15-07 in the amount of \$298,770.00 issued by Manasquan Savings Bank, which represents the ninety percent portion of the performance guarantee amount.

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 State Liquors, 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.
- 3) Letter of Credit #15-07 in the amount of \$448,155.00 issued by Manasquan Savings Bank originally accepted by way of Resolution 'W', dated November 27, 2018 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. State Liquors, LLC
782 Route 9
Bayville, NJ 08721

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS WALLACH DRIVE, BLOCK 410.01, LOT 19.02. (Wallach Drive)

May 28, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision, known as Wallach Drive, Block 410.01, Lot 19.02.

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

- 1) Maintenance Cash Bond in the amount of \$4,030.00 currently on deposit in account # X-19- -601-768 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. Leone & Daughters Realty Management Corp
Attn: Stephan R. Leone
9 Robbins Street
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS BLOCK 1056.03, LOTS 13 AND 14 (Surf Road)

May 28, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 1056.03, Lots 13 & 14.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount \$300.00, originally accepted by way of Resolution 'N', dated December 12, 2017, in the original amount of \$3,000.00 is accepted and will remain on account to represent the Maintenance Cash Bond;

WHEREAS, the Township Engineer has made an inspection of said Minor Subdivision and finds that all improvements have been satisfactorily completed; and WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees and acceptance of Maintenance Guarantees;

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

- 1) Cash Bond in the amount of \$2,700.00 currently on account # X-19- -601-816, is hereby released;
- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Ocean Bay Developers, LLC
1065 Route 22 West
Bridgewater, NJ 08807

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 787, LOT 109 (513 Parkwood Avenue)

May 28, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 787, Lot 109.

WHEREAS, Performance Bonds have been posted as follows:

- !) Surety Bond #483935S in the amount of \$8,010.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$890.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$297.50 which represents the initial required escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Emad Abdou., 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. Emad Abdou
2401 7th Avenue
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS, BLOCK 654.01 LOT 21 (508 Hooper Avenue)

May 28, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 654.01, Lot 21.

WHEREAS, Performance Bonds have been posted as follows:

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

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Jeffrey Crisalli, 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. Jeffrey Crisalli
508 Hooper Avenue
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS, MARINERS AUTO CARE, LLC, BLOCK 403, LOT 3 (1200 LAKEWOOD ROAD)

May 28, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Mariners Auto Care, LLC, Block 403, Lot 3.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$1,000.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$250.00 which represents the initial required escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Mariners Auto Care, 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. Mariners Auto Care, LLC
1200 Lakewood Road
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS POLHEMUS, BLOCK 655.03, LOTS 6 THRU 12 (Melrose Drive)

May 28, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Polhemus, Block 655.03, Lots 6 - 12.

WHEREAS, Performance Bonds have been posted as follows:

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

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Patricia Polhemus., 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. Patricia Polhemus
14 Melrose Drive
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, REQUESTING THE TOWNSHIP PLANNING BOARD UNDERTAKE A PRELIMINARY INVESTIGATION OF REDEVELOPMENT AREA DESIGNATION AND PROVIDE RECOMMENDATIONS AS TO WHETHER ALL OR PORTIONS OF BLOCK 668, LOTS 9 AND 13, COMMONLY KNOWN AS 1 ROBBINS PARKWAY (BOATWORKS BUILDING) AND ROBBINS PARKWAY PARKING LOT, SATISFIES THE CRITERIA TO BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT

MAY 28, 2019

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “*LRHL*”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, in accordance with the *LRHL* the Mayor and Township Council of the Township of Toms River (the “**Township Council**”) believes that the properties contained within the Township of Toms River (the “**Township**”) in the County of Ocean (the “**Redevelopment Area**”) and identified as **Block 668, Lots 9 and 13**, commonly known as 1 Robbins Parkway (“Boatworks”) and Robbins Parkway parking lot, should be investigated to determine if it meets one or more of the criteria to be designated as an area in need of redevelopment and should be designated as an area in need of redevelopment **WITHOUT** condemnation; and

WHEREAS, *N.J.S.A. 40:12A-6* requires that the governing body direct the planning board to conduct a preliminary investigation and render a finding as to whether one or more of the properties within the study area identified above meets one or more of the criteria of *N.J.S.A. 40:12A-5* and a recommendation to the Township Council as to a designation of an area in need of redevelopment **WITHOUT** condemnation; 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. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township Council hereby authorizes and directs the Planning Board to conduct a preliminary investigation and render a finding as to whether one or more of the properties within the study area identified above meets one or more of the criteria of *N.J.S.A. 40:12A-5* and provide its recommendations to the Township Council.
3. A copy of this resolution shall be available for public inspection at the offices of the Township.
4. This Resolution shall take effect immediately.
5. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Township Engineer
- f) Township Planner
- g) Chief Financial Officer
- h) Joseph P. Baumann, Jr., Esq.
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue
2nd Floor
Roseland, NJ.07068

Offered By:

Seconded By:

Council members: AYES NAYS ABSTAIN ABSENT

I, Alison Carlisle, Township Clerk of the Township of Toms River, Ocean County, New Jersey, do hereby certify the foregoing to be a true and exact copy of the resolution which was adopted by the Township Council at a meeting held on the 28th day of May, 2019.

Alison Carlisle
Municipal Clerk

A motion was made by Council Member Maruca, seconded by Council Member Kubiell, and carried with Council Members Hill, Kubiell, Maruca, Rodrick, Turnbach, and with Council President Wittmann voting yes, and with Council Member Huryk abstaining, 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 THE FIRM OF REMINGTON & VERNICK ENGINEERS, TO ASSIST THE TOWNSHIP ENGINEERING DIVISION WITH THE DRAINAGE, PAVING AND LIGHTING DESIGN, SPECIFICATIONS AND COORDINATION PROJECT AT THE GARDENS AT PLEASANT PLAINS FOR A TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$102,500.00

MAY 28, 2019

WHEREAS, the Township Council awarded contracts by way of resolution to various business entities for services provided in the 2018 calendar year; and

WHEREAS, resolution of the Township Council dated January 3, 2019, authorized an extension of certain professional service contracts to February 26, 2019, at the same rates approved in 2018, subject to the availability of funds and the adoption of the 2019 budget; and

WHEREAS, resolution of the Township Council dated February 26, 2019, authorized an extension of certain professional service contracts to March 26, 2019, at the same rates approved in 2018, subject to the availability of funds and the adoption of the 2019 budget; and

WHEREAS, resolution of the Township Council dated March 26, 2019, authorized an extension of certain professional service contracts to April 23, 2019, at the same rates approved in 2018, subject to the availability of funds and the adoption of the 2019 budget; and

WHEREAS, resolution of the Township Council dated May 28, 2019, authorized the firm of Remington & Vernick Engineers be put on a pre-approved list for the calendar year 2019 for inspection and general engineering services, commencing retroactive to April 24, 2019 up to and including December 31, 2019, at the following rates:

Principal Engineer	\$148.00/hour
Project Manager (PE)	\$128.00/hour
Design Engineer (EIT)	\$107.00/hour
Design Engineer	\$ 97.00/hour
Professional Land Surveyor (PLS) (As a principal or partner)	\$133.00/hour
Professional Land Surveyor (PLS) (As an associate)	\$112.00/hour
Senior Designer	\$ 77.00/hour
Computer Technician	\$ 77.00/hour
Engineering Technician	\$ 77.00/hour
Survey Technician	\$ 66.00/hour

Senior CADD Operator	\$ 77.00/hour
CADD Operator	\$ 61.00/hour
Field Survey Crew	\$138.00/hour
Senior Inspector	\$ 87.00/hour
Inspector Level 1	\$ 51.00/hour
Inspector Level 2	\$ 71.00/hour
Secretary/Clerical	\$ 33.00/hour
Delivery	\$ 33.00/hour
Prints	\$ 0.25/sq.ft.
Mylars	\$ 1.53/sq.ft.
Cloths	\$ 2.10/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost,

subject to the execution of a contract, the availability of funds, and the adoption of the CY19 budget, for the period commencing retroactive to April 24, 2019 up to and including December 31, 2019; and

WHEREAS, the Township requires the need for professional engineering services to assist the Township Engineering Division with the Drainage, Paving and Lighting Design, Specifications and Coordination Project for the Gardens at Pleasant Plains; and

WHEREAS, Remington & Vernick Engineers, has submitted a Proposal dated April 10, 2019, for the Drainage, Paving and Lighting Design, Specifications and Coordination Project for the Gardens at Pleasant Plains, in the total amount not to exceed \$102,500.00; and

WHEREAS, the Township Engineer has reviewed the Proposal submitted by Remington & Vernick Engineers, and has recommended award of contract to Remington & Vernick Engineers for this project;

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 a contract with the firm of Remington & Vernick Engineers, to perform professional engineering services to Assist the Township Engineering Division for the Drainage, Paving and Lighting Design, Specifications and Coordination Project for the Gardens at Pleasant Plains, in the total maximum contract amount not to exceed \$102,500.00, in accordance with their Proposal dated April 10, 2019, at the following rates:

Principal Engineer	\$148.00/hour
Project Manager (PE)	\$128.00/hour
Design Engineer (EIT)	\$107.00/hour
Design Engineer	\$ 97.00/hour
Professional Land Surveyor (PLS) (As a principal or partner)	\$133.00/hour
Professional Land Surveyor (PLS) (As an associate)	\$112.00/hour
Senior Designer	\$ 77.00/hour
Computer Technician	\$ 77.00/hour
Engineering Technician	\$ 77.00/hour
Survey Technician	\$ 66.00/hour
Senior CADD Operator	\$ 77.00/hour
CADD Operator	\$ 61.00/hour
Field Survey Crew	\$138.00/hour
Senior Inspector	\$ 87.00/hour
Inspector Level 1	\$ 51.00/hour
Inspector Level 2	\$ 71.00/hour
Secretary/Clerical	\$ 33.00/hour
Delivery	\$ 33.00/hour
Prints	\$ 0.25/sq.ft.
Mylars	\$ 1.53/sq.ft.
Cloths	\$ 2.10/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost,

Task 1 – Survey	-	\$ 30,000.00
Task 2 – Coordination with Outside Utilities	-	\$ 7,500.00
Task 3 – Construction Plans, Specifications, And Cost Estimate	-	\$ 60,000.00
Task 4 – Reimbursable Expenses	-	\$ 5,000.00
TOTAL:		\$102,500.00

2. Term of Contract: Commencing May 29, 2019 through completion of the project.

All paperwork in connection with this project is on file in the Engineering Division.

3. Funds in the maximum amount not to exceed \$102,500.00, are available in Account No. X-04- -244-002. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

4. The Mayor is authorized to execute and the Township Clerk to attest to an Agreement with the firm of Remington & Vernick Engineers.

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

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

- a) Mayor Thomas Kelaher
- b) Purchasing Division
- c) Chief Financial Officer
- d) Township Attorney
- e) Township Engineer
- f) Remington & Vernick Engineers
9 Allen Street
Toms River, NJ 08753
Attn: Alan B. Dittenhofer, PE, PP, CME
Principal

CERTIFICATION

THIS IS TO CERTIFY that the funds for the professional service contract with the firm of Remington & Vernick Engineers, in the amount not to exceed \$102,500.00, are available in Account No. X-04- -244-002, at the following rates:

Principal Engineer	\$148.00/hour
Project Manager (PE)	\$128.00/hour
Design Engineer (EIT)	\$107.00/hour
Design Engineer	\$ 97.00/hour
Professional Land Surveyor (PLS) (As a principal or partner)	\$133.00/hour
Professional Land Surveyor (PLS) (As an associate)	\$112.00/hour
Senior Designer	\$ 77.00/hour
Computer Technician	\$ 77.00/hour
Engineering Technician	\$ 77.00/hour
Survey Technician	\$ 66.00/hour
Senior CADD Operator	\$ 77.00/hour
CADD Operator	\$ 61.00/hour
Field Survey Crew	\$138.00/hour
Senior Inspector	\$ 87.00/hour
Inspector Level 1	\$ 51.00/hour

Inspector Level 2	\$ 71.00/hour
Secretary/Clerical	\$ 33.00/hour
Delivery	\$ 33.00/hour
Prints	\$ 0.25/sq.ft.
Mylars	\$ 1.53/sq.ft.
Cloths	\$ 2.10/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost,

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: May 28, 2019

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A TRAFFIC SIGNAL AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER, THE TOMS RIVER FIRE DISTRICT NO. 1 AND THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION, FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF ROUTE 166 AND HIGHLAND PARKWAY, IN THE TOWNSHIP OF TOMS RIVER

MAY 28, 2019

WHEREAS, a traffic condition exists at the intersection of Route 166 and Highland Parkway, in the Township of Toms River, in the County of Ocean, which requires the installation and operation of a semi-actuated traffic control signal with pedestrian push buttons, areas of presence detection, and emergency pre-emption equipment in order to minimize the possibility of accidents; and

WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

WHEREAS, the State of New Jersey has indicated its willingness to install a traffic control signal at said intersection; and

WHEREAS, the Township of Toms River will be responsible for payment of the electrical current operating costs.

WHEREAS, the State of New Jersey has proposed a form of Agreement pertaining to operation and maintenance of said traffic signal;

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 enter into and execute an agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said Agreement being attached hereto and made a part hereof.
2. The Township of Toms River will be responsible for payment of the electrical current operating costs.

3. A copy of the fully-executed agreement shall remain on file in the Office of 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) Mayor Thomas Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Engineering Division
- g) New Jersey Department of Transportation
PO Box 600
Trenton, NJ 08625-0600
Attn: Michael Gray
Supervising Engineer, Electrical
Bureau of Traffic Engineering
- h) Toms River Fire Commissioners
District No. 1
1144 Hooper Avenue
Suite 306
Toms River, NJ 08753

CERTIFICATION

I hereby certify that the foregoing to be a true copy of a resolution adopted by the Township of Toms River, at a regular meeting held on May 28, 2019.

ALISON CARLISLE
TOWNSHIP CLERK

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MAJOR SUBDIVISION KNOWN AS LAUREN ESTATES, BLOCK 688.03, LOTS 14 AND 112 (Clifton Avenue)

May 28, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision known as Block 688.03, Lots 14 & 112.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount \$36,600.00, in account # 9-14- -902-101 which represents the 10% Maintenance Guarantee, is accepted and will remain on account to represent the Maintenance Cash Bond;

WHEREAS, the Township Engineer has made an inspection of said Major Subdivision and finds that all improvements have been satisfactorily completed; and

WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees and acceptance of Maintenance Guarantees;

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

- 1) Previously posted Surety Bond # CT021468 in the amount of \$329,400.00 is hereby released;
- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;

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

- A. Township Engineer
- B. Chief Financial Officer
- C. Township Attorney
- D. Arya Properties, LLC
PO Box 145
Island Heights, NJ 08732

A motion was made by Council Member Maruca, seconded by Council Member Huryk , and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, and Council Member Turnbach, and with Council Member Wittmann abstaining, 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 MINOR SUBDIVISION KNOWN AS, BLOCK 807, LOTS 16 AND 17 (Anthony Avenue)

May 28, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 807, Lots 16 & 17.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$8,400.00 which represents the ten percent portion of the performance guarantee amount.
- 2) Check in the amount of \$250.00 which represents the initial required escrow amount for inspection fees.

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

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

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Arya Properties, LLC
130 Central Avenue

Council Member Hill spoke regarding the following Resolution.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, DESIGNATING A CONDITIONAL REDEVELOPER FOR THE HOOPER-CAUDINA REDEVELOPMENT AREA AND AUTHORIZING THE EXECUTION OF AN INTERIM COSTS AGREEMENT WITH RESPECT THERETO

MAY 28, 2019

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, the Township Council (the “Council”) of the Township of Toms River, in the County of Ocean, New Jersey (the “Township”) by a resolution adopted July 10, 2018 pursuant to the Redevelopment Law, authorized and directed the Planning Board of the Township (the “Planning Board”) to undertake a preliminary investigation to determine if a specific area located in the Township, identified on the tax maps of the Township as Block 592, Lots 72-95; Block 594, Lots 139-158; 595, Lots 159, 162, 163, 188, 198-202; 596, Lots 203-246; 597, Lots 16-71; 605, Lots 421-433, 489-501; 606.01, Lots 369-387; 606.02, Lots 336-420; 607, Lot 247 and the unimproved street rights of way of Reggio Avenue, Nocera Avenue, Sarno Avenue, Cipriano Avenue, Castlebuono Avenue and Salerno Avenue (the “Study Area”) constituted an area in need of redevelopment according to the criteria set forth in the Redevelopment Law; and

WHEREAS, on October 17, 2018 the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law and by resolution, made a recommendation to the Council to determine that the Study Area qualified as an area in need of redevelopment and recommended that the Council designate the Study Area as an area in need of redevelopment; and

WHEREAS, on October 23, 2018, after reviewing the recommendations of the Planning Board, the Council determined that the Study Area should be designated an area in need of redevelopment under the Redevelopment Law (the “Redevelopment Area”) within which the Borough may use all of the powers provided by the New Jersey Legislature for use in a redevelopment area, including the power of eminent domain; and

WHEREAS, pursuant to the Redevelopment Law, the Township caused a redevelopment plan for the Redevelopment Area to be prepared, entitled the “Hooper-Caudina Redevelopment Plan” (the “Redevelopment Plan”) dated November 26, 2018; and

WHEREAS, on February 26, 2019, the Council adopted Ordinance #4626-19 approving the Redevelopment Plan; and

WHEREAS, the Township anticipates that Redevelopment Area will be redeveloped with a VA clinic, post office and on-site parking (the “Redevelopment Project”); and

WHEREAS, TCA Properties, LLC (“TCA”) seeks to be designated as the "redeveloper" (as defined in the Redevelopment Law) of the Redevelopment Area, so as to redevelop the Redevelopment Area in accordance with the terms of the Redevelopment Plan and the Redevelopment Law; and

WHEREAS, the Township has determined that in order to coordinate the redevelopment of the Redevelopment Area in the most timely and efficient manner, it is in the best interests of the Township to designate TCA as the conditional redeveloper of the Redevelopment Area (the "Conditional Redeveloper"), pending the negotiation and execution of, among other agreements, a redevelopment agreement (the "Redevelopment Agreement") with the Township; and

WHEREAS, the Township desires to authorize the execution of an interim costs agreement with TCA (in the form attached hereto as Exhibit A, the "Interim Costs Agreement") to reimburse the Township for any and all costs incurred by the Township prior to the execution of a Redevelopment Agreement, including the Township’s reasonably incurred out-of-pocket fees, costs and expenses related to the designation of the Conditional Redeveloper, the drafting of amendments to the Redevelopment Plan, negotiation of the terms and conditions of a redevelopment agreement, financial or tax agreement, if applicable, and other documents related to the redevelopment of the Redevelopment Area including, but not limited to, fees for legal, real estate appraisal, accounting, engineering, planning and financial advisory services, including all such fees, costs and expenses incurred prior to the date of adoption of this resolution (the “Interim Costs”).

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:

Section 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. TCA is hereby designated as the Conditional Redeveloper of the Redevelopment Area pending the execution of the Redevelopment Agreement with the Township.

Section 3. The within designation is hereby made for a limited period of one hundred eighty (180) days, and is contingent upon TCA providing any additional project related information as may be requested by the Township.

Section 4. The within designation is further contingent upon (i) TCA agreeing to reimburse the Township for any and all Interim Costs in accordance with the Interim Costs Agreement and (ii) negotiating a formal Redevelopment Agreement between the Township and TCA.

Section 5. The Mayor of the Township is hereby authorized and directed to execute the Interim Costs Agreement, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Township's redevelopment counsel and other professionals.

Section 6. This resolution shall take effect immediately.

Section 7. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Thomas F. Kelaher**
- b) Township Council**
- c) Business Administrator**
- d) Township Attorney**
- e) Township Planner**
- f) Township Engineer**
- g) Chief Financial Officer**
- h) Joseph P Baumann Jr., Esq.
McManimoa, Scotland & Baumann , LLC
751 Livingston Avenue
2nd Floor
Roseland, NJ 07068 Mayor**

CERTIFICATE

I HEREBY CERTIFY the foregoing to be a true copy of a Resolution adopted on May 28, 2019 by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey.

**Alison Carlisle, Municipal Clerk
Township of Toms River, New Jersey**

REPORTS

NONE

APPROVAL OF BILLS

Council President Wittmann asked for a report on the bills.

The Bill List, dated **May 24, 2019** was approved on motion by Council Member Kubiell, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Maruca, Turnbach, and Council President Wittmann voting yes, and Council Member Rodrick abstaining.. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 19-02697, 19-02169 & 19-02163, 01996, payable to Arya Properties LLC in the amount of \$5,737.67.

Purchase Order 19-01678, payable to Frank Sadeghi in the amount of \$94.50.

Purchase Order 19-01264, payable to Toms River Yacht Club in the amount of \$769.08.

Purchase Order 19-02698, payable to GW Development in the amount of \$148.00.

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

Purchase Order 19-01996, payable to Saint Barnabas Health in the amount of \$1,188.08.

Purchase Order 19-00164, payable to Toms River School in the amount of \$11,876,811.92.

Purchase Order 19-00456, 19-02092 & 19-02631, payable to Terry Brady, Esquire, in the amount of \$8,633.26.

Purchase Order 19-02203, payable to Ocean County Board of Health in the amount of \$448.00.

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

Purchase Order 17-01326, 19-01677, 19-02163, 19-02169, 19-02517, 19-02697 & 19-02698, payable to Remington & Vernick Engineers in the amount of \$31,634.42.

Purchase Order 19-02865, 19-02025, 19-02345, & 19-02666, payable to Recreation Salaries in the amount of \$33,607.92.

Purchase Order 19-00619, payable to Borough of Lavalette in the amount of \$2,345.39.

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

Purchase Order 19-02256, payable to Toms River Bureau of Fire in the amount of \$800.00.

Purchase Order 19-01996, payable to Saint Barnabas Health in the amount of \$1,188.08.

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

Purchase Order 19-02176, 19-03041, 19-03042, 19-02160, 19-02865, 19-02025, 19-02345, & 19-02666, payable to NJ Motor Vehicle Commission in the amount of \$39,533.00.

Purchase Order 19-00863, 19-01678, 19-02164, & 19-02516, payable to Dasti & McGuckin in the amount of \$9,949.50.

Purchase Order 19-00994, & 19-02330, payable to Gregory McGuckin, Esquire, in the amount of \$11,338.95.

Purchase Order 19-00456, 19-02092 & 19-02631, payable to Terry Brady, Esquire, in the amount of \$8,633.26.

Purchase Order 19-02590, payable to Waters Edge Condo Association in the amount of \$4,483.43.

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

Purchase Order 19-00863, 19-01678, 19-02164, & 19-02516, payable to Dasti & McGuckin in the amount of \$9,949.50.

Purchase Order 19-00994, & 19-02330, payable to Gregory McGuckin, Esquire, in the amount of \$11,338.95.

Purchase Order 19-02865, 19-02025, 19-02345, & 19-02666, payable to Magistrate Salaries in the amount of \$30,541.76.

Purchase Order 19-02685, 19-02025, 19-02345, & 19-02666, payable to Court Clerk Salaries in the amount of \$106,452.61.

Purchase Order 19-00455, payable to Citta, Holzapfel and Zabarsky in the amount of \$14,850.00.

Purchase Order 19-01925, payable to Ocean County Court Administrators in the amount of \$320.00.

A motion was made by Council Member Kubiel and seconded by Council Member Huryk and carried with Council Members Hill, Kubiel, Maruca, Rodrick, Turnbach and Council President Wittmann voting yes, and with Council Member Huryk abstaining to this vote, to approve recreation salary bill: 19-02865 line 19; 19-02025 line 19; 19-02545 line 21; and 19-02666 line 18.

A motion was made by Council Member Kubiel and seconded by Council Member Huryk and carried with Council Members Hill, Huryk, Kubiel, Rodrick, Turnbach and Council President Wittmann voting yes, and with Council Member Maruca abstaining to this vote, to approve New Jersey Motor Vehicle Commission bills: 19-02176; 19-03041; 19-03042; 19-02160; 19-02865 lines 93, 101, 102; 19-02025 lines 94, 107, 108; 19-02345 lines 100, 109, 110; 19-02666 lines 93, 100, 101.

A motion was made by Council Member Kubiel and seconded by Council Member Huryk and carried with Council Members Hill, Huryk Kubiel, Maruca, Rodrick and Council President Wittmann voting yes, and with Council Member Turnbach abstaining to the vote, to approve Magistrate Salary bills: 19-02865 line 35; 19-02025 line 36; 19-02345 line 40; 19-02666 line 34.

ELECTED OFFICIALS COMMENTS

Mayor Kelaher spoke regarding the measles epidemic and following guidelines of the NY health department in our youth programs.

Councilman Turnbach commented on the Red Carpet Inn; and treatment of each other with respect.

Councilwoman Maruca congratulations to the Police Department promotions, awards and retirements, and Memorial Day Parade May 27th.

Councilwoman Huryk thanked everyone who came out for Memorial Day Parade.

Council Members Kubiel and Wittmann had no comments.

Councilman Hill spoke regarding Councilman Rodrick comments on Ciba redevelopment, and Memorial Day.

*A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Rodrick, Turnbach, and with Council President Wittmann voting yes, **that Council Member Rodrick to apologize to Council Member Hill or remove himself from the meeting.***

Township Attorney Fitzsimmons said that the motion calling for his apology is enough of a statement, but they can't make him leave.

Councilman Wittmann spoke regarding a resolution supporting the cathedral at Lakehurst Naval Air Station being designated as a historical site for the next meeting.

PUBLIC COMMENTS

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

Frank Davis spoke regarding over population in Toms River and cutting budgets to the schools.

Bill McVale, Woodbine Lane, commended the prompt response to his complaint in the building department on May 14, 2019 regular meeting.

Paul Wnek, Aldo Drive, spoke regarding that the netting at golf course Bay Avenue side is loose.

Janet Doremus, Silver Beach, spoke regarding curfew on beach specially for young people; safety issue; and special duty officer at Wawa parking lot.

Maryanne Wallace, Ortley Beach, thanked the Council for tabling Chapter 348 Ordinance.

Chris Raimann, Flag Street, thanked the Council for support of the school budget in Trenton; Code Blue; Red Carpet Inn; and kayak ramp.

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

A motion was made by Council Member Kubiell, seconded by Council Member Maruca, and carried to enter into a private Executive Session at 7:52 PM.

A motion was made by Council Member Kubiell, seconded by Council Member Maruca, 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
Matters of Litigation
Attorney Client Privilege
Land Acquisitions

3. The following specific topics were announced.
 1. Executive Session Minutes Review: April 9, 2019 Regular Meeting
April 23, 2019 and May 14, 2019
 2. Personnel:
 3. Review of status of all real property acquisitions (voluntary acquisitions and eminent domain actions)
 4. Review pending litigation matters
 5. Review legal obligations under the Equal Pay Act

4. It is anticipated that deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

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

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

The Council **reconvened** the public portion at 8:28 P.M., a motion was made by Council Member Huryk seconded by Council Member Maruca, and carried with Council Members Huryk, Maruca, Turnbach, and Council President Hill voting yes, and with Council Members Kubiel, Rodrick and Wittmann absent.

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

RESOLUTION APPROVING EXECUTIVE SESSION MINUTES

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

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

1. The following Executive Session Minutes are approved:

April 9, 2019 Regular Meeting

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

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

RESOLUTION APPROVING EXECUTIVE SESSION MINUTES

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

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

1. The following Executive Session Minutes are approved:

April 23, 2019 Regular Meeting

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

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

**RESOLUTION APPROVING
EXECUTIVE SESSION MINUTES**

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

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

1. The following Executive Session Minutes are approved:

May 14, 2019 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 8:31 P. M., on motion with Council Member Turnbach, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Rodrick, Turnbach, and with Council President Wittmann voting yes.

COUNCIL PRESIDENT GEORGE WITTMANN

ALISON CARLISLE, TOWNSHIP CLERK