

June 9, 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 Meeting 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 April 17, 2021 and forwarded to the Toms River Times, Toms River Patch, and WOBN News on April 14, 2021, and thereafter posting same on the Town Hall Bulletin Board for such notices, and filing same with the Township Clerk. Notice was also posted on the Township Web Page.

Roll Call:

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

APPROVAL OF MINUTES

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach and Council President Geoghegan voting yes, and with Council Member Rodrick abstaining, to approve the **Regular Meeting of May 25, 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 – NONE

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 Turnbach, and with Council Members Huryk, Kopp, Lotano, Turnbach, and Council President Geoghegan voting yes, and with Council Members Rodrick and Maruca abstaining, that the following Ordinance:

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

be tabled to the next Council Meeting on July 13, 2021.

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 §§40-7B(1) AND 40-7B(11) OF THE TOWNSHIP
CODE TO REVISE THE PROCEDURES GOVERNING THE PREPARATION AND
ENFORCEMENT OF BID SPECIFICATIONS BY THE PURCHASING AGENT TO CONFORM
TO THE APPLICABLE PROVISIONS OF THE FAULKNER ACT**

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

1. Subsections B(1) and B(11) of section 7 (Division of Purchasing established; duties and responsibilities of Purchasing Agent) of Chapter 40 (Department of Administration) is hereby amended to provide as follows:

B. The Purchasing Agent shall:

(1) Prepare and enforce specifications for the purchase of materials and supplies.

....

(11) Prepare pre-bidder specifications, regulations, and standard questionnaires for bidders.

2. All ordinances or parts of ordinances that are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 40 remain in full force and effect.

3. If any provision of this ordinance is for any reason invalidated by superseding legislation or judicial decision, that provision shall be severed, and the remaining provisions shall remain in full force and effect.

4. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and 20 days after publication as required by law.

A motion was made by Council Member Huryk, seconded by Council Member Lotano and carried, with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes, 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 June 9, 2021 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on June 22, 2021 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons

June 9, 2021 2

interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:
ANTHONY MERLINO
ASSISTANT TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Saturday June 12, 2021.

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

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

**RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS FOR FY2021
CLEAN COMMUNITIES GRANT IN THE AMOUNT
OF \$223,520.71**

JUNE 09, 2021

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a grant from the FY2021 Clean Communities Grant and wishes to amend its 2021 Budget to include a portion of this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, County of Ocean, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2021 Budget the sum of \$223,520.71 which is now available as revenue from:

Miscellaneous Revenues -

Special Items of General Revenue Anticipated with Prior
Written Consent of the Director of Local Government Services -
Public and Private Revenues Offset with Appropriations:

FY2021 Clean Communities Grant.....\$223,520.71

pursuant to the provisions of the Statute;

BE IT FURTHER RESOLVED that a like sum of \$223,520.71 be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

FY2021 Clean Communities Grant.....\$223,520.71

BE IT FURTHER RESOLVED that the Township Clerk forward copies of this resolution to the following:

- A) Division of Local Government Services
(Electronically sent)
- B) Chief Financial Officer
- C) Township Auditor
- E) Public Works Department

Approved as to Content:

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

RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS FOR FY22 NJ MOTOR VEHICLE COMMISSION L.E.A.S.E. PROGRAM

JUNE 9, 2021

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a grant from the State of New Jersey, Division of Purchase and Property, NJ Motor Vehicle Commission L.E.A.S.E Program and wishes to amend its 2021 Budget to include a portion of this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, County of Ocean, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2021 Budget the sum of \$129,929.28 which is now available as revenue from:

Miscellaneous Revenues -

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services Public and Private Revenues Offset with Appropriations:

NJ Motor Vehicle Commission L.E.A.S.E Program FY22\$129,929.28 Pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$129,929.28 is and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

NJ Motor Vehicle Commission L.E.A.S.E Program FY22\$129,929.28

BE IT FURTHER RESOLVED that the Township Clerk forward copies of this resolution to the following:

- A) Division of Local Government Services (done electronically)
- B) Chief Financial Officer
- C) Township Auditor
- D) Police Department

Approved as to Content:

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

RESOLUTION OF THE TOWNSHIP OF TOMS RIVER, COUNTY OF OCEAN, STATE OF NEW JERSEY, COMMENDING FULFILL FOOD BANK OF OCEAN COUNTY

JUNE 9, 2021

WHEREAS, Fulfill Food Bank of Ocean County mission is to alleviate hunger and build food security in Ocean County; and

WHEREAS, food insecurity and hunger are issues on the rise within this County, as well as within the State and Nation, especially due to the financial impacts of COVID-19; and

WHEREAS Fulfill awarded \$271,000 in Pandemic Relief Funds to 51 of it participating food pantries and feeding agencies; and

WHEREAS, Fulfill gave more than \$2 million to agencies to increase capacity during COVID; and

WHEREAS, pre-Pandemic, Fulfill was feeding 136,000 people, including 50,000 children, which has increased to 215,000 people, including 70,000 children during the Pandemic; and

WHEREAS, Fulfill created a Restaurant Partnership Program that served more than 400,000 meals with more than 30 participating restaurants which helped to keep businesses open while feeding the hungry; and

WHEREAS, Fulfill has continued to provide food to local residents while adapting to local needs and rapidly changing landscapes; and

WHEREAS, much of Fulfill's recent success can be attributed to its leadership; namely its President & CEO, Kim Guadagno, which the Mayor and Township Council wish to recognize her efforts; and

WHEREAS, as President & CEO, Kim Guadagno has worked tirelessly to promote and expand every aspect of the righteous goals and activities of Fulfill, and

WHEREAS, the Mayor and Township Council wish to commend Kim Guadagno and Fulfill for all of their efforts in feeding the local communities, providing support and food security during difficult times and for being a constant source of assistance for those in need.

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

1. That the Governing Body commends and sincerely thanks Fulfill Food Bank of Ocean County for its role in combatting hunger and providing food security to local residents.
2. That particular recognition, appreciation and thanks go to Kim Guadagno for her innovation and dedication in her role as President and CEO.
3. That the Township Clerk shall send a certified copy of this resolution to the Trustees of Fulfill Food Bank of Ocean County, Ocean Boards of Commissioners.

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

RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, OPPOSING THE ATTORNEY GENERAL’S APRIL 19, 2021, DIRECTIVE WAIVING MANDATORY MINIMUM SENTENCES FOR CRIMINALS CONVICTED OF EMPLOYING A JUVENILE IN A DRUG DISTRIBUTION SCHEME IN VIOLATION OF N.J.S.A. 2C:35-6

JUNE 9, 2021

WHEREAS, on April 19, 2021, New Jersey Attorney General Gurbir S. Grewal issued a directive “instruct[ing] prosecutors statewide to use existing statutory authority to waive the imposition of . . . mandatory minimum sentences,” for six categories of “non-violent drug-crimes”; and

WHEREAS, this directive is designed to implement the unanimous recommendations of the Criminal Sentencing and Disposition Commission (“CSDC”) which urged the State of New Jersey to “eliminate mandatory minimum sentences for” these “six non-violent drug crimes;” and

WHEREAS, the Attorney General included in his directive criminals convicted of violating N.J.S.A. 2C:35-6, which prohibits “[e]mploying a juvenile in a drug distribution scheme;” and

WHEREAS, the epidemic of illegal drug use and addiction continues to plague society and ravage the nation’s youth at alarmingly increasing levels; and

WHEREAS, anyone who exploits a juvenile for an illegal purpose, including a drug distribution scheme, should be subject to the strictest penalties allowable under the law; and

WHEREAS, the Attorney General’s directive risks allowing drug kingpins and ringleaders to exploit juveniles with impunity, spawning new generations of

criminals and addicts, with ruinous consequences for our nation’s youth, their families, and society; and

WHEREAS, the lasting damage these criminal inflict upon their underage victims, including the mental and emotional anguish and diminished prospects for a successful and productive life, although not physical, cannot in any way be regarded as “non-violent;” and

WHEREAS, whatever the merits of sentencing reform, both the prosecutorial and judicial systems should be fully equipped to vigorously deter and severely punish felons who conscript children into their criminal enterprises, including stiff mandatory minimum sentences; and

WHEREAS, our children and society are best protected when these criminals are incarcerated for extended sentences:

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

1. The Township Council hereby opposes, and strongly urges the Attorney General to rescind, his April 19, 2021, directive waiving mandatory minimum sentences for criminals convicted of employing a juvenile in a drug distribution scheme in violation of N.J.S.A. 2C:35-6.

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. Chief of Police
- e. Governor of the State of New Jersey
- f. Attorney General of the State of New Jersey
- g. 9th District Legislators
- h. 10th District Legislators
- i. 30th District Legislators

TOMS RIVER TOWNSHIP FIRE DISTRICT BUDGET

A motion was made by Council Member Lotano, seconded by Council Member Maruca, and carried with Council Members Huryk, Lotano, Maruca, Rodrick, and Council Member Turnbach, voting yes, and with Council President Geoghegan and Council Member Kopp abstaining, **to approve 2021 Fire District Budget with a 1% decrease.**

Tim Carson spoke regarding the budget that was turned down by the voters and asked what they have done to cut cost and lower budget.

Council Member Lotano asked how many years budget failed. What is fire hydrant reimbursement fee?

Council Member Rodrick asked about commissioner’s election if election is moved to November.

Council Member Lotano suggested a 1% decrease in budget.

Council Member Maruca asked about bonding.

Council Member Rodrick asked how that 1% would be determined.

No comments from the public appearing, the **public portion was closed.**

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

RESOLUTION

JUNE 9, 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>LAPERA, JOSEPH & FRANCES</i>	<i>192.46</i>	<i>23</i>	<i>2021/3</i>	<i>\$1,317.16</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

JUNE 9, 2021

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

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

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

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

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

NAME	BLOCK	LOT	Qual, Year	Amount
MICHAEL I. SCHNECK, ESQ., ATTORNEY FOR BOTTALICO, MICHAEL	724.11	145	2020/4	\$4,578.98

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

Approved as to content:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF A NEGOTIATED CONTRACT FOR ONE (1) NEW ZAMBONI MODEL 546 ICE RE-SURFACER FOR THE WINDING RIVER SKATING CENTER, TO J & C ICE TECHNOLOGIES INC., WHO, AS THE SOLE BIDDER, MEETS ALL THE BID SPECIFICATIONS, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$135,673.00

JUNE 9, 2021

WHEREAS, the Division of Purchasing of the Township of Toms River has requested authorization to award a negotiated contract for one (1) New Zamboni Model 546 Ice Re-Surfacer for the Winding River Skating Center; and

WHEREAS, bids were first invited on April 7, 2021, where one bid was received from J & C Ice Technologies, Inc., and after review by the Purchasing Division and Law Division, the bid from J & C Ice Technologies, Inc. was deemed non-responsive due to exceptions taken on the insurance requirements, and authorization to reject and rebid was approved on the April 27, 2021 meeting; and

WHEREAS, bids were invited again on May 12, 2021, where one bid was received from J & C Ice Technologies, Inc. and rejected because exceptions were taken on insurance requirements; and

WHEREAS, negotiations were then initiated with J & C Ice Technologies, Inc. and a reduced combined single limit Auto Insurance of \$500,000.00 was accepted; and a negotiated contract shall be awarded as follows:

J & C Ice Technologies, Inc.
180 Gold Mine Rd - Unit 5
Flanders, NJ 07836

One (1) Gasoline Powered New Zamboni Model 546: \$135,673.00
Make/Model: Zamboni Model 546
Year Bid: 2021
GRAND TOTAL BID: \$135,673.00
Delivery Date: Approximately 210 days or sooner ARO
Prompt Payment Discount for payment made within
fifteen (15) days of delivery and acceptance by the
Township of Toms River Winding River Skating Center: N/A
Location of Service Department: Flanders, NJ

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

1. It hereby awards a negotiated contract for one (1) New Zamboni Model 546 Ice Re-Surfacers for the Winding River Skating Center to J & C Ice Technologies, Inc., who as the sole bidder, meets all of the bid specifications, in a total contract price not to exceed \$135,673.00, as follows:

J & C Ice Technologies, Inc.
180 Gold Mine Rd - Unit 5
Flanders, NJ 07836

One (1) Gasoline Powered New Zamboni Model 546: \$135,673.00
Make/Model: Zamboni Model 546
Year Bid: 2021
GRAND TOTAL BID: \$135,673.00
Delivery Date: Approximately 210 days or sooner ARO
Prompt Payment Discount for payment made within fifteen (15) days of delivery and acceptance by the
Township of Toms River Winding River Skating Center: N/A
Location of Service Department: Flanders, NJ

2. Funds for this contract in the total amount not to exceed \$135,673.00 are available in the following accounts:

X-04-46-732-010	\$110,578.04
X-04- -236-001	\$ 24,869.47
X-04- -237-003	<u>\$ 225.49</u>
	\$135,673.00

3. The award of this contract is subject to all the terms and conditions of the bid specifications.

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

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

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

CERTIFICATION

THIS IS TO CERTIFY that the funds for the negotiated contract for One (1) New Zamboni Model 546 Ice Re-Surfacers for the Winding River Skating Center from J & C Ice Technologies, Inc., in the total contract amount not to exceed \$135,673.00, are available in the following accounts:

Account No. X-04-46-732-010	\$110,578.04
Account No. X-04- -236-001	\$ 24,869.47
Account No. X-04- -237-003	<u>\$ 225.49</u>
	\$135,673.00

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: June 9, 2021

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A CONTRACT TO REALAUCION.COM LLC, FOR THE ELECTRONIC TAX SALE SERVICE FOR THE TAX COLLECTOR'S OFFICE, IN THE MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$44,000.00

JUNE 9, 2021

WHEREAS, the Purchasing Division has requested the Township to authorize a contract for an Electronic Tax Sale for the Tax Collector's Office; and

WHEREAS, the Division of Purchasing has issued Requests for Quotes for this project; and

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

WHEREAS, the Township Council of the Township of Toms River, has determined that it is the best interest of the Township of Toms River to enter into a contract with Realauction.com LLC, 861 SW 78th Avenue, Suite B102, Plantation, FL, 33324, for the Electronic Tax Sale service for the Tax Collector's Office, in the total maximum contract amount not to exceed the bid threshold, currently \$44,000.00 (\$15.00 per line item);

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 contract to Realauction.com LLC, for Electronic Tax Sale service for the Tax Collector's Office is hereby authorized in the total maximum contract amount not to exceed the bid threshold currently \$44,000.00 (\$15.00 per line item).

2. Funds for this contract in the total maximum amount not to exceed \$44,000.00 are available in Account No. 1-01- -F18-534. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

3. The Mayor is authorized to execute and the Township Clerk to attest to a contract with Realauction.com LLC.

June 9, 2021 11

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) Tax Collector
- e) Tax Assessor
- f) Realauction.com LLC
861 SW 78th Avenue
Suite B102
Plantation, FL 33324

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with Realauction.com LLC, in the total maximum amount not to exceed \$44,000.00 (\$15.00 per line item), are available in Account No. 1-01- -F18-534.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE
RESCISSION OF ITEM #112 FOR FIRST AID SUPPLIES AWARDED TO HENRY
SCHEIN, INC., BY RESOLUTION DATED AUGUST 25, 2020**

JUNE 9, 2021

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

WHEREAS, the bids were reviewed by the Purchasing Division, which recommended that a contract be awarded to Henry Schein, Inc., 135 Duryea Road E270, Melville, NY, 11747, for Item Numbers 1-3, 8, 9, 11-16, 19-22, 27, 30-33, 35, 38, 43, 52, 54, 56, 57, 59-63, 65-67, 69-70, 72-78, 80-95, 97-118, 121-123, 125, 126, 130-133, 136, 138-142, 144-148, 150-152, 156, 158-161, 166, 167, 169, 170, 171, 174, 176, 181, 183, 185-192, 196-199, 201, 203, 206, and 209-214; and

WHEREAS, the Purchasing Division requests authorization to rescind Item #112, Laerdal Baby Annie CPR Manikin – 4/Pack, which was awarded to Henry Schein, Inc., because the item has been discontinued by the manufacturer and therefore the vendor can no longer obtain or supply the item; and

WHEREAS, quotes will be obtained prior to the purchase of this item;

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. Item #112 (Laerdal Baby Annie CPR Manikin – 4/Pack), in the contract for First Aid Supplies awarded to Henry Schein, Inc., by resolution dated August 25, 2020, is

hereby rescinded due to the item being discontinued by the manufacturer, and the vendor's inability to obtain or supply the item. Quotes will be obtained prior to the purchase of this item.

2. All other terms and conditions of the resolution dated August 25, 2020, shall remain unchanged, and in full force and effect.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF ONE (1) 2021 FORD EXPLORER XLT 4WD FUNDED THROUGH THE VEHICLE REPLACEMENT PLAN, FOR THE DIVISION OF PARKS, BUILDINGS AND GROUNDS, FROM BEYER FORD LLC, USING ESCNJ COOPERATIVE CONTRACT #20/21-09, IN THE TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$29,833.24

JUNE 9, 2021

WHEREAS, the Township of Toms River is a member of the Educational Services Commission of New Jersey #20/21-09, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, pursuant to bids received, a contract was awarded to Beyer Ford LLC, by the Educational Services Commission of New Jersey, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, the Purchasing Division is requesting authorization to purchase One (1) 2021 Ford Explorer XLT 4WD funded through the Vehicle Replacement Plan, for the Division of Parks, Buildings and Grounds, using Educational Services Commission of New Jersey, Contract #20/21-09, in the total maximum amount not to exceed \$29,833.24, from the following vendor:

**Beyer Ford LLC
170 Ridgedale Ave.
Morristown, NJ 07962
ESCNJ #20/21-09**

<u>Description</u>	<u>Base Price</u>	<u>Discount</u>	<u>Total Price</u>
2021 Explorer XLT 4WD	\$36,000.00	-\$7,164.00	\$28,836.00
Destination	\$ 1,245.00	-\$ 247.76	\$ 997.24
		Total:	\$29,833.24

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

1. It hereby authorizes the purchase of One (1) 2021 Ford Explorer XLT 4WD funded through the Vehicle Replacement Plan, for the Division of Parks, Buildings and Grounds, from Beyer Ford LLC, using Educational Services Commission of New Jersey,

Contract #20/21-09, in the total maximum amount not to exceed \$29,833.24, as stated above.

2. Funds in the amount of \$29,833.24 are available in Account No. 1-01- -S75-250. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Division of Parks, Buildings and Grounds
- e) Beyer Ford LLC
170 Ridgedale Ave.
Morristown, NJ 07962

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of One (1) 2021 Ford Explorer XLT 4WD from Beyer Ford LLC using ESCNJ 20/21-09, in the total maximum amount not to exceed \$29,833.24, are available in Account No. 1-01- -S75-250.

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: June 9, 2021

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE USE OF NJ STATE CONTRACT #17-FLEET-00749 WITH ELITE VEHICLE SOLUTIONS, FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT FOR POLICE DEPARTMENT VEHICLES, IN A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$79,283.01

JUNE 9, 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. NJ State Contract No. 17-FLEET-00749, to Purchase and Install Equipment for Police Department Vehicles, from Elite Vehicle Solutions, for a total contract purchase amount not to exceed \$79,283.01, as follows:

**Elite Vehicle Solutions
1000 Bennett Blvd., Unit 6
Lakewood, NJ 08701
Contract # 17-FLEET-00749**

<u>Item</u>	<u>Item #</u>	<u>Description</u>	<u>Quantity</u>	<u>Amount</u>	<u>Total</u>
Push Bumper	SM Utility PB450L	Setina Push Bumper with Integrated Dual Color Nforce Lights	8	\$866.15	\$6,929.20
Misc. Lighting	SO UC Insert Red	Sound Off Signal Universal Undercover LED Insert – Red	8	\$72.90	\$583.20
	SO UC Insert Blue	Sound Off Signal Universal Undercover LED Insert – Blue	8	\$72.90	\$583.20
	SO UC Twist-Lock	Sound Off Signal Twist-Lock Adapter for LED Inserts	16	\$2.75	\$44.00
	SO MPWR 4 STM	Blue/w Sound Off Signal - mpower 4" Fascia Light w/ Stud Mount, 18" Hard Wire w/ Sync Option SAE class 1 & CA title 13 9-32 VDC black housing 12 led dual color blue/white rear hatch DS	8	\$100.44	\$803.52
	SO MPWR 4 STM	Blue/white Sound Off Signal - mpower 4" Fascia Light w/ Stud Mount, 18" Hard Wire w/ Sync Option SAE class 1 & CA title 13 9-32 VDC black housing 12 led dual color blue/white rear hatch DS	8	\$100.44	\$803.52
	SO NF Single WS	SoundOff Signal Single Windshield Shroud for nForce	16	\$6.74	\$107.80
	SO MPWR 4 STM	Sound Off Signal - mpower 4" Fascia Light w/ Stud Mount, 18" Hard Wire w/ Sync Option Blue	8	\$91.85	\$734.80
	SO MPWR 4 STM	Sound Off Signal - mpower 4" Fascia Light w/ Stud Mount, 18" Hard Wire w/ Sync Option Red	8	\$91.85	\$734.80
	SO UC Insert White	Sound Off Signal - Universal Undercover LED Insert Single Light Kit w/ 10' Cable: Includes Insert, Lens #1 & Inline Flasher - White	16	\$72.90	\$1,166.40
	Tec Int Orion Light	6 Inch Round Interior Light Red/White Chrome Trim Ring Hatch Dome	17	\$65.00	\$1,105.00

<u>Item</u>	<u>Item #</u>	<u>Description</u>	<u>Quantity</u>	<u>Amount</u>	<u>Total</u>
Cage	SM Utility 10XL	Setina Front Partition#10XL Recessed Panel, Coated Poly Front Cage	7	\$747.15	\$5,230.05
	SM UTILITY 6VS	Setina single	1	\$917.15	\$917.15
	SM Utility 12VS Poly	Setina Rear Partition #12VS Coated Polycarbonate Rear Cage	8	\$407.15	\$3,257.20
	SM Utility Window Bar	Setina Window Barrier VS Steel Vertical Rear Door Window Bars	8	\$228.65	\$1,829.20
	SM Utility Seat Repla.	Setina Rull Replacement Transport Seat TPO Plastic, w/ Center Pull Seat Belts	8	\$738.65	\$5,909.20
Console	Misc Part	2021+ Ford Police Interceptor Utility Console Box with Cup Holder and Rear Armrest Kit	8	\$404.46	\$3,235.68
	GJ Mongoose	Gamber Johnson - Mongoose XLE9 Motion Attachment	8	\$280.80	\$2,246.40
	Mag Mic	Magnetic Mic Adapter and Mount	8	\$26.25	\$210.00
	HS C Pocket 3	Havis Console 3" Accessory Pocket, 2.5" Deep	8	\$39.00	\$312.00
	HS C Pocket 6	Havis Console 6" Accessory Pocket, 2.5" Deep	8	\$48.45	\$387.57
Rear Storage	Misc Part	Setina Cargo Box	8	\$993.65	\$7,949.20
	SM Electronics	Setina Electronics Tray	8	\$308.99	\$2,471.92
Graphics	Graphics	3M Graphics Package	8	\$325.00	\$2,600.00
Misc. Lighting	SO Int Dome LED R/W	Sound Off Signal - LED Dome Light, Universal Mount w/ Red LED Night Light - White Lens	8	\$57.20	\$457.60
Installation Labor		Hourly Rate \$85.00/Hr. 40 Hours/Vehicle, Including Customer Supplied: Lightbar, Siren, Radio, Camera System, E-Ticket, and GPS Opticom	290	\$85.00	\$24,650.00
				Subtotal:	\$75,258.61

<u>Item</u>	<u>Item #</u>	<u>Description</u>	<u>Quantity</u>	<u>Amount</u>	<u>Total</u>
Installation Labor		Customer Supplied Equipment Into Admin Ford Utilities (2)	46	\$85.00	\$3,910.00
	SFIONR	DS Windshield			
	SFIONB	PS Windshield			
	IONR	DS Rear Hatch Window			
	IONB	PS Rear Hatch Window			
	MCRNTR	DS Grill			
	MCRNTB	PS Grill			
	I2J	Rear Side Windows (both)			
	ULF44	Taillight Flasher (1 per vehicle)			
	TLIR	DS Rear Hatch Bottom			
	TLIB	PS Rear Hatch Bottom			
	HHS	3200 Hand Held Siren			
		Panorama Antenna			

Misc.	SO Int Dome LED R/W	Converter Com for Portable Radio Soundoff Signal - LED Dome Light, Universal Mount w/ Red LED, Night Light - White Lens	2	\$57.20	\$114.40
				Sub Total:	4,024.40
				Grand Total:	\$79,283.01

3. Funds in the amount of \$79,283.01 are available in the following accounts:

Account No. X-04- -243-002	\$17,502.24
Account No. X-04- 46-732-006	\$61,522.01
Account No. X-04- -248-006	<u>\$ 258.76</u>
Total:	\$79,283.01

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) Elite Vehicle Solutions
1000 Bennett Blvd., Unit 6
Lakewood, NJ 08701

CERTIFICATION

THIS IS TO CERTIFY that the funds utilizing NJ State Contract #17-FLEET-00749 from Elite Vehicle Solutions, for the contract for the Purchase and Installation of equipment for Police Department vehicles, in the total contract amount not to exceed \$79,283.01, are available in the following accounts:

Account No. X-04- -243-002	\$	17,502.24
Account No. X-04-46-732-006	\$	61,522.01
Account No. X-04- -248-006	\$	<u>258.76</u>
Total:	\$	79,283.01

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: June 9, 2021

**RESOLUTION AUTHORIZING THE TOWNSHIP OF TOMS RIVER
TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN
ACCORDANCE WITH P.L. 1994 c.72**

June 9, 2021

WHEREAS, the local municipal budget for the year 2021 was adopted on the 27th day of April, 2021; and

WHEREAS, due to the State's delay in adopting its budget, the Ocean County Board of Taxation is unable to certify the Township of Toms River's tax rate at this time and the Township of Toms River Tax Collector will be unable to mail the Township's 2021 tax bills on a timely basis; and

WHEREAS, in order to meet statutory obligations to the County, School District and Fire Districts along with sustaining Municipal operations in meeting its financial obligations, maintaining the tax collection rate, providing uniformity for tax payments and save the unnecessary cost of interest on borrowing, the Chief Financial Officer in consultation with the Township of Toms River Tax Collector have computed an estimated tax levy in accordance with N.J.S.A. 54: 4-66.3 and have both signed a certification attesting to the calculation;

WHEREAS, in accordance with Chapter 72 P.L. 1994, the Mayor and Township Council do not need the Director of the Division of Local Government Services to approve the estimated tax levy listed on the attached Schedule, which will enable the municipality to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest on borrowing; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Toms River, County of Ocean that the Township of Toms River Tax Collector is hereby authorized to prepare and issue estimated tax bills for the third installment of the 2021 taxes.

BE IT FURTHER RESOLVED, that the Township of Toms River Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the third installment of 2021 based upon an annualized levy analysis totaling \$326,190,234.68. The Tax Collector shall proceed and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 55:4-66.2 and 54.4-66.3).

BE IT FURTHER RESOLVED, that in accordance with the law, third quarter installments of 2021 taxes shall not be subject to interest until the later of either; August 10, 2021 or twenty-five calendar days after the date estimated bills were mailed. Contained on the estimated bill shall specify the date on which interest may begin to accrue.

BE IT FURTHER RESOLVED that a certified copy of this resolution be provided by the Office of the Township Clerk to each of the following:

- A. Ocean County Board of Taxation
- B. Tax Collector
- C. Director of Finance/CFO

Approved as to Content:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING FINAL CLOSEOUT OF THE YOUTH CENTER IMPROVEMENTS PROJECT, ACCEPTANCE OF MAINTENANCE BOND AND RELEASE PERFORMANCE BOND, AND FINAL PAYMENT OF RETAINAGE HELD TO DATE TO CONTRACTOR, Z-TECH CONTRACTING, LLC, IN THE AMOUNT OF \$7,668.49

JUNE 9, 2021

WHEREAS, resolution of the Township Council dated July 28, 2020, awarded a contract to Z-Tech Contracting, LLC, as the lowest responsible bidder meeting all the bid

specifications, for the Youth Center Playground Improvements Project, in the total maximum amount of \$351,589.28; and

WHEREAS, the contractor retained for the Youth Center Playground Improvements Project has submitted the required documents in connection with the closeout of this project; and

WHEREAS, it is necessary to take certain action with respect to documents that are required to be completed before the project can be closed out and payment processed, as follows:

- a) Original Maintenance Bond No. BX07103MB with Z-Tech Contracting, LLC, as Principal, and Bondex Insurance Company, as Surety;
- b) Contractor's Application for Payment for Final Retainage in the amount of \$7,668.49.

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 appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation to close out the Youth Center Improvements Project, accepting Maintenance Bond and Release Performance Bond, and authorizing final payment/retainage held to date to Z-Tech Contracting, LLC, in the amount of \$7,668.49.

2. Funds in the amount of \$7,668.49, are available in Account No. X-04- -207-001. 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) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing Division
- e) Z-Tech Contracting, LLC
1207 US Highway 22
Mountainside, NJ 07092

CERTIFICATION

THIS IS TO CERTIFY that the funds for the Final Closeout of the Youth Center Improvement Project with Z-Tech Contracting, LLC, in the amount of \$7,668.49, are available in Account No. X-04- -207-001.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF ONE (1) USED 2014 S650 BOBCAT SKID STEER LOADER FROM THE TOWNSHIP OF TOMS RIVER PARKING AUTHORITY, IN ACCORDANCE WITH THE REQUIREMENTS OF LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-5(2), FOR THE BEY LEA GOLF COURSE, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$40,000.00

JUNE 9, 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:11-5(2), the following purchase is hereby approved.

2. Purchase One (1) used 2014 S650 Bobcat Skid Steer Loader from the Township of Toms River Parking Authority, in the total contract amount not to exceed \$40,000.00, as follows:

2014 S650 Bobcat Skid Steer Loader Serial #ALJ817734
2.4L Bobcat Diesel Engine
A91 Air Condition/Heated Cab Package
C04 Selectable Joystick Control
74" Low Profile Bucket
9.6 Hydraulic Motor Package
SB 200 78" Snowblower Serial #713005130

3. Funds for this purchase are available in Account No. X-04- -226-001.

4. 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) Division of Purchasing
- b) Chief Financial Officer
- c) Township Attorney
- d) Department of Public Works
- e) Bey Lea Golf Course
- f) Toms River Township Parking Authority

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of One (1) Used 2014 S650 Bobcat Skid Steer Loader from the Township of Toms River Parking Authority, in the total contract amount not to exceed \$40,000.00, are available in Account No. X-04- -226-001.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

**RESOLUTION OF THE TOWNSHIP COUNCIL
OF THE TOWNSHIP OF TOMS RIVER, COUNTY OF OCEAN, STATE OF
NEW JERSEY, REQUESTING THE TOWNSHIP PLANNING BOARD
UNDERTAKE A PRELIMINARY INVESTIGATION OF
REDEVELOPMENT AREA DESIGNATION, AND PROVIDE
RECOMMENDATIONS AS TO WHETHER THE ADDITION OF BLOCK
608, LOT 2.03; BLOCK 599, LOT 712; BLOCK 604, LOT 502 AND BLOCK
601, LOT 1, COMMONLY KNOWN AS SEACOURT PAVILION SHOPPING
CENTER, TO THE HOOPER-CAUDINA REDEVELOPMENT AREA,**

SATISFIES THE CRITERIA TO BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT WITHOUT CONDEMNATION

JUNE 9, 2021

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 608, Lot 2.03; Block 599, Lot 712; Block 604, Lot 502 and Block 601, Lot 1, commonly known as the Seacourt Pavilion Shopping Center parcels, 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 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 the following:
 - a) Mayor
 - b) Business Administrator
 - c) Director of Law
 - d) Assistant Township Attorney
 - e) Township Council
 - f) Township Planning Board
 - g) Township Engineer
 - h) Chief Financial Officer

RESOLUTION OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY, CONTINUING THE DESIGNATION OF A CONDITIONAL REDEVELOPER FOR THE PROPERTY IDENTIFIED ON THE TAX MAPS OF THE TOWNSHIP AS BLOCK 658, LOT 25 AND BLOCK 569, LOTS 3, 4, 10 AND 11.01 AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE INTERIM COSTS AGREEMENT RELATED THERETO

JUNE 9, 2021

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 resolution duly adopted 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 566.01; Block 566.02; Block 566.03; Block 567; Block 569, Block 570; Block 566.04, a portion of Lot 1; and Block 658, Lots 25, 47, 48 and 58 (the “Study Area”), constituted an area in need of redevelopment according to the criteria set forth in the Redevelopment Law; and

WHEREAS, on November 5, 2008 the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law; and

WHEREAS, on December 3, 2008, the Planning Board adopted Resolution #2008-94 recommending that Council designate the Study Area as an area in need of redevelopment; and

WHEREAS, on January 27, 2009, after reviewing the recommendations of the Planning Board, the Council adopted a resolution designating the Study Area an area in need of redevelopment under the Redevelopment Law (the “Original Redevelopment Area”); and

WHEREAS, in 2012, the Council adopted a resolution designating Block 658.01, as shown on the Tax Maps of the Township, as an area in need of redevelopment in accordance with the Redevelopment Law and adding said parcel to the Original Redevelopment Area (the “Redevelopment Area”); and

WHEREAS, pursuant to the Redevelopment Law, the Township caused a redevelopment plan for a portion of the Redevelopment Area identified on the Tax Maps of the Township as Block 566.01; Block 566.02, Lots 3, 7, 8, 9 and a portion of 5; Block 566.03; Block 567; Block 569, Lots 4, 5, 6, 7, 8, 9, 10 and 11; Block 658, Lots 25, 47, 48 and 58 and Block 658.01 (the “Phase 1 Redevelopment Area”) to be prepared, entitled the “Redevelopment Plan for Phase 1 Downtown Waterfront Redevelopment Area” (the “Redevelopment Plan”) dated November 16, 2017; and

WHEREAS, on December 26, 2017, the Council adopted an Ordinance approving the Redevelopment Plan; and

WHEREAS, the Township issued a request for redevelopment proposals (the “RFP”) seeking a redeveloper for a portion of the Phase 1 Redevelopment Area identified on the Tax Maps of the Township as Block 658, Lot 25 (“Lot 1”) and Block 569, Lots 3, 4, 10 and 11.01 (“Lot 2” and together with Lot 1, the “Project Area”); and

WHEREAS, on May 3, 2019, the Township received a response to the RFP (the “Proposal”) from Capodagli Property Company, LLC, (“Capodagli”); and

WHEREAS, the Township reviewed the Proposal based on the designated criteria in the RFP, including but not limited to, (i) compliance with the terms of the RFP, (ii) operating experience in the field, including experience as a redeveloper of residential, retail, office and mixed-use in downtown districts, (iii) appropriateness of design, pedestrian circulation and parking solutions, (iv) creativity in approach to mix of uses, (v) soundness of financial plan and commitments, and (vi) capability of redeveloper to execute the project; and

WHEREAS, based upon the Township’s evaluation of the Proposal, on June 25, 2019, the Council adopted a resolution (i) designating Capodagli, or an affiliated entity, as the conditional redeveloper of the Project Area for a period of one hundred eighty (180) days pending the negotiation and execution of, among other agreements, a redevelopment agreement (the “Redevelopment Agreement”) with the Township; and (ii) authorizing the execution of an interim costs agreement with Capodagli (the “Original 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 Project 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 commencing as of June 18, 2019 (the “Interim Costs”); and

WHEREAS, the Township and Capodagli executed the Original Interim Costs Agreement in furtherance of the aforesaid resolution; and

WHEREAS, on December 23, 2019, the Council adopted a resolution (i) continuing the designation of Capodagli as conditional redeveloper of the Project Area for a period of one hundred eighty (180) days, subject to the successful negotiation of a redevelopment agreement and (ii) authorizing the execution of an amendment to the Original Interim Costs Agreement (the “First Amendment” and together with the Original Interim Costs Agreement, the “First Amended Interim Costs Agreement”) to define the term of the agreement; and

WHEREAS, the Parties executed an amendment to the First Amended Interim Costs Agreement (the “Second Amendment” and together with the First Amended Interim Costs Agreement, the “Second Amended Interim Costs Agreement”) to establish an additional escrow fund with the Township to provide for the payment of the Interim Costs related to, among other things, the designation of Capodagli as the conditional redeveloper of the Project Area and preliminary discussions relating to the negotiation of the Redevelopment Agreement for a portion of the Project Area identified on the Tax Maps of the Township as Block 658, Lot 25 and commonly known as the Upper Iron Street Lot; and

WHEREAS, on May 27, 2019 the Parties executed an amendment to the Second Amended Interim Costs Agreement (the “Third Amendment” and together with the Second Amended Interim Costs Agreement, the “Third Amended Interim Costs Agreement”) extending the term of the agreement to December 18, 2020; and

WHEREAS, on January 29, 2021 the Parties executed an amendment to the Third Amended Interim Costs Agreement (the “Fourth Amendment” and together with the Third Amended Interim Costs Agreement, the “Fourth Amended Interim Costs Agreement”) extending the term of the agreement to June 18, 2021; and

WHEREAS, the Township and Capodagli have agreed to (i) continue the designation of Capodagli, or an affiliated entity, as the conditional redeveloper of the Project Area (the “Conditional Redeveloper”) until September 1, 2021 to continue the negotiations of the Redevelopment Agreement, and (ii) to amend the Fourth Amended Interim Costs Agreement to extend the term of the agreement; and

WHEREAS, the Township desires to authorize the execution of an amendment to the Fourth Amended Interim Costs Agreement (in the form attached hereto as Exhibit A, the “Fifth Amendment” and together with the Fourth Amended Interim Costs Agreement, the “Interim Costs Agreement”).

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

Section 2. The designation of Capodagli as the Conditional Redeveloper of the Project Area pending the execution of the Redevelopment Agreement with the Township shall be continued until September 1, 2021 and is contingent upon Capodagli providing any additional project related information as may be requested by the Township.

Section 3. The within designation is further contingent upon (i) Capodagli 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 Capodagli.

Section 4. The Mayor of the Township is hereby authorized and directed to execute the Fifth Amendment, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Township's redevelopment counsel and other professionals.

Section 5. This resolution shall take effect immediately.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Township Attorney
- d) David G. Roberts, Township Planner
- e) Engineering Division
- f) Frances C. McManimon, Esq.
McManimon, Scotland & Baumann, LLC
427 Riverview Plaza
Trenton, NJ 08611
- g) Capodagli Property Company, LLC
201 S. Wood Avenue
Linden, NJ 07036

**RESOLUTION AUTHORIZING THE RENEWAL OF POCKET LIQUOR
LICENSE 1507-33-001-009 ISSUED TO 37 EATS LLC
PURSUANT TO NJABC SPECIAL RULING 33:1-12.39**

June 9, 2021

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, James B. Graziano, 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 1507-33-001-009 for the 2021-2022-2022-2023 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:

**1507-33-001-009
37 EATS LLC
952 Lakewood Rd
Toms River, NJ 08753
(POCKET)**

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, 2021.

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, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SUBDIVISION KNOWN AS, BLOCK 535.08, LOT 35 (478 Lakehurst Road)

June 9, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision known as Block 535.08, Lot 35.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #LICX1205165 in the amount of \$558,991.80 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$62,102.20 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$12,622.02 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 Stonehill at Toms River, 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. Stonehill at Toms River, LLC
432 Lakehurst Road Suite 2
Toms River, NJ 08755

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 BLOCK 172.04, LOTS 13.03 (1745 Lakewood Road)

June 9, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 172.04, Lots 13.03.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Bond # GM210146 in the amount of \$50,445.00 which represents the 15% Maintenance Guarantee, is accepted and will remain on account to represent the Maintenance 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 #1044451 in the amount of \$302,670.00 is hereby released;
- 2) Cash Bond in the amount of \$33,630.00 on account # 1-14- -902-101 is hereby released with applicable interest if any;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. TJM Realty, LLC
128 Berger Street
Woodbridge, NJ 07075

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

June 9, 2021

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.

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 \$1,410.00 currently on deposit in account # X-19- -601-765 is hereby released with applicable interest if any;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney

d. Siddhivinayak Temple
1046 Silverton Road
Toms River, NJ 08755

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 HOMESTEAD RUN BLOCK 298, LOTS 1 AND 2 (1.01) (Route 70 East)

June 9, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Homestead Run Block 298, Lots 1 & 2 (1.01).

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount \$2,620.00 which represents the 10% Maintenance Guarantee, is accepted and will remain on account # X-19- -601-782 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 Letter of Credit in the amount of \$23,580.60 on account # X-18- -101-499 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. Homestead Run Mobile Home Park, LLC
100 Fireside Boulevard
Toms River, NJ 08755

**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 540.08 LOT 28 EFFECTIVE MARCH 16TH, 2021, AND PROVIDING THAT PROPERTY TAXES FOR 2021, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED
JUNE 9, 2021**

WHEREAS, the owner of real property in the Township of Toms River known as Block 540.08 Lot 28, located at 1116 South Maplecrest Court, has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective March 16th, 2021 and

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

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

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

1. All 2021 real property taxes for block 540.08 lot 28 due on or after March 16th, 2021, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 540.08 lot 28 if any, shall be refunded on a pro-rated basis from March 16th, 2021.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor
 - b) Business Administrator
 - c) Township Attorney
 - d) Chief Financial Officer
 - e) Township Assessor
 - f) Township Tax Collector

Next came items called off the agenda.

Item "U":

Anthony Colucci, Ortley Beach, asked if this was a change in the original plan and if so what and can they be involved. Township Engineer Chankalian gave update and said 90% of the plan was approved.

Township Engineer Chankalian gave a brief update on where we are with this Resolution.

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 to approve the following Resolution "U" together with resolution "G" that follows, based on Robert Chankalian's explanation at the microphone together. Both were adopted with one roll call vote.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CHANGE ORDER NO. 1 – WITH EARLE ASPHALT COMPANY FOR THE 2021 DUNE REPAIR PROJECT IN THE ORIGINAL CONTRACT AMOUNT OF \$438,525.00, TO DELETE FENCING FROM ORIGINAL CONTRACT, DONE BY OTHERS, AND TO IMPORT AND PLACE ADDITIONAL SAND IN THE DUNE FROM DAMAGE BY THE MAY 28, 2021 STORM, FOR A NET REDUCTION OF \$26,165.00, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$412,360.00

JUNE 9, 2021

WHEREAS, resolution of the Township Council dated April 13, 2021, authorized an award of contract to Earle Asphalt Company, as the lowest responsible bidder meeting all the bid specifications, for the 2021 Dune Repair Project, in the total contract amount not to exceed \$438,525.00; and

WHEREAS, due to damage from the May 28, 2021 storm, the Division of Engineering requests a Change Order No. 1 to delete fencing from the original contract, done by others, and to import and place additional sand in the dune;

June 9, 2021 27

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 deleting fencing from original 2021 Dune Repair Project contract, done by others, and to import and place additional sand in the dune from damage by the May 28, 2021 storm, with Earle Asphalt Company, to wit:

DESCRIPTION OF CHANGE:

Delete fencing from original contract, done by others, and to import and place additional sand in the dune from damage by the May 28, 2021 storm:

NET REDUCTION: \$26,125.00

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	(\$74,585.00)
Total Extras This C.O.	\$48,420.00	X
Total Supplementary This C.O.	X	X
Total This C.O.	\$48,420.00	(\$74,585.00)
Previous Change Orders	X	X
Total Change Orders to Date	\$48,420.00	(\$74,585.00)
Net Change in Contract	X	(\$26,125.00)
ORIGINAL CONTRACT BID PRICE		\$438,525.00
NEW CONTRACT PRICE		\$412,360.00

be and the same is hereby ratified and confirmed.

2. 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) Division of Engineering
- c) Township Attorney
- d) Division of Purchasing
- e) Earle Asphalt Company, LLC
PO Drawer 556
Farmingdale, NJ 07727

(as explained this next resolution was voted on with previous in one roll call)

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF A CONTRACT TO T&M ASSOCIATES, TO ASSIST THE ENGINEERING DIVISION IN THE DESIGN OF IMPROVEMENTS TO THE SURF CLUB PROPERTY AND SURROUNDING AREAS, INCLUDING BUT NOT LIMITED TO, DEMOLITION, ENVIRONMENTAL ANALYSIS, CIVIL/SITE AND STRUCTURAL ENGINEERING, IN A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$284,803.00, AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO AN AGREEMENT WITH T&M ASSOCIATES

JUNE 9, 2021

WHEREAS, the Township requires assistance to the Engineering Division in the design of improvements to the Surf Club Property and surrounding areas, including but not limited to, demolition, environmental analysis, civil/site and structural engineering; and

WHEREAS, T&M Associates has submitted a proposal dated May 10, 2021, for providing assistance to the Engineering Division in the design of improvements to the Surf Club Property and surrounding areas, including but not limited to, demolition, environmental

analysis, civil/site and structural engineering, in a total contract amount not to exceed \$284,803.00; and

WHEREAS, the Township Engineer has reviewed the proposal submitted by T&M Associates and has recommended the award of a contract to T&M Associates 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 awards a contract to T&M Associates to assist the Engineering Division in the design of improvements to the Surf Club Property and surrounding areas, including but not limited to, demolition, environmental analysis, civil/site and structural engineering, in the total contract amount not to exceed \$284,803.00. The award of this contract is subject to all the terms and conditions of the bid specifications.

2. Funds for this contract in the amount of \$284,803.00 are available in Account No. 1-24- -O24-502. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

3. The Mayor is authorized to execute and the Township Clerk to attest to an Agreement with T&M Associates. A copy of the Agreement and Proposal dated May 10, 2021, shall be attached to this Resolution as Schedule "A", and made a part hereof.

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

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

- a) Mayor Maurice B. Hill, Jr.
- b) Chief Financial Officer
- c) Division of Purchasing
- d) Township Attorney
- e) Engineering Division
- f) T&M Associates
1144 Hooper Avenue, Suite 202
Toms River, NJ 08753

SCHEDULE "A"

"SEE ATTACHMENTS"

Council Member Rodrick questioned the following Resolution "K".

Township Engineer Chankalian and Chief Financial Officer answered Council Member Rodrick's questioning regarding need and price and shared services with surrounding towns.

Council Member Turnbach spoke regarding the time and effort that has gone into this resolution.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN AMENDMENT TO PO 21-02029 TO COLLIERS ENGINEERING & DESIGN, INC., FOR VARIOUS ADDITIONAL DESIGN

SERVICES RELATED TO THE EXPANSION OF THE TOMS RIVER POLICE DEPARTMENT FACILITIES ON OAK AVENUE AND IMPROVEMENTS TO THE TOWNSHIP'S RADIO COMMUNICATIONS SYSTEM, FOR A TOTAL FEE NOT TO EXCEED \$9,400.00, AND FOR THE TOWNSHIP'S DIGITAL TRUNKED RADIO SYSTEM PROJECT, FOR A TOTAL FEE NOT TO EXCEED \$89,496.50, FOR A TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$98,896.50

JUNE 9, 2021

WHEREAS, resolution of the Township Council dated November 12, 2019, authorized Colliers Engineering & Design Inc., previously known as Maser Consulting, PA, to perform up to \$224,070.00 in professional services consisting of assisting the Engineering Division in the Design of Various Towers for the Police Digital Trunked Radio System Project; and

WHEREAS, resolution of the Township Council dated December 23, 2019 authorized Colliers Engineering & Design, Inc., previously known as Maser Consulting, PA, to perform up to \$68,330.00 in professional services consisting of assisting the Engineering Division in the Design of Site Improvements for the Police Department, including but not limited to Parking, Radio Tower addition, and CAFRA permitting; and

WHEREAS, the Township requested Colliers Engineering & Design Inc., (DBA Maser Consulting) to continue providing professional services to assist the Engineering Division in the Design of Site Improvements for the Police Department, including but not limited to Parking, Radio Tower addition, and CAFRA permitting, and to provide professional services for the Township's Radio Trunked Digital System project, for a total maximum contract amount not to exceed \$98,896.50; and

WHEREAS, Colliers Engineering & Design, Inc. (DBA Maser Consulting) submitted a proposal dated March 31, 2021, Proposal No. TRT-005P, for additional professional services related to the expansion of the Toms River Police Department facilities on Oak Avenue and improvements to the Township's radio communications system, in the total fee not to exceed \$9,400.00; and

WHEREAS, Colliers Engineering & Design, Inc. (DBA Maser Consulting) submitted a proposal dated April 9, 2021, Proposal No. TRT-001P, for professional services related to the Township's Digital Trunked Radio System, in the total fee not to exceed \$89,496.50; and

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

1. It hereby authorizes an amendment to PO 21-02029 for additional professional services to assist the Engineering Division in the Design of Site Improvements for the Police Department, including but not limited to Parking, Radio Tower addition, and CAFRA permitting, and to provide professional services for the Township's Radio Trunked Digital System project, to Colliers Engineering & Design, Inc. (DBA Maser Consulting), for a total maximum contract amount not to exceed \$98,896.50.

2. Colliers Engineering & Design, Inc. (DBA Maser Consulting) will provide additional professional services related to the expansion of the Toms River Police Department facilities on Oak Avenue and improvements to the Township's radio communications system, in the total fee not to exceed \$9,400.00, in accordance with Standard Terms and Conditions currently arranged with the Township.

3. Colliers Engineering & Design, Inc. (DBA Maser Consulting) will provide professional services related to the Township's Digital Trunked Radio System, in the total fee not to exceed \$89,496.50, at the following rates:

Principal Engineer	\$163.00/hour
Project Manager (PE)	\$158.00/hour
Design Engineer (EIT)	\$130.00/hour
Design Engineer	\$112.00/hour
Professional Land Surveyor (PLS)	\$143.00/hour

(As a principal or partner)	
Professional Land Surveyor (PLS)	\$132.00/hour
(As an associate)	
Senior Designer	\$ 95.00/hour
Computer Technician	\$ 95.00/hour
Engineering Technician	\$ 95.00/hour
Survey Technician	\$ 81.00/hour
Senior CADD Operator	\$ 95.00/hour
CADD Operator	\$ 81.00/hour
Field Survey Crew	\$169.00/hour
Senior Inspector	\$107.00/hour
Inspector Level 1	\$ 62.00/hour
Inspector Level 2	\$ 87.00/hour
Secretary/Clerical	\$ 40.00/hour
Delivery	\$ 40.00/hour
Prints	\$ 0.25/sq.ft.
Mylars	\$ 1.53/sq.ft.
Cloths	\$ 2.10/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost,

3. Funds in the amount of \$98,896.50 are available in the following accounts:

X-04- -219-002	\$14,353.16
X-04- -221-002	\$18,886.43
X-04- -223-008	\$ 8,855.50
<u>X-04- -242-005</u>	<u>\$56,801.41</u>

\$98,896.50

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Township Engineer
- e) Colliers Engineering & Design, Inc.
DBA Maser Consulting
331 Newman Springs Road
Suite 203
Red Bank, New Jersey 07701

CERTIFICATION

THIS IS TO CERTIFY that the funds for the continued professional services by Colliers Engineering & Design, Inc., previously known as Maser Consulting, PA, in the amount not to exceed \$98,896.50, are available in the following accounts:

X-04- -219-002	\$14,353.16
X-04- -221-002	\$18,886.43
X-04- -223-008	\$ 8,855.50
<u>X-04- -242-005</u>	<u>\$56,801.41</u>

\$98,896.50

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: June 9, 2021

REPORTS

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

	2021	2020
Bey Lea Golf Course – May	\$197,773.74	\$148,365.08
Bey Lea Golf Course – YTD through May	\$515,940.61	\$223,959.67
Winding River Ice Rink – May	\$72,003.35	\$15,525.00
Winding River Ice Rink – YTD through May	\$373,400.74	\$299,472.50
Building Permits - May	\$319,360.00	\$200,124.00
Building Permits – YTD through May	\$1,414,618.00	\$1,087,313.00
Beach Badges – Week 7 – 9 (pre-season)	\$379,650.00	\$217,715.00
Pool Badges – Week 7- 9 (pre-season)	\$1,950.00	\$0.00

APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **June 3, 2021**, was approved on motion by Council Member Turnbach, seconded by Council Member Kopp, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

Council President Geoghegan - none

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

Purchase Order 21-02910, payable to NJ MVC Lease Program in the amount of \$4,321.50.

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

Purchase Order 21-02163, 21-02715, & 21-02716, payable to Remington & Vernick Engineers in the amount of \$6,987.22.

Purchase Order 21-02830, payable to Rutgers University in the amount of \$575.00.

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

Purchase Order 21-02733, payable to Oceans Harbor House in the amount of \$565.00.

Purchase Order 21-02862, 21-02863, 21-02884, & 21-02865, payable to Owen Little & Associates, Inc. in the amount of \$2,407.50.

Council Member Lotano – none

Council Member Rodrick – none

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

Purchase Order 21-02618, 21-02622, & 21-02877, payable to Citta, Holzapfel, Zabarsky in the amount of \$1,440.00.

Purchase Order 21-02910, payable to Magistrate Salaries in the amount of \$6,937.41.

ELECTED OFFICIALS COMMENTS

Council Member Turnbach spoke regarding Field of Dreams project; request for State aid to complete in \$400,000 to be approved by July 1st; Downtown night out for Toms River; Dana Tormone, member of Toms River Education Foundation, raised money for event of pizza parties. Thanked all members of the foundation. Primary comments. Spoke out on political literature being used by politicians for their own gains.

Council Member Rodrick spoke about political literature; thanked voters and team.

Council Members spoke on politics, mailers and what she believed politics should be. She also spoke of her experiences last year.

Council Member Kopp compliments to Council Member Turnbach.

Council Member Lotano spoke of election comments, and downtown night out.

Mayor Hill thanked voters; congratulate those who won and who lost for putting themselves out there; downtown Toms River; Exercise right to vote Saturday of 125th Anniversary of Fire Company District One down Washington Street.

Council Member Geoghegan had no comments.

PUBLIC COMMENTS

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

David John Ciccozzi, 847 Ocean View Drive, Chairman of Planning Board, and candidate for Ward 4.

Justin Lamb, 109 Buerman, "Freedom of Speech".

Kevin (Last Name Unknown) spoke on election/voting and how politics effecting voters; spoke on Cannabis Ordinance.

Laura Marino Cole, Snug Harbor Pool, spoke regarding daily rate.

Diana Oxley, Snug Harbor Pool, asked for police officer from 3:00 to 6:00 p.m. when the activity at its height on Saturday and Sunday.

Pete Troise support the increase in pool rate and police officer on Saturday and Sunday.

Donald Oxley, support the increase in pool rate and police officer on Saturday and Sunday.

Joseph Cole, 1940 Merrimac, said rates too low to enjoy pool.

Elizabeth Puglisi, Manchester, lived for 20 years in Toms River and would like to be on cannabis committee.

Susan Carney, wants the township to cancel local geese contract and suggests more humane measures taken.

Laura Wakanski support to cancel local geese contract and suggests more humane measures taken.

Nicholas Huss support more humane measures in treating the geese.

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

A motion was made by Council Member Maruca, seconded by Council Member Turnbach, and carried to enter into a private Executive Session at 7:48 p.m.

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

R E S O L U T I O N

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

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

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

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

Matters of Personnel
 Attorney Client Privilege
 Contract Negotiations

- 3. The following specific topics to be discussed and/or acted upon are as follows:
 - 1. Executive Session Minutes: May 25, 2021 Regular Meeting
 - 2. Personnel Issues
 - 3. Real Property Acquisitions – update on negotiations for Surf Club Property
 - 4. DOJ RLUIPA Investigation-update on compliance with Consent Order
 - 5. BASF Tax Appeal-update on status of appeal to Supreme Court
- 4. It is anticipated that deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

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

Council Member Huryk	- Yes
Council Member Kopp	- Yes
Council Member Lotano	- Yes

Council Member Rodrick	- Yes
Council Member Turnbach	- Yes
Council Vice-President Geoghegan	- Yes
Council President Maruca	- Yes

The Council **reconvened** the public portion at 8:04 P.M., a motion was made by Council Member Huryk, seconded by Council Member Maruca, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes.

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

**RESOLUTION APPROVING
EXECUTIVE SESSION MINUTES**

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

NOW, 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 25, 2021 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 8:05 P. M., on motion with Council Member Huryk, seconded by Council Member Maruca, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes.

KEVIN GEOGHEGAN, COUNCIL PRESIDENT

ALISON CARLISLE, TOWNSHIP CLERK