

June 11, 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. Boy Scouts presented the Colors and led the Pledge of Allegiance 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 WOBN News on Wednesday, January 3, 2019, and thereafter posting same on the Town Hall bulletin board for such notices, and filing same with the Township Clerk, pursuant to a resolution adopted by the Township Council on January 3, 2019. The Notice was also posted on the Township web page.

Roll Call:

Council Member Huryk	- Present
Council Member Kubiell	- 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 Kubiell, seconded by Council Member Turnbach, and with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, to approve the **Regular Meeting of May 28, 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 Kubiell, seconded by Council Member Huryk, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, to make the following honoring proclamations a part of the Minutes.

Councilwoman Huryk introduced and presented proclamation to Yvonne Yaar for Toms River Community Art Project Hall of Fame Award.

Township of Toms River
Proclamation

Toms River Community Art Project Hall of Fame Award

WHEREAS, Yvonne Yaar is a member of the Toms River Community Art Project; and

WHEREAS, Yvonne Yaar has tirelessly dedicated her time and artistic talent to beautifying, inspiring and transforming our community; and

WHEREAS, Yvonne Yaar has led the creation and all development stages of several murals in Downtown Toms River, driving new visitors and local residents to the Downtown Toms River area; and

WHEREAS, Yvonne Yaar has provided her time, ideas and leadership to the Toms River Community Art Project, so it can carry out its mission to facilitate & provide leadership and guidance, advocacy and support for the arts and cultural development of Toms River Township; and

WHEREAS, Yvonne Yaar has selflessly shared her artist talent and abilities for the good of helping others and improving their lives and our community.

NOW, THEREFORE, We, Mayor THOMAS F. KELAHER, and Council President GEORGE E. WITTMANN Jr. of the Township of Toms River, on behalf of us, the Township Council, and the residents of the Township of Toms River, congratulate Yvonne Yaar on her achievement of being named the Toms River Community Art Project Hall of Fame award recipient.

Mayor Thomas F. Kelaher

*George E. Wittmann, Jr.
Council President*

Brian S. Kubiel

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance L. Turnbach

Council Member Huryk presented Girl Scout Silver Award to Sophie Regenye.

Township of Toms River

Proclamation

Girl Scout Silver Award

June 11, 2019

WHEREAS, Sophie Regenye has received the Girl Scout Silver Award which is the highest award a Girl Scout Cadette can earn and the second highest award in Girl Scouting; and

WHEREAS, since 1916, Girl Scout leadership awards have stood for excellence and leadership for girls everywhere, with girls who pursue these awards

aspiring to transform an idea and vision for change into an actionable plan with far-reaching results; and

***WHEREAS**, to qualify for the Girl Scout Silver Award, a girl must be a registered Girl Scout Cadette in the sixth, seventh or eighth grade, have completed a journey, conceptualized, planned and executed a sustainable project either independently or with a team; and*

***WHEREAS**, **Sophie Regenye** has successfully completed all requirements, including her special project which was a Community Mural entitled “ART HEALS” for Healing and Recovery, to receive the Girl Scout Silver Award; and*

***WHEREAS**, **Sophie Regenia’s** Girl Scout Silver Award project directly benefits the Township of Toms River’s Downtown revitalization efforts by expanding the arts in the downtown area.*

***NOW, THEREFORE**, We, Mayor **THOMAS F. KELAHER** and Council President **GEORGE E. WITTMAN JR.** of the **Township of Toms River**, on behalf of us, the Township Council, and the residents of the Township of Toms River, congratulate **Sophie Regenye** on her achievement in receiving the Girl Scout Silver Award.*

Mayor Thomas F. Kelaher

George E. Wittmann Jr. Council President

Brian S. Kubiel

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance L. Turnbach

Councilman Wittmann introduced and presented proclamations to Eagle Scouts Patrick James McElroy Jr and Michael Sean Angelos.

Township of Toms River Proclamation

Eagle Scout Court of Honor

June 11, 2019

***WHEREAS**, **Patrick James McElroy Jr.** is involved with the Boy Scout Program, currently as a member of Boy Scout Troop 92 in Toms River; and*

***WHEREAS**, **Patrick James McElroy Jr.** has progressed through the ranks of Cub Scouts and Boy Scouts, and has achieved the rank of Eagle Scout; and*

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

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

WHEREAS, Patrick James McElroy Jr. has successfully completed all requirements to receive the rank of Eagle Scout.

NOW, THEREFORE, I, THOMAS F. KELAHER, Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate Patrick James McElroy Jr. on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and effort for the good of his community.

Mayor Thomas F. Kelaher

*George E. Wittmann, Jr.
Council President*

Brian S. Kubiel

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River Proclamation

Eagle Scout Court of Honor

June 11, 2019

WHEREAS, Michael Sean Angelos. is involved with the Boy Scout Program, currently as a member of Boy Scout Troop 83 in Toms River; and

WHEREAS, Michael Sean Angelos has progressed through the ranks of Cub Scouts and Boy Scouts, and has achieved the rank of Eagle Scout; and

WHEREAS, to achieve the rank of Eagle Scout, a scout must have a minimum of twenty-two months tenure, have earned at least seven skill awards, logged a minimum of eighteen hours community service time, served at least sixteen months as a troop leader in three of eleven leadership positions, and have

amassed at least twenty-one merit badges (eleven of which are required by the Boy Scouts of America National Committee); and

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

WHEREAS, Michael Sean Angelos has successfully completed all requirements to receive the rank of Eagle Scout.

NOW, THEREFORE, I, THOMAS F. KELAHER, Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate Michael Sean Angelos on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and effort for the good of his community.

Mayor Thomas F. Kelaher

*George E. Wittmann, Jr.
Council President*

Brian S. Kubiel

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance L. Turnbach

Mayor Kelaher introduced Toms River Pride Day: Exit 82 Theatre Company.
Councilwoman Huryk presented proclamation and described the significance of 50 years anniversary of Stonewall Inn.

Township of Toms River

Proclamation

Toms River Pride Day

June 22, 2019

WHEREAS, The Township of Toms River has a diverse Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) community and is committed to supporting visibility, dignity and equity for all people in the community; and

WHEREAS, many of the residents, Township employees, students, visitors and business owners within the Township of Toms River who contribute to the enrichment of our Community are part of the LGBTQ community; and

WHEREAS, June has become a symbolic month in which the LGBTQ community, and its supporters, come together in various celebrations of pride; and

WHEREAS, events are held annually to recognize and celebrate the diversity of communities across America; and

WHEREAS, Exit 82 Theatre Company is demonstrating their commitment to diversity and inclusivity in hosting the first Toms River Pride Day on June 22, 2019; and

WHEREAS, by protecting the rights of every individual, we enhance the value of our entire society; and

WHEREAS, this is the 50th anniversary of the movement toward LGBTQ rights which began on June 28, 1969, at the Stonewall Inn in New York City.

NOW, THEREFORE, We, Mayor THOMAS F. KELAHER, and Council President GEORGE E. WITTMANN Jr. of the Township of Toms River, on behalf of us, the Township Council, and the residents of the Township of Toms River, hereby proclaims June 22nd as Toms River Pride Day in the Township of Toms River Presented this Eleventh day of June, 2019

Mayor Thomas F. Kelaher

George E. Wittmann, Jr. Council President

Brian S. Kubiel

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance L. Turnbach

Mayor Kelaher spoke about Huddy Park and its historic significant in town depicted on plaques that will be installed in Huddy Park and Shelter Cove. Cindy Smith, President of Historic Preservation Commission spoke regarding the history of Huddy Park.

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

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

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 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.

Lori Stryker, Joseph Street, supported the Ordinance.
Councilwoman Maruca thanked the resident of Joseph Street, and also Police Department, Engineering and Administration Department.

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

Council Member Maruca offered the following ordinance and moved its adoption, Council Member Kubiell seconded the motion:

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

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

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

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

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

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

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 CANADA GEESE CONTROL PROGRAM

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.

Shawn Colucci, Ortleigh Beach, supported the following Ordinance.
Nick Zorojew, commented the Council for bringing events back to Huddy.

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

Council Member Kubiel offered the following ordinance and moved its adoption, Council Member Huryk seconded the motion:

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

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

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

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

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

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PUBLIC SALE OF A PORTION OF TAX LOT 21, BLOCK 724 (610 GARFIELD AVENUE) IN THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, TO A CONTIGUOUS PROPERTY OWNER PURSUANT TO N.J.S.A. 40A:12-13(b)(5)

WHEREAS, the Township Council of the Township of Toms River has determined that a portion of Tax Lot 21, Block 724 (610 Garfield Avenue), (the "property"), having an area of 1,778 square feet, hereinafter described on Schedule "A" and Schedule "B" attached hereto, constitutes real property with less than an eighth of the minimum size required for development under the Municipal Land Use Ordinance, and is without any township-owned capital improvement thereon; and

WHEREAS, there is only one property owner with real property contiguous to the property; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes the sale of municipally-owned property which is less than an eighth of the minimum size required for development under the Municipal Land Use Ordinance, and is without any township-owned capital improvement thereon, to the only owner having contiguous real property to the property being sold; and

WHEREAS, the Township Council has determined that this property is not needed for public use; and

WHEREAS, the Township Council is desirous of selling the property to the only owner of contiguous real property;

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

1. Pursuant to N.J.S.A. 40A:12-13(b)(5), the sale of a portion of Tax Lot 21, Block 724 (610 Garfield Avenue), is authorized to the only owner of contiguous real

property. This property to be sold has an area of 1,778 square feet, and is shown on attached Schedule "A" and Schedule "B".

2. The minimum acceptable bid price for the sale of this property is \$3,000.00.

3. The owner of real property contiguous to the property being sold may submit a written sealed bid for its purchase to Gail Catania, Purchasing Agent, on or before 11:00 a.m. on August 1st, 2019, at the Purchasing Office, 33 Washington Street, 2nd Floor, Toms River, N.J. The bid must be accompanied by payment of the total amount of the bid. Payment must be by cash, bank check, certified check, or cashier's check, payable to the Township of Toms River, in the amount of the total bid.

4. The sale is contingent and conditioned upon the purchaser consolidating the "property" with Lot 72.01, Block 724 within 180 days following the date of the deed.

5. This sale is made subject to such state of facts as an accurate survey may disclose, easements, conditions, covenants and restrictions of record, tenancies, leaseholds, rights of persons in possession, codes, regulations and ordinances of the Township of Toms River or federal, state or county governments. No representations of any kind are made by the Township of Toms River as to the condition of the lands, and the property is being sold in its present condition on an "as is" basis.

6. The property will be conveyed to the successful bidder by a Bargain and Sale Deed with Covenants Against the Acts of the Grantor.

7. The prospective bidder is placed on notice to consult appropriate public and private authorities as to the provision of utility services.

8. The Township Clerk shall post and advertise copies of the ordinance as required by N.J.S.A. 40A:12-13(b)(5).

9. A copy of this Ordinance shall be sent by the Township Clerk to the contiguous property owner and the Purchasing Division.

10. Subsequent to the Council adopting a resolution awarding the bid, the Mayor and Clerk are authorized to execute a deed and all other necessary documents to convey this property to the successful bidder.

11. 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.

12. Since this ordinance is not legislative in nature, it does not have to be codified.

SCHEDULE "A"

**UNDERSIZED NONCONFORMING SIZE LOT BEING A PART OF LOT 21, BLOCK
724, AS DESIGNATED ON THE MUNICIPAL TAX MAP**

BLOCK	LOT	MINIMUM PRICE
724	Part of Lot 21, having an area of 1,778 square feet. See description/survey attached as Schedule "B"	\$3,000.00

A motion was made by Council Member Kubiell, seconded by Council Member Turnbach and carried, with Council Members Hill, Huryk, Kubiell, 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 June 11, 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 25, 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, June 14, 2019.

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

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, IN SUPPORT OF KEEPING CATHEDRAL OF THE AIR, U.S. NAVAL AIR STATION AT LAKEHURST, NEW JERSEY, AND URGING THE FEDERAL GOVERNMENT TO DECLARE AND DESIGNATE THE CATHEDRAL OF THE AIR AS A HISTORIC SITE

JUNE 11, 2019

WHEREAS, Cathedral of the Air, U.S. Naval Air Station, Lakehurst, New Jersey, is a place designated for regular worship for Catholic, Protestant and Jewish military personnel, hosts only weddings, funerals and baptisms now; and

WHEREAS, the Navy Lakehurst Historical Society holds its meeting in the Norman-Gothic cathedral, and service honoring chaplains who gave their lives to save other is held there every year; and

WHEREAS, in 1932, the cathedral structure was completed and its first stained-glass window, Chancel Rose, was installed; and

WHEREAS, over the next 20 years, other stained-glass windows, 18 in all, were installed to depict the history of flight in fact and in myth – from the mighty horse Pegasus and the wax wings of Icarus, to Dr. Hugo Eckener, the German pioneer of lighter-than-air aviation; and

WHEREAS, the eighteen panels then gradually lead along the history of human flight, from experimentation with lighter-than-air travel such as zeppelin airships to the Wright Brothers pioneering airplane flight; and

WHEREAS, the Cathedral also features stained glass windows memorializing the loss of naval airships USS Akron and USS Shenandoah. Both airships had been based at the nearby Lakehurst Naval Air Station; and

WHEREAS, it is a unique institution, sitting as it does outside the main gate, yet maintained by the government. Many people find it a comforting place to spend some time, and it is a beautiful place often used by military personnel for weddings; and

WHEREAS, after 9/11, a stone and iron fence barrier was built to protect the church from car bombings; and

WHEREAS, located on Lakehurst's Center Street outside the front entrance to the Naval Air Engineering Station, the Cathedral of the Air is maintained by base personnel. An annual nondenominational service for America's prisoners of war and missing in action is held there; and

WHEREAS, Cathedral of the Air was the idea of American Legionnaire Gill Rob Wilson, who was the Legion's national chaplain. The Cathedral of the Air was built in 1932 by the American Legion Department of New Jersey for a memorial to the self-sacrifice and devoted service of aviators to serve the religious diversity of the soldiers stationed at the Naval Air Station at Lakehurst; and

WHEREAS, there were no federal subsidies or grants, and the labor was mostly by volunteers; and

WHEREAS, just south of the entrance to Lakehurst Naval Air Engineering Station, the Cathedral of the Air sits stately amongst the pines; and

WHEREAS, this station became known for helicopters and launch and recovery systems for aircrafts. The Cathedral was built by the American Legion to honor those that made history there; and

WHEREAS, the Federal government has expressed a desire to close the Cathedral of the Air; and

WHEREAS, the Township Council of the Township of Toms River supports keeping the Cathedral of the Air in place; and

WHEREAS, the Township Council of the Township of Toms River urges the Federal government to declare this a historic site;

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 supports keeping the Cathedral of the Air, U.S. Naval Air Station, Lakehurst, New Jersey, in place.

2. It hereby urges the Federal government to declare the Cathedral of the Air as a historic site.

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

- a) Township Attorney
- b) Business Administrator
- c) Chief Financial Officer
- d) 9th District Legislators
- e) 10th District Legislators
- f) 30th District Legislators
- g) Borough of Lakehurst
5 Union Avenue
Lakehurst, NJ 08733
Attn: Township Clerk
- h) Governor Phil Murphy
State of New Jersey
- i) Lakehurst (Joint Base McGuire-Dix-Lakehurst)

- 3021 McGuire Blvd.
 Jackson, NJ 08641
- j) Cathedral of the Air
 k) 264 Hope Chapel Road
 Naval Air Engineering Station Lakehurst (Joint Base
 McGuire-Dix-Lakehurst)
 Lakehurst, NJ 08733
- l) Manchester Township
 1 Colonial Drive
 Manchester, NJ 08759
 Attn: Township Clerk
- m) General Services Administration
 One Constitution Square
 1275 First St. N.E.
 Washington, DC 20417

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 Kubiell, seconded by Council Member Huryk, 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 **F and G**, which were done separately.

R E S O L U T I O N

JUNE 11, 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:*

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Year</i>	<i>Amount</i>
REMSSEN MILLS, INC.	608	39	2017/4	\$39.54

- 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

JUNE 11, 2019

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

NAME	BLOCK	LOT	Year	Amount
SUNSET MANOR ASSOCIATION	943.02	106	2017/4	\$ 436.39
SUNSET MANOR ASSOCIATION	943.02	107	2017/4	436.39
SUNSET MANOR ASSOCIATION	943.01	108	2017/4	254.09
SUNSET MANOR ASSOCIATION	951.10	26	2017/4	584.60
TOTALS:				\$1711.47

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

JUNE 11, 2019

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

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Year</i>	<i>Amount</i>
FAGAN, JANICE	847	4	2019/3	\$16,484.14
FIS BILLING	644.05	15	2019/2	1,243.51
PEAGUS TITLE AGENCY, LLC	1110.06	2	2018/4	1,668.97
PRESTIGE TITLE AGENCY INC.	234.03	4	2019/1	2,030.60
TOTALS:				\$21,427.22

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

JUNE 11, 2019

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

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Year</i>	<i>Amount</i>
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RNT CORPORATION @ MICHAEL A. VESPASIANO, ESQ.	711	2	2015/4	\$ 16,072.26
			2016/4	16,704.28
			2017/4	19,486.57
TOTAL FOR RNT CORP				\$52,263.11
SPIOTTI & ESPOSITO PC	1946.12	8	2017/4	1,344.38
			2018/4	1,355.90
TOTAL FOR SPIOTTI & ESPOSITO				\$2,700.28
TOMS RIVER FIRE CO., NO.1 @ BECKJ MICHAEL ESQ.	411	6	2019/3	1216.43
ZERO BARNEGAT BAY LLC	947	1	2018/4	28,495.17
			2017/4	28,253.07
TOTAL FOR ZERO BARNEGAT LLC				\$56,748.24
TOTAL:				\$112,928.06

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 AUTHORIZING THE SALE OF ABANDONED AND/OR UNCLAIMED MOTOR VEHICLES PURSUANT TO N.J.S.A. 39:10A-1 ET SEQ.

June 11, 2019

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

1. It hereby authorizes the sale at public auction of the following abandoned and/or unclaimed motor vehicles pursuant to the provisions of N.J.S.A. 39:10A-1 et seq., on Wednesday, June 26, 2019 at 11:00 a.m. at Priced-Rite Towing and 12 noon at Freedom Towing:

Vehicles for Auction with Titles:

Request to hold abandoned vehicle auctions on Wednesday, June 26, 2019 at the following locations and times:

Priced-Rite Towing, 24 Germania Station Rd., Toms River, NJ at 11:00 a.m.

YEAR	MAKE	VIN#
2005	CHEVROLET	KL1TD52605B456907
1999	HONDA	JH2PC2133XM901805

Freedom Towing, 1725 Lakewood Road, Unit 1, Toms River, NJ at 12 noon

YEAR	MAKE	VIN#
2004	CHRYSLER	1C3EL55R04N263586
2003	HONDA	1HGCM82603A013879
1999	LINCOLN	1LNHM83W7XY707125
1995	MERCEDES BENZ	WDBFA67EXSF118194

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

- a) Attorney
- b) Chief of Police Mitch Little
- c) Chief Financial Officer
- d) Priced-Rite Towing
24 Germania Station Road
Toms River, NJ 08755
- e) Freedom Towing
1725 Lakewood Road, Unit 1,
Toms River, NJ

**LEGAL NOTICE
TOWNSHIP OF TOMS RIVER
PUBLIC SALE**

TAKE NOTICE that the undersigned shall expose for sale in accordance with R.S. 39:10A-1, at public auction on **WEDNESDAY, June 26, 2019 at 11:00 a.m. at Priced-Rite Towing and 12 noon at Freedom Towing** the below described motor vehicle(s) which came into the possession of the Township of Toms River Police Department through abandonment or failure to claim same within 30 days. The public auction will take place at the above indicated date, time and location(s). The motor vehicle(s) may be examined at the indicated location(s) Monday through Friday, 9:00 a.m. to 5:00 p.m.

All vehicle(s) listed have clear title. Failure to inspect said vehicle(s) will not be considered as cause for any claim for adjustment whatsoever. **ALL SALES WILL BE FINAL.** Cash or check will be required at the time of the sale when the sale is completed. Vehicle(s) must be removed from the premises at the purchaser's expense within 48 hours of sale date. Opening bids start at tow expense.

Vehicles For Auction with Titles:

Priced-Rite Towing, 24 Germania Station Rd., Toms River, NJ at 11:00 a.m.

YEAR	MAKE	VIN#
2005	CHEVROLET	KL1TD52605B456907
1999	HONDA	JH2PC2133XM901805

Freedom Towing, 1725 Lakewood Road, Unit 1, Toms River, NJ at 12 noon

YEAR	MAKE	VIN#
2004	CHRYSLER	1C3EL55R04N263586
2003	HONDA	1HGCM82603A013879
1999	LINCOLN	1LNHM83W7XY707125
1995	MERCEDES BENZ	WDBFA67EXSF118194

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE CONTRACT FOR MOBI MATS FOR TOMS RIVER BEACHES WITH DESCHAMPS MAT SYSTEMS, VENDOR NO. DESCH005, USING STATE CONTRACT NO. 16-FLEET-00143 PARK AND PLAYGROUND EQUIPMENT, WHICH WAS AWARDED BY RESOLUTION DATED NOVEMBER 27, 2018 IN THE AMOUNT OF \$598,754.10, FOR AN AMENDED ADDITIONAL COST OF \$12,470.20, FOR A TOTAL PROJECT COST NOT TO EXCEED \$611,224.30

JUNE 11, 2019

WHEREAS, resolution of the Township Council dated November 27, 2018, authorized the use of State Contract #16-Fleet-00143 Park and Playground Equipment to Purchase Mobi Mats for Toms River Beaches from Deschamps Mat Systems, Vendor No. DESCH005, in the total maximum contract amount not to exceed \$598,754.10; and WHEREAS, due to the nature of the required shipping, special arrangements had to be made and additional charges were required to allow for 14 foot connectors. Credits were issued for the original 10 foot connectors; and

WHEREAS, breakdown of charges are as follows:

DESCRIPTION	QTY	COST	TOTAL
Original Purchase			\$598,754.10
Change from 10' to 14' Connector	50	\$124.50	\$ 6,225.00
Add XL Long X Connector	2	\$ 55.50	\$ 111.00
Less 30% Discount		\$1,900.80	-\$ 1,900.80
Credit for Original 10' Connectors	50	-\$ 83.00	-\$ 4,150.00
Plus 30% Discount Adjustment		-\$1,245.00	\$ 1,245.00
Shipping Charges (\$2,188/delivery)	5	\$2,188.00	\$ 10,940.00
TOTAL:			<u>\$ 611,224.30</u>

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 the resolution dated November 27, 2018, with Deschamps Mat Systems, Vendor No. DESCH005, using State Contract #16-Fleet-00143 Park and Playground Equipment for the Purchase of Mobi Mats for Toms River Beaches, for an additional amount of \$12,470.20. Total amount of project not to exceed \$611,224.30, as broken down above.

2. Due to the nature of the required shipping, special arrangements had to be made and additional charges were required to allow for 14 foot connectors. Credits were issued for the original 10 foot connectors.

3. Funds in the additional amount of \$12,470.20, are available in Account No. X-04- -217-003. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Parks, Buildings & Grounds
- e) Deschamps Mat Systems
218 Little Falls Road
Unit 7 & 8

AMENDED CERTIFICATION

THIS IS TO CERTIFY that the funds for the increase in the contract with Deschamps Mat Systems, in the additional amount of \$12,470.20, for a total project cost of \$611,224.30, are available in Account No. X-04- -217-003.

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: June 11, 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 REAL ESTATE AUCTIONEER SERVICES

JUNE 11, 2019

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

REAL ESTATE AUCTIONEER SERVICES

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

1. 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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A CONTRACT TO PURCHASE ONE (1) REPLACEMENT ROLL OFF VEHICLE FOR ONE DAMAGED IN AN ACCIDENT, FOR THE DEPARTMENT OF PUBLIC WORKS, FROM ROBERT H. HOOVER & SONS, INC., IN THE AMOUNT OF \$125,268.33, AND OMAHA STANDARD, INC. D/B/A AMERICAN ROLL OFF, IN THE AMOUNT OF \$42,912.24, FOR A TOTAL COMBINED MAXIMUM AMOUNT NOT TO EXCEED \$168,180.57, USING EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PRICING SYSTEM, CONTRACT NO. 17/18-30

JUNE 11, 2019

WHEREAS; the Township of Toms River is a member of the Educational Services Commission of New Jersey #17/18-30 (ESCNJ), in accordance with N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.4; and

WHEREAS, pursuant to bids received, a contract was awarded to Robert H. Hoover & Sons, Inc., and Omaha Standard, Inc. d/b/a American Roll Off by the Educational Services Commission of New Jersey, (ESCNJ), of which Toms River Township is an active participant, in accordance with N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.4; and

WHEREAS, the Purchasing Division is requesting authorization to Purchase One (1) Replacement Roll Off Vehicle for One Damaged in an Accident, for the Department of Public Works from the Educational Services Commission of New Jersey, Contract #17/18-30, using the following vendors:

Robert H. Hoover & Sons, Inc.
149 Gold Mine Road
Flanders, NJ 07836

ESCNJ 17/18-30

Western Star 4700 Set Back Front Axle Chassis	\$166,640.00
Optional Equipment Listed on Quote	\$ 53,129.00
43% ESCNJ Discount	- \$ 94,500.67

	\$125,268.33

Omaha Standard, Inc.
d/b/a American Roll Off
572 Whitehead Road
Trenton, NJ 08619

ESCNJ 17/18-30

American Standard Telescopic Lift	
Cylinder Triaxle	\$ 24,535.54
Complete Mount Labor – 109 Hrs. @ \$90/Hr.	\$ 9,810.00
Optional Equipment	\$ 13,080.63
12% ESCNJ Discount	- \$ 4,513.93

	\$ 42,912.24

TOTAL PURCHASE; \$168,180.57

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) Replacement Roll Off Vehicle for One Damaged in an Accident for the Department of Public Works from Robert H. Hoover & Sons, Inc., in the amount of \$125,268.33, and Omaha Standard, Inc. d/b/a American Roll Off, in the amount of \$42,912.24, for a total combined amount not to exceed \$168,180.57 using the Educational Services Commission of New Jersey, Contract #17/18-30, as stated above.

2. Funds in the amount of \$168,180.57 are available in Account No. 9-16- -902-004. 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) Public Works
- e) Robert H. Hoover & Sons, Inc.
149 Gold Mine Road
Flanders, NJ 07836
- f) Omaha Standard, Inc.
d/b/a American Roll Off
572 Whitehead Road
Trenton, NJ 08619

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with Robert H. Hoover & Sons, Inc., in the total amount not to exceed \$125,268.33, and Omaha Standard, Inc. d/b/a American Roll Off, in the total amount not to exceed \$42,912.24, for a total combined maximum amount not to exceed \$168,180.57, are available in Account No. 9-16- -902-004.

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

SHARON SMITHH
CHIEF FINANCIAL OFFICER

Dated: June 11, 2019

**RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS
FOR 2019 OCEAN COUNTY TRANSPORTATION GRANT**

June 11, 2019

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 Ocean County Transportation Grant and wishes to amend its 2019 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 2019 Budget the sum of \$2,000.00 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:

Ocean County Transportation Grant.....\$2,000.00
pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$2,000.00 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:

Ocean County Transportation Grant..... \$2,000.00

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

- A) Division of Local Government Services (filed electronically)
- B) Chief Financial Officer
- C) Township Auditor
- D) Grant Manager
- E) Department of Senior Services

Approved as to Content:

RESOLUTION IMPOSING CHARGES INCURRED UNDER SECTION 111 OF THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE AS A LIEN ON REAL PROPERTY, AND DIRECTING THE TAX COLLECTOR TO COLLECT THESE COSTS, AND IMPOSE INTEREST ON UNPAID COSTS, IN THE SAME MANNER AS PROVIDED FOR IN THE COLLECTION OF REAL ESTATE TAXES IN THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY

JUNE 11, 2019

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

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

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

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

1) The Township Council determines the Certification of Costs as set forth as Schedule "A" to be accurate.

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

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

- a) Mayor Thomas F. Kelaher
- b) Business Administrator
- c) Chief Financial Officer
- d) Tax Collector
- e) Township Attorney
- f) Housing & Property Maintenance
- g) Code Enforcement

- h) Director, Parks, Buildings & Grounds
- i) Kilickiran, Don
604 Loxley Drive
Toms River, NJ 08753
- j) Berens, Arthur
1085 Lakewood Road
Toms River, NJ 08753
- k) Silver Ridge LLC
569 Lakehurst Road
Toms River, NJ 08753
- l) Mooney, Dennis & Arlene
23 Petunia Way
Toms River, NJ 08755

SCHEDULE "A"

CERTIFICATION OF COSTS

	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TOTAL</u>
1.	688.03	11.01	604 Loxley Drive	\$380.81
2.	540.05	15	1085 Lakewood Road	\$958.90
3.	507.44	5	569 Lakehurst Road	\$775.43
4.	412.09	41	23 Petunia Way	\$385.22

***If there are any questions concerning the work/labor liens, please

contact Craig Ambrosio at 732-341-1000 Ext. 8417. Thank you***

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT WITH CHIEF OF POLICE MITCHELL LITTLE

JUNE 11, 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 Mayor is authorized to execute and the Township Clerk to attest to an Employment Agreement with Chief of Police Mitchell Little.
2. A copy of the Employment Agreement is attached to this Resolution, and shall be available for public inspection in the Office of the Township Clerk.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor Thomas Kelaheer
 - b) Township Council
 - c) Business Administrator
 - d) Township Attorney
 - e) Chief Financial Officer
 - f) Chief Mitchell Little, Police Department
 - g) Human Resources

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 921.09, LOTS 6, 7, 8 AND 9 (3462 Route 35 North Bound)

June 11, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 921.09, Lots 6, 7, 8 & 9.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,200.00 which represents the full portion of the performance & stabilization 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 Superior Realty, 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. Superior Realty, LLC
311 Elissa Court
South Plainfield, NJ 07080

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A LANDSCAPING PLAN KNOWN AS BLOCK 852 LOT 32 (3324 Route 37 East)

June 11, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Landscaping Plan known as Block 852 Lot 32.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Cash Bond in the amount of \$500.00 is hereby 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 the acceptance of the Maintenance Guarantees;

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

- 1) Previously posted Cash Bond in the amount of \$5,000.00, originally accepted on Resolution 'Y' dated May 14, 2019, on account # 9-14- -902-101, is hereby released with applicable interest if any;
- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;
- 3) Township Clerk shall send a certified copy hereof to each of the following:
 - a. Township Engineer
 - b. Chief Financial Officer
 - c. Township Attorney
 - d. Shria Holdings, LLC
3324 Route 37 East
Toms River, NJ 08753

**RESOLUTION AUTHORIZING THE RENEWAL
OF CLUB LIQUOR LICENSES FOR 2019-2020**

June 11, 2019

WHEREAS, all of the present Liquor License holders listed below have made application for the renewal of their respective licenses and have paid the necessary fees for such renewals; and

WHEREAS, the submitted application form is complete in all respects; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations; and

WHEREAS, the applicant has disclosed, and the issuing authority has ascertained and reviewed the source of any additional financing obtained in the previous license term for use in the licensed business; and

WHEREAS, the submitted application is complete in all respects, including submission of the club member list; and

WHEREAS, the officers and directors of the club are qualified according to all statutory, regulatory and local governmental ABC laws and regulations; and

WHEREAS, the club maintains all records required by N. J. A. C. 13:2-8.8 (special events open to non-club members) and N. J. A. C. 13:2-8.12 (true books of account for receipts and disbursements);

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. That Club Liquor Licenses be and are hereby granted to the following applicants all of whom are presently holders of such licenses, for the presently respective licensed premises to wit:

1507-31-027-002
George P. Vanderveer
American Legion Post #129
2025 Church Rd
P. O. Box 203
Toms River, NJ 08753

1507-31-28-001
Knights of Columbus
Columbus Club of Toms River
113 Tennyson Ave
PO Box 78
Island Heights, NJ 08732

1507-31-029-001
Toms River Elks Lodge#1875
600 Washington Street
Toms River, NJ 08753

1507-31-030-001
Gilford Park Yacht Club
700 Riverside Drive
Toms River, NJ 087853

1507-31-031-001
Toms River Country Club, Inc.
419 Washington Street
Toms River, NJ 08753

1507-31-032-002
Toms River Yacht Club
1464 Riviera Dr Money Island
Toms River, NJ 08753

1507-31-035-002
Seaside Lodge #399
Loyal Order of the Moose
1801 Bay Boulevard
Seaside Heights, NJ 08751

1507-31-060-001
Normandy Beach Yacht Club Inc.
236 South Court
Normandy Beach, NJ 08739

2. The licenses referred to in the preceding paragraph hereof shall be executed for and on behalf of this Municipality by the Clerk of the Township, with an effective date of **July 1, 2019**.

3. The Township Clerk shall forthwith report to the Division of Alcoholic Beverage Control of the State of New Jersey, and to the State Division of Taxation, the issuance of each said license as soon as such licenses are 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) Municipal Attorney
- d) Licensees, as listed above
- e) State of New Jersey
Division of Alcoholic Beverage Control
140 East Front Street
CN 087
Trenton, N. J. 08625-0087
- f) State Division of Taxation
ATTN: ABC Licensing Unit
PO Box 245
Trenton, NJ 08695

**RESOLUTION AUTHORIZING THE RENEWAL
OF LIQUOR LICENSES FOR 2019-2020**

June 11, 2019

WHEREAS, all of the present Liquor License holders listed below have made application for the renewal of their respective

licenses and have paid the necessary fees for such renewals;
and

WHEREAS, the submitted application form is complete in all respects; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations; and

WHEREAS, the applicant has disclosed, and the issuing authority has ascertained and reviewed the source of any additional financing obtained in the previous license term for use in the licensed business;

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. That Plenary Retail **Consumption** Liquor Licenses be and are hereby granted to the following applicants, all of whom are presently holders of such licenses, for the respective premises, to wit:

1507-33-002-004
Aqua Blu Restaurant & Grill LLC
3410 Route 37 East
Toms River, NJ 08753

1507-33-003-010
AR Seashore, LLC d/b/a Mellow Mushroom
1111 Route 37 West
Toms River, NJ 08755

1507-38-005-008
JPPGR, Inc.
T/A Artisan's
1171 Hooper Ave
Toms River, NJ 08753

1507-33-006-011
Cayard Inc.
t/a Office Lounge
820 Main Street & 10 Highland Parkway
Toms River, NJ 08753

1507-33-008-005
South Jersey Pub's
t/a T.G.I Friday's
1279 Hooper Ave
Toms River, NJ 08753

1507-33-009-011
Apple Food Service of TR LLC
t/a Applebee's Grill & Bar
1201 Hooper Ave #1095
Toms River, NJ 08753

1507-33-011-005
II Tramonto Inc.
t/a Villa Amalfi Ristorante
1006A Lakewood Rd
Toms River, NJ 08753

1507-33-017-007
Red Lobster Restaurants, LLC
t/a Red Lobster #568
1298 Hooper Ave
Toms River, NJ 08753

1507-33-019-009
Spot Enterprises, Inc.
t/a The Spot
1426 Lakewood Rd. Suite 1
Toms River, NJ 08753

1507-33-020-004
Ruby Tuesday Inc.
t/a Ruby Tuesday's
1311 Route 37 West
Toms River, NJ 08755

1507-33-021-008
Charlie Browns of Toms River
t/a CB Silverton
11 Kettle Creek Rd
Toms River, NJ 08753

1507-33-024-009
McIntyre's Pub LLC
1747 Hooper Ave
Toms River, NJ 08753

1507-33-025-005
Wisk Inc.
t/a Miracle Bar & Liquors
201 Highway 37 West
Toms River, NJ 08755

1507-33-026-008
Chef's International, Inc.
t/a Baker's Water Street
4 Robbins Parkway
Toms River, NJ 08753

1507-33-042-003 (Pocket)
Simon Property Group, Inc.
1201 Hooper Ave
Toms River, NJ 08753

1507-33-044-003
GMRI, Inc.
t/a Olive Garden #1483
127 Hooper Ave
Toms River, NJ 0853

1507-33-046-007
Mrs. D's Inc.
t/a Bahama Breeze Restaurant
1201 Hooper Ave
Toms River, NJ 08753

1507-33-052-003
AntSul BWW V LLC
Buffalo Wild Wings
2 Route 37 West Unit C-1
Toms River, NJ 08753

1507-33-053-003
Garden State Dinning LLC
d/b/a Tio Juan's Margarita
Mexican Restaurant
270 Hwy 37 East
Toms River, NJ 08753

1507-33-057-001
Limited Liability CC
Retail LLC
t/a Buy Rite Liquor
2360 Lakewood Rd
Toms River, NJ 08753

1. That Plenary Retail Consumption Liquor License be and they are hereby renewed to the following for the same premises presently, to wit:

1507-36-036-006
TR Liquors LLC
t/a TR Hotel
Atlantis & Coral Ballrooms
290 Route 37 East

Toms River, NJ 08753

1507-36-040-001
85 Venture Group, Inc.
t/a Clarion Hotel & Conference Center
815 Route 37 West
Toms River, NJ 08755

1507-36-041-007
Dorca Inc. t/a Versailles
Ramada Inn Suites of Toms River
2373 Route 9
Toms River, NJ 08755

a) Said license shall not be renewed or transferred except for or to a hotel (or motel) containing at least 100 sleeping rooms.

2. That Plenary Retail Consumption Liquor License be and is hereby renewed and granted to the following for the same premises presently licensed, to wit:

1507-36-016-003
Parsko, Inc.
t/a Howard Johnson Hotel
Christopher's Pub & Grill
Legend Restaurant
955 Hooper Avenue
Toms River, NJ 08753

Subject, however, to the following special conditions, which conditions shall be part of the license:

a) Said License shall not be renewed or transferred except for or to a hotel or motel containing at least 50 sleeping rooms.

4. That Plenary Retail Consumption License with Broad package Privilege hereby renewed and granted to the following for the same premises presently licensed, to wit:

1507-32-015-006
Mrs. D. Inc. Spirits Unlimited / Social 37
2 Route 37 West, Bldg. E & B-2
Toms River, NJ 08753

5. That Plenary Retail Distribution Liquor Licenses be and they are hereby granted to the following applicants, all of whom are presently holders of such licenses, for the presently respective licensed premises, to wit:

1507-44-013-004
1617 Highway LLC
t/a Monaghan's Liquors
1617 Route 37 East
Toms River, NJ 08753

1507-44-022-004
Overdue LLC
t/a Anthony's Wines and Liquors
1237-47 Route 166
Toms River, NJ 08753

1507-44-023-006
Wines & Liquors, Inc.
t/a Spirits Unlimited
897 Fischer Boulevard
Toms River, NJ 08753

1507-44-043-003
Paris Inc.
t/a EZ Liquors
35 Route 37 East

Toms River, NJ 08753

1507-44-045-007

Mrs. D Inc.
t/a Spirits Unlimited
Acme Markets Rt. 35
Seaside Heights, NJ 08751

1507-44-047-002 (Pocket)

3 Times LLC
952 Lakewood Rd
Toms River, NJ 08753

Subject, however, to the following special conditions, which conditions shall be part of the license:

a) The following Plenary Retail Distribution Liquor Licenses are subject to a **2,000 foot proximity restriction**. Said Liquor Licenses cannot be located within 2,000 feet of another Plenary Retail Distribution (D) Liquor License as denoted by an asterisk, following the License Number.

1507-44-048-004*
Retail, LLC
Buy Rite Liquors
1789-91 Hooper Ave
1
Toms River, NJ 08753

1507-44-049-004 *
Again, Inc.
t/a Spirits Unlimited
941 Route 37 West - Store
Toms River, NJ 08755

1507-44-051-003 *
Cool Is The Rule, Inc.
t/a Spirits Unlimited
1426 Lakewood Road - Suite 2
Toms River, NJ 08753

1507-44-055-005 *
Srutid, LLC
t/a Buy-Rite of Toms River
1311 Rt. 37 West,
Bldg. 1 Unit 10
Toms River, NJ 08753

6. Each of the licenses referred to in the preceding paragraphs hereof shall be executed for and on behalf of this Municipality by Clerk of the Township of Toms River, with an effective date of **July 1, 2019**.

7. The Township Clerk shall forthwith report to the Division of Alcoholic Beverage Control of the State of New Jersey, and to the State Division of Taxation, the issuance of each said license as soon as such licenses are issued.

8. 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) Municipal Attorney
- d) State of New Jersey
Division of Alcoholic Beverage Control
140 East Front Street, Fifth Floor
CN 087
Trenton, N. J. 08625-0087
- e) Licensees, as listed above
- f) NJ Division of Taxation
ATTN: ABC Licensing Unit
PO Box 245
Trenton, NJ 08695

A motion was made by Council Member Maruca, seconded by Council Member Turnbach, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick 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 ARH ASSOCIATES, TO ASSIST THE TOWNSHIP ENGINEERING DIVISION IN THE

FINAL DESIGN OF STORMWATER IMPROVEMENTS AND THE PREPARATION OF CONSTRUCTION DOCUMENTS AT RIVER TERRACE AND POINT O' WOODS DRIVE, FOR A TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$19,000.00

JUNE 11, 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 14, 2019, authorized the firm of ARH Associates 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 professional engineering services to assist the Township Engineering Division in the final design of stormwater improvements and the preparation of construction documents at River Terrance and Point O' Woods Drive, in the Township of Toms River; and

WHEREAS, ARH Associates, has submitted a Proposal dated May 20, 2019, for the final design of stormwater improvements and the preparation of construction

documents at River Terrace and Point O' Woods Drive, in the total contract amount not to exceed \$19,000.00; and

WHEREAS, the Township Engineer has reviewed the Proposal submitted by ARH Associates, and has recommended award of contract to ARH 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 authorizes a contract with the firm of ARH Associates, to perform all professional services to Assist the Township Engineering Division in the final design of stormwater improvements and the preparation of construction documents at River Terrace and Point O' Woods Drive, in the total contract amount not to exceed \$19,000.00; in accordance with their Proposal dated May 20, 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,

for a total project amount not to exceed \$19,000.00:

Survey & Construction Plans: \$19,000.00

All paperwork in connection with this project is on file in the Engineering Division.
Contract term: through completion of the project.

3. Funds in the maximum amount not to exceed \$19,000.00, are available in Account No. X-04- -224-002. 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 ARH Associates. A copy of the Agreement and Proposal dated May 20, 2019 shall be attached to this resolution as Schedule "A", and made a part hereof.

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) ARH Associates
215 Bellevue Avenue
PO Box 579
Hammonton, NJ 08037
Attn: Theodore Wilkinson, PE
Senior Client Manager for ARH

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with ARH Associates, in the total amount not to exceed \$19,000.00, are available in Account No. X-04- -224-002.

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: June 11, 2019

Councilman Turnbach commended Township Administrator Guardian and Jim Rutella for bringing third largest grant in State of New Jersey

A motion was made by Council Member Turnbach, 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 AMENDING BUDGET REVENUES AND APPROPRIATIONS FOR
FY2019 CLEAN COMMUNITIES GRANT IN THE AMOUNT
OF \$232, 912. 76**

JUNE 11, 2019

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 FY2019 Clean Communities Grant and wishes to amend its 2019 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 2019 Budget the sum of \$232, 912. 76 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:**

FY2019 Clean Communities Grant..... \$232, 912. 76

pursuant to the provisions of the Statute;

BE IT FURTHER RESOLVED that a like sum of \$232, 912. 76 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:

FY2019 Clean Communities Grant..... \$232, 912. 76

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
- D) Grants Consultant
- E) Public Works Department

Approved as to Content:

REPORTS

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

	2019	2018
Bey Lea Golf Course – May	\$118,848.11	\$114,974.53
Bey Lea Golf Course – YTD through May	\$348,180.84	\$314,934.67
Winding River Ice Rink – May	\$54,846.00	\$46,793.96
Winding River Ice Rink – YTD through May	\$428,292.17	\$437,857.78
Building Permits - May	\$321,092.00	\$177,673.00
Building Permits – YTD through May	\$1,187,329.00	\$909,896.00
Beach Badges – YTD through May	\$278,455.00	\$138,410.00
Pool Badges – YTD through May	\$4,050.00	\$2,175.00

APPROVAL OF BILLS

Council President Wittmann asked for a report on the bills.

The Bill List, dated **June 7, 2019** was approved on motion by Council Member Turnbach, seconded by Council Member Kubiel, and carried with Council Members , Hill, Huryk, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 19-02686 & 19-02866, payable to Owen Little & Associates Inc., in the amount of \$7,313.75.

Purchase Order 19-02849, payable to Community Medical Center, in the amount of \$893.60.

Purchase Order 19-03172, payable to Toms River Board of Education in the amount of \$765.80.

Councilwoman Huryk abstained due to Business conflicts on the following:

Purchase Order 19-02704, payable to Remington & Vernick Engineers in the amount of \$4,050.00.

Purchase Order 19-03185, payable to Recreation Salaries in the amount of \$8,434.81.

Purchase Order 19-00619, payable to Borough of Lavallette in the amount of \$1,474.04.

Councilman Kubiak abstained due to Business conflicts on the following:

Purchase Order 19-02849, 19-02686 & 19-02866, payable to Community Medical Center in the amount of \$893.60.

Purchase Order 19-02021, payable to Toms River Fire Company 1 in the amount of \$1,216.43.

Councilwoman Maruca abstained due to Business conflicts on the following:

Purchase Order 19-02785, 19-03080, 19-03177, & 19-03185, payable to NJ Motor Vehicle Commission in the amount of \$10,943.50.

Purchase Order 19-03129, payable to Chamber of Commerce in the amount of \$649.00.

Purchase Order 19-02849, payable to Gregory McGuckin in the amount of \$2,754.00.

Councilman Turnbach abstained due to Business conflicts on the following:

Purchase Order 19-00455, payable to Citta, Holzapel and Zabarsky in the amount of \$7,100.00.

Purchase Order 19-02849, payable to Gregory McGuckin in the amount of \$2,754.00.

Purchase Order 19-0385, payable to Magistrate Salaries in the amount of \$7,635.44.

Purchase Order 19-03185, payable to Court Clerk Salaries in the amount of \$26,056.68.

Purchase Order 19-02804, payable to Tonk's Waste Oil Service in the amount of \$400.00.

ELECTED OFFICIALS COMMENTS

Council President Wittmann read aloud Heather Barrone letter who is resigning from Planning Board.

Mayor Kelaher had no comments

Council Members Rodrick, Kubiak, Huryk and Wittmann had no comments.

Councilman Turnbach was happy to report June 6, 2019 proposal of resolution of Code Blue to raise state standard of 32 degree and passed on to full Senate. He is hopeful it will be signed into law as a bipartisan effort.

Councilwoman Maruca asked Township Engineer Chankalian regarding Route 37 to call Department of Transportation bridge construction and to get details – will they shut it down? She also thanked Chankalian and Craig Ambrosio, Director of Parks, Bldgs & Grounds, for monumental project of rails and mobi mats at beach. Saturday, June 15, hope sheds light on butterfly garden dedication on Chestnut Street.

PUBLIC COMMENTS

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

Angela Ladottio, 2030 Route 35 North in Ortley, Candlelight III Association, route 35 and Second Avenue corner. A lot of damage from Sandy, issue is sidewalks and curbs missing. They are planning to replace sidewalks but curb remained unfinished. She is asking Toms River to look into getting curbs replaced. Councilman Wittmann asked Township Engineer Chankalian to look into it.

Scott Gartner, Fielders Lane, spoke regarding Heather Barone as a proud Hacidic Jewish woman, about her comments in regarding the positions she still holds --- she stepped down from Planning Board, but he wants her to be removed from all her Township positions and asked Councilman Wittmann to come forward with honesty, if not, he'll be back in two weeks to ask Councilman Rodrick to resign.

Pat Klaslo, Ortley Beach, is the bigger houses going to make properties sink? Answer was no by Township Engineer Chankalian and Councilman Wittmann.

Alizar Zorojew, announced new business Club House of Toms River, 55 Main Shoppes, Friday the 14th at noon for ribbon cutting.

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

A motion was made by Council Member Kubiel, seconded by Council Member Maruca, and carried to enter into a private Executive Session at 7:02 PM.

A motion was made by Council Member Kubiel, 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
Attorney Client Privilege
Land Acquisitions

Contract Negotiations

3. The following specific topics were announced.

- 1. Executive Session Minutes Review: May 28, 2019 Regular Meeting
- 2. Personnel Issues
- 3. Review of status of all real property acquisitions (voluntary acquisitions and eminent domain actions).
- 4. Review legal obligations under the Equal Pay Act
- 5. Council action regarding anti-semitism

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 Kubiell	- 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 8:00 P.M., a motion was made by Council Member Kubiell, seconded by Council Member Turnbach, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes.

A motion was made by Council Member Turnbach, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and with Council President Wittmann voting yes, 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 28, 2019 Regular Meeting

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

The following Resolution was moved by Councilwoman Kubiell, and seconded by Councilman Turnbach.

RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CENSURING AND DEMANDING THE RESIGNATION OF DANIEL T. RODRICK FROM THE TOWNSHIP COUNCIL FOR BIGOTED AND INVIDIOUS CONDUCT DEMONSTRATING UNFITNESS FOR ELECTIVE OFFICE

June 11, 2019

WHEREAS, on January 3, 2018, Daniel T. Rodrick began a four-year term as a member of the Township Council representing Ward 2, following his victory in the 2017 general election; and

WHEREAS, in the 2019 primary, Mr. Rodrick was an unsuccessful candidate for the office of Mayor; and

WHEREAS, as a member of the Township Council, Mr. Rodrick has a sworn civic duty, legal obligation, and moral responsibility to conduct himself and execute his office ethically and honorably, working for the common good of all citizens of Toms River, regardless of religious belief; and

WHEREAS, as both an elected official and a candidate for higher office, Mr. Rodrick has violated those obligations; and

WHEREAS, during his mayoral run, Mr. Rodrick disseminated campaign literature with undeniably anti-Semitic overtones, deliberately intended to exploit religious bias for political gain; and

WHEREAS, Mr. Rodrick has repeatedly spread these invidious messages through various fake news publications and shadowy social media sites that he is either affiliated with or contributes to; and

WHEREAS, Mr. Rodrick's conduct as both a member of the Township Council and political candidate dishonors his office and exposes the Township to significant legal liabilities; and

WHEREAS, Mr. Rodrick's biased and bigoted messages offend the bedrock constitutional principles of universal equality and justice that he swore to uphold, and is intolerable in any elected official, including members of this Council; and

WHEREAS, the Township Council concludes that Mr. Rodrick's conduct demonstrates unfitness for elective office and warrants the strongest possible condemnation:

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

1. The Township Council hereby censures and condemns Daniel T. Rodrick for his deplorably bigoted conduct that fosters hatred and disunity, violates his oath of office and common decency, and is unbecoming of a member of the Township Council.

2. The Township Council finds that Mr. Rodrick's conduct renders him unfit to continue in elective office and hereby demands his immediate resignation from the Township Council.

3. A certified copy of this resolution shall remain on file in the Office of the Township Clerk.

The foregoing Resolution was approved on the following Roll Call vote:

Council Member Huryk	Yes
Council Member Kubiel	Yes
Council Member Maruca	Yes

Council Member Rodrick	No
Council Member Turnbach	Yes
Council Vice-President Hill	Yes
Council President Wittman	Yes

No other business appearing, the meeting was **adjourned** at 8:05 P. M., with Council Members Hill, Huryk, Kubiak, Maruca, Rodrick Turnbach, and with Council President Wittmann voting yes.

COUNCIL PRESIDENT GEORGE WITTMANN

ALISON CARLISLE, TOWNSHIP CLERK