

June 23, 2020

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 Maruca and opened with the salute to the Flag.

Council President Maruca read the following statement pursuant meeting notice to the Open Public Meetings Act:

OPEN PUBLIC MEETINGS ACT
STATEMENT

This meeting is convened in accordance with the provisions of the Open Public Meetings Act of New Jersey. Let the official Minutes reflect that adequate notice of this meeting has been provided by publishing a notice in the Asbury Park Press on Wednesday, January 8, 2020, the Press of Atlantic City and the Star Ledger and also forwarded to the Toms River Times, Toms River Patch and WOBN News on Monday, January 6, 2020, 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 Friday, January 3, 2020. The meeting dates have also been posted on the Township web page.

Roll Call:

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

A motion was made by Council Member Turnbach, seconded by Council Member Huryk, and Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council - President Maruca voting yes, and with Council Member Geoghegan absent, to approve an excused absence for Council Member Geoghegan.

APPROVAL OF MINUTES

A motion was made by Council Member Huryk, seconded by Council Member Kopp. and carried with Council Members Huryk, Kopp, Lotano, Turnbach, and Council President Maruca voting yes, and Council Member Rodrick abstaining, and with Council Member Geoghegan absent, to approve the **Regular Meeting of June 9, 2020**. 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

Council Member Rodrick had questions for Township Attorney Fitzsimmons and Township Planner Roberts. He questioned the reason for the ordinance's changes and if Greg McGuckin worked on this settlement. Township Attorney Fitzsimmons advised no.

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 carried that an Ordinance entitled:

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING
AND SUPPLEMENTING SECTION 348-10.4 OF CHAPTER 348
(LAND USE AND DEVELOPMENT REGULATIONS) OF THE TOWNSHIP CODE**

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Maruca announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

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

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

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

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

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

Council Member Huryk	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	No
Council Member Turnbach	Yes
Council Vice-President Geoghegan	Absent
Council President Maruca	Yes

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

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS
AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING
\$11,686,420 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,102,099
BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF,
AUTHORIZED IN AND BY THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY
OF OCEAN, NEW JERSEY**

BE IT ORDAINED by the TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Township of Toms River, in the County of Ocean, New Jersey (the "Township"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$11,686,420, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$584,321 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1

et seq., now available by virtue of provision in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$11,102,099, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of:

i) paving and roadway improvements, including the 2020 Paving Program and the 2019 Roadway Elevation Project, with a total appropriation and estimated cost of \$4,360,000, an estimated maximum amount of bonds or notes therefor of \$4,142,000, and an average period of usefulness of twenty (20) years;

ii) the purchase and replacement of various vehicles and equipment, including, but not limited to, various acquisitions for the Department of Public Works (DPW), including a front loader, grapple truck, lift truck, mason dump truck, shop service truck, patcher, trailer, six (6) shop jacks, three (3) robo trash trucks, three (3) rear loader trash trucks, and two (2) single axle trucks; various acquisitions for the Bey Lea Golf Course, including a four wheel drive vehicle, non-street utility vehicle, fairway mower, generator and ice machine; various acquisitions for the Department of Parks, Buildings and Grounds (DPBG), including a chipper, mower, tools, and two (2) multi-purpose vehicles with interchangeable truck body system; various acquisitions for the Department of Recreation, including an outdoor movie screen, utility vehicle, surf rescue boat, and van; an ice resurfacer and specialized tools for the Winding River Ice Rink; a power stretcher and computers for the Community Service Officer (CSO) Program; a pickup truck for the Office of Emergency Management (OEM); police vehicle upfits; and a new server, with a total appropriation and estimated cost of \$4,949,420, estimated amount of bonds and notes therefor of \$4,701,949, and an average period of usefulness of five (5) years; and

iii) improvements to Township properties, including, but not limited to, improvements to various parks, playgrounds, ballfields and courts; Township-wide picnic tables, benches and grills; netting, rubber flooring, and a new chiller and dehumidifier for the Winding River Ice Rink; an outdoor restroom and bunker reconstruction at the Bey Lea Golf Course; a storage shed; parking lot repairs and replacement; and the Ortleby Beach Streetscape Project, with a total appropriation and estimated cost of \$2,377,000, estimated amount of bonds and notes therefor of \$2,258,150, and an average period of usefulness of 11.05 years,

together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Township Clerk, as finally approved by the governing body of the Township.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$11,102,099, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$11,686,420, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$11,686,420 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$584,321 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing

body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 11.83 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$11,102,099 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$589,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Township are used to finance, on an interim basis, costs of said improvements or purposes, the Township reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Township for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and, unless paid from other sources, the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

CERTIFICATE AS TO BOND ORDINANCE

I, ALISON CARLISLE, Municipal Clerk of the Township of Toms River, in the County of Ocean, New Jersey, HEREBY CERTIFY that annexed hereto is a true and complete copy of Bond Ordinance No. _____ which was introduced at a duly convened meeting of the Township Council on June 23, 2020, and finally adopted at a duly convened meeting of the Township Council on _____, 2020.

IN WITNESS WHEREOF, I hereby set my hand and the seal of the Township this
_23rd day of June, 2020.

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

ALISON CARLISLE, Municipal Clerk

(SEAL)

A motion was made by Council Member Huryk, seconded by Council Member Kopp and carried, with Council Members Huryk, Kopp, Lotano, Turnbach, and Council President Maruca voting yes, and Council Member Rodrick voting no, and with Council Member Geoghegan absent, 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 23, 2020 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 July 14, 2020 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 Saturday, June 27, 2020.

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

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, URGING GOVERNOR MURPHY TO
REINSTATE THE HOMESTEAD BENEFIT PROGRAM**

JUNE 23, 2020

WHEREAS, the Homestead Benefit Program (“Homestead Program”) provides property tax relief in the form of a credit to eligible homeowners; and

WHEREAS, in 2017, 60,906 residents in Ocean County qualified for the Homestead Program, which provided an average of a \$221.00 credit for the May 1st second quarter property tax payment; and

WHEREAS, as of 2019, Toms River Township has nearly 8,000 residents that qualify for the Homestead Program, one of the highest contingencies in the state; and

WHEREAS, the State of New Jersey has announced its supplemental budget, which does not include necessary programs; and

WHEREAS, one of the programs it removed is the Homestead Program; and

WHEREAS, such action is untimely and unconscionable, given the number of residents affected by COVID-19 related layoffs and furloughs of New Jersey residents who will now be unable to make their property tax payments; and

WHEREAS, the Mayor and Township Council urge Governor Murphy to direct the Treasurer to find other sources of funding to balance its budget and fully reinstate the Homestead Program to provide property tax relief to qualified residents who require such relief, especially during these times of economic uncertainty.

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

1. The Mayor and Township Council strongly urge Governor Murphy to direct the Treasurer to find other sources of funding to balance the State budget and fully fund and reinstate the Homestead Program, and apply the rebate to the August or November 2020 tax quarter.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Township Tax Collector
- g) Township Tax Assessor
- h) Honorable Governor Phil Murphy
- i) 9th District Legislators
- j) 10th District Legislators
- k) 12th District Legislators
- l) 30th District Legislators

CERTIFICATION

I, ALISON CARLISLE, RMC, Municipal Clerk of the Township of Toms River, do hereby certify that the foregoing resolution was duly adopted by the Township of Toms River Council at a meeting held on the 23rd day of June, 2020.

ALISON CARLISLE, RMC
Township Clerk
Township of Toms River

A motion was made by Council Member Huryk, seconded by Council Member Lotano, and carried with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and

Council President Maruca voting yes, and with Council Member Geoghegan absent, to approve the following Resolution.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, URGING THE GOVERNOR TO FULLY FUND THE SENIOR TAX FREEZE PROGRAM

JUNE 23, 2020

WHEREAS, the State of New Jersey offers a property tax reimbursement for senior citizens called the New Jersey Property Tax Reimbursement Program, also known as the Senior Freeze Program; and

WHEREAS, the Senior Freeze Program is designed to protect senior citizens from escalating property taxes by locking in a fixed base property tax amount, paying the difference between that locked in amount and the increased amount when a tax increase is imposed; and

WHEREAS, the Governor of the State of New Jersey has proposed his supplemental budget, which includes a significant reduction in funding to the Senior Freeze Program; and

WHEREAS, this measure is detrimental for our senior citizens, who rely on such programs to afford living in this State; and

WHEREAS, given the economic uncertainties caused by the COVID-19 pandemic, a reduction in financial assistance to the State's senior population is unreasonable; and

WHEREAS, the Mayor and Township Council would like to go on record to implore the Governor to fully fund the Senior Freeze Program;

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. The Township Council of the Township of Toms River strongly urges Governor Murphy to fully fund the Senior Freeze Program.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Township Tax Assessor
- f) Township Tax Collector
- g) Honorable Governor Phil Murphy
- h) 9th District Legislators
- i) 10th District Legislators
- j) 12th District Legislators
- k) 30th District Legislators

CERTIFICATION

I, Alison Carlisle, RMC, Municipal Clerk of the Township of Toms River, do hereby certify that the foregoing resolution was duly adopted by the Township of Toms River Council at a meeting held on the 23rd day of June, 2020.

Alison Carlisle

CONSENT AGENDA

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

A motion was made by Council Member Huryk, seconded by Council Member Kopp, and carried with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council President Maruca voting yes, and with Council Member Geoghegan absent, to approve all the following items listed on the Consent Agenda, except item **B**, which was done separately.

RESOLUTION

JUNE 23, 2020

RESOLUTION AUTHORIZING ASSIGNMENT

WHEREAS, N.J.S.A. 54: 113 authorizes assignment by a municipality of tax sale certificates for the full amount of the Certificate, including all subsequent municipal taxes and other municipal charges; and,

WHEREAS Moshe Y Fishman has presented an offer to purchase, by assignment, the attached Schedule A list of tax sale certificates that were issued to the Township of Toms River, being the full amount of the certificate(s), including all subsequent municipal taxes and other municipal charges as of June 23, 2020

NOW, THEREFORE, BE IT RESOLVED, that the Township of Toms River hereby authorizes the Mayor and Municipal Clerk to execute the necessary assignment document(s) to effect the attached Schedule A list of tax sale certificates.

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

Approved as to content:

RESOLUTION

JUNE 23, 2020

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

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>

<i>AZAMBUJA, JIMMY</i>	<i>794.46</i>	<i>16</i>	<i>2020/2</i>	<i>\$2,429.54</i>
			<i>2020/1</i>	<i>2,429.55</i>
TOTALS:				\$4,859.09

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 AWARD OF AN OPEN-ENDED CONTRACT TO DETACHABLE CONTAINER & COMPACTOR CORP. D/B/A DETCON, AS THE BIDDER WITH THE HIGHEST OVERALL DISCOUNTS, AND WHO MEETS ALL OF THE BID SPECIFICATIONS, FOR THE SUPPLY OF LOADMASTER REPAIR PARTS REBID FOR THE DEPARTMENT OF PUBLIC WORKS

JUNE 23, 2020

WHEREAS, bids were invited on March 31, 2020 for the Supply of Loadmaster Repair Parts Rebid for the Department of Public Works; and

WHEREAS, no bids were received; and

WHEREAS, rebids were invited on May 19, 2020; and

WHEREAS, rebids were received, as follows:

Detachable Container & Compactor Corp.
d/b/a DETCON
5039 Industrial Road #1
Farmingdale, NJ 07727

Loadmaster Repair Parts Rebid
Toms River Township Bid Tabulation

Discount off Current Loadmaster Repair Parts Price List:15%
Percentage Discount for Payment Within 30 Days:15%
Availability of Parts ARO:Maximum 3 Business Days

Granturk Equipment Co., Inc.
One Schuylkill Parkway
Building B
Bridgeport, PA 19405

Loadmaster Repair Parts Rebid
Toms River Township Bid Tabulation

Discount off Current Loadmaster Repair Parts Price List:20%
Percentage Discount for Payment Within 30 Days: 0%
Availability of Parts ARO: 5 to 7 Days

NOTES AND EXCEPTIONS:

Price includes standard ground freight. All expedited freight will be billed at current rate. Manufacturer does not have a current price list at this time. A price list will be supplied if and when it becomes available. Bidder

rejected for not including price list with their bid.

WHEREAS, the bids have been reviewed by the Purchasing Division and the Department of Public Works, and they have recommended that the award of contract be made to Detachable Container & Compactor Corp. d/b/a DETCON, as the bidder with the highest overall discount, at the discounts and ARO, as stated above, and who meets all the bid specifications; and

WHEREAS, the bid received from Granturk Equipment Co., Inc., was rejected because they did not include the Loadmaster Repair Parts Price List as per the bid specifications, rendering their bid non-responsive;

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

1. It hereby awards the contract for the Supply of Loadmaster Repair Parts Rebid for the Department of Public Works to Detachable Container & Compactor Corp. d/b/a DETCON, as the bidder with the highest overall discount, at the discounts and ARO, as stated above, and who meets all the bid specifications. Contract term shall be effective retroactive to April 11, 2020 through April 10, 2022. This will be an open-ended contract with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. This contract is subject to all terms and conditions of the bid specifications.

2. Pursuant to N.J.S.A. 40A:11-15, this contract may be extended for up to two (2) additional one year terms after the expiration of the original contract period, contingent upon approval of the governing body by resolution with the agreement of the Contractor. Contract extensions shall be subject to the availability and appropriation of funds for each year the contract is to be extended. All terms and conditions of the contract shall remain the same.

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 Department
- e) Detachable Container & Compactor Corp.
d/b/a DETCON
5039 Industrial Road #1
Farmingdale, NJ 07727

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contract awarded to Detachable Container & Compactor Corp. d/b/a DETCON, are contingent upon the availability of funds in the appropriate municipal budget year.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: June 23, 2020

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP

**OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF
CONTRACT FOR REPAIRS TO THE WINDING RIVER PARK PEDESTRIAN BRIDGE
REBID TO CAPELA CONSTRUCTION, INC.,
AS LOWEST RESPONSIBLE BIDDER MEETING ALL THE BID SPECIFICATIONS, FOR
A TOTAL CONTRACT PRICE NOT TO EXCEED \$323,250.00**

JUNE 23, 2020

WHEREAS, bids were invited on June 10, 2020 for Repairs to the Winding River Park Pedestrian Bridge; and

WHEREAS, bids were received, as follows:

Capela Construction, Inc. 30 N. Central Avenue Sicklerville, NJ 08081	\$323,250.00
Colonnelli Brothers, Inc. 409 South River Street Hackensack, NJ 07601	\$351,380.00
C.J. Hesse, Inc. 25 First Avenue Atlantic Highlands, NJ 07716	\$474,474.00

WHEREAS, the bids have been reviewed by the Purchasing Division and the Engineering Division, and they have recommended that the award of contract be made to Capela Construction, Inc., as lowest responsible bidder meeting all the bid specifications, for a total contract price not to exceed \$323,250.00;

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

1. It hereby awards a contract to Capela Construction, Inc., as lowest responsible bidder meeting all the bid specifications, for the Repairs to the Winding River Park Pedestrian Bridge rebid, for a total contract price not to exceed \$323,250.00, and funds are available in Account No. PSF-052. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.
2. The award of this contract is subject to all the terms and conditions of the bid specifications.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing Division
 - b) Chief Financial Officer
 - c) Township Attorney
 - d) Engineering Division
 - e) Aforementioned Bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Capela Construction, Inc., in the total contract amount not to exceed \$323,250.00, are available in Account No. PSF-052.

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

Dated: June 23, 2020

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP OF TOMS RIVER TO INCREASE THE BID THRESHOLD TO \$44,000.00, AND AUTHORIZING GAIL CATANIA, RPPO, QUALIFIED PURCHASING AGENT (QPA), AND/OR HER ASSIGNS TO MAKE, NEGOTIATE OR AWARD PURCHASES, CONTRACTS AND/OR AGREEMENTS THAT DO NOT EXCEED THE TOTAL SUM OF \$44,000.00, AND COMPLY WITH THE REQUIREMENTS OF THE TOMS RIVER TOWNSHIP ADMINISTRATIVE CODE

JUNE 23, 2020

WHEREAS, pursuant to N.J.S.A. 40A:11-3(c), the State Treasurer, Elizabeth Maher Muoio, has exercised her authority to adjust the bid thresholds for awarding contracts by various contracting units; and

WHEREAS, the bid threshold for contracting units governed by the Local Public Contracts Law, N.J.S.A. 40A:11-2, which includes the Township of Toms River, has risen from \$40,000.00 to \$44,000.00, effective July 1, 2020; and

WHEREAS, the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold to \$44,000.00; and

WHEREAS, N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, Gail Catania, RPPO, QPA, possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, the Township of Toms River desires to take advantage of the increased bid threshold;

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

1. It hereby authorizes; the Township Purchasing Agent, Gail Catania and/or her assigns to make, negotiate or award purchases, contracts and/or agreements that do not exceed the total sum of \$44,000.00, and comply with the requirements of the Toms River Township Administrative Code, Chapter 40, Section 40-7.
2. In accordance with N.J.A.C. 5:34-5.2, the local unit Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Gail Catania's certification to the Director of the Division of Local Government Services.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Purchasing Agent
- g) Melanie Walter, Director
Division of Local Government Services
101 S. Broad Street
P.O. Box 803

I, Alison Carlisle, Township Clerk of the Township of Toms River, in the County of Ocean, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the governing body of the Township of Toms River, County of Ocean, State of New Jersey at a regular meeting of said governing body held on June 23, 2020.

Alison Carlisle
Township Clerk

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO DISPOSE OF ONE (1) POLICE VEHICLE FROM THE POLICE DEPARTMENT, NO LONGER NEEDED FOR PUBLIC USE, BY DONATION, TO THE TRI-BORO FIRST AID SQUAD PURSUANT TO N.J.S.A. 40A:11-36(2)

JUNE 23, 2020

WHEREAS, the Division of Purchasing is requesting authorization to dispose of One (1) Police Vehicle, VIN #1FMEU72E46UB70015, no longer needed for public use, from the Police Department by donation to the Tri-Boro First Aid Squad; and

WHEREAS, N.J.S.A. 40A:11-36(2), allows for the transfer of personal property to another contracting unit without advertising for public bid or auction; 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. Pursuant to N.J.S.A. 40A:11-36 (2), it hereby authorizes the Division of Purchasing to dispose of One (1) Police Vehicle, VIN # 1FMEU72E46UB70015, no longer needed for public use, from the Police Department, by donation to the Tri-Boro First Aid Squad.

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

- a) Purchasing Division
- b) Township Attorney
- c) Chief Financial Officer
- d) Police Department
- e) Laurie Knemoller, Clerk’s Office
- f) Tri-Boro First Aid Squad
61 J Street
Seaside Park, NJ 08752

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING ROBERT J. CHANKALIAN, TOWNSHIP ENGINEER, TO EXECUTE A STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM, TERMINATION OF DEED NOTICE FORM FOR THE TOMS RIVER LANDFILL, 1672 CHURCH ROAD, BLOCK 231, LOTS 7, 10 AND 11

JUNE 23, 2020

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. Robert J. Chankalian, Township Engineer is hereby authorized to execute a State of New Jersey, Department of Environmental Protection, Site Remediation and Waste Management Program, Termination of Deed Notice Form, for the Toms River Landfill, 1672 Church Road, Block 231, Lots 7, 10 and 11.

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

- a) Township Attorney
- b) Chief Financial Officer
- c) Township Engineer
- d) State of New Jersey
Bureau of Case Assignment & Initial Notice
Site Remediation Program
Department of Environmental Protection
401-05H
PO Box 420
Trenton, NJ08625-0420
- e) John Valeri, Esq.
Chiesa, Shahinian & Giantomasi, PC
One Boland Drive
West Orange, NJ 07052
- f) Peter L. Grogan
TRC Environmental Corp.
41 Spring Street
New Providence, NJ 07974

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A DECOMMISSIONING AGREEMENT AND DEED RESTRICTION BETWEEN THE TOWNSHIP OF TOMS RIVER, TOMS RIVER MERCHANT SOLAR, LLC AND BASF CORPORATION, REQUIRING THAT THE FACILITY BE DECOMMISSIONED AT THE END OF THE LEASE TERM IN ACCORDANCE WITH THE ATTACHED AGREEMENT AND DECOMMISSIONING PLAN, COVERING BLOCK 411, LOTS 6.02 AND 6.03

JUNE 23, 2020

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 a Decommissioning Agreement and Deed Restriction between the Township of Toms River, Toms River Merchant Solar, LLC and BASF Corporation, requiring that the Facility be decommissioned at the end of the lease term in accordance with the attached Agreement and Decommissioning Plan, covering Block 411, Lots 6.02 and 6.03. A copy of the Decommissioning Agreement and Deed Restriction is attached hereto as "Schedule A" and made a part of this resolution.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Township Engineer
- f) Chief Financial Officer
- g) Robert Stone, Acting Planning Board Chairman

- h) Michael McKenna, Esq.
Hiring, Gannon & McKenna
29 Hadley Avenue
Toms River, NJ 08753
- i) Lucia Lynch, Planning Board Secretary
- j) Steven P. Gouin, Esq.
125 Half Mile Road, Suite 300
Red Bank, NJ 07701

SCHEDULE "A"

"See Attachments"

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO ACCEPT A DEED OF EASEMENT (SANITARY SEWER EASEMENT), FROM FRANK GRASSO TO THE TOWNSHIP OF TOMS RIVER AND THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, OVER A PORTION OF BLOCK 413, LOT 8 IN THE TOWNSHIP OF TOMS RIVER

JUNE 23, 2020

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

1. It hereby authorizes the Township of Toms River to accept a Deed of Easement (Sanitary Sewer Easement) from Frank Grasso to the Township of Toms River and the Toms River Municipal Utilities Authority, over a portion of Block 413, Lot 8, in the Township of Toms River. The purpose of the new easement is to expand the area of a prior easement to the Township and the MUA to correct an encroachment of Township or Authority-owned structures as to Lot 8.

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

- a) Township Attorney
- b) Chief Financial Officer
- c) Engineering Division
- d) Laura M. Benson, Esq.
Berry, Sahradnik, Kotzas & Benson
212 Hooper Avenue
Toms River, NJ 08754
- e) Frank Grasso
1800 Bridlemere Avenue
Wall, NJ 07719

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A MUTUAL AID AGREEMENT BETWEEN THE TOMS RIVER EMS, BRICK TOWNSHIP EMS, AND TRI BORO FIRST AID SQUAD, FOR EMERGENCY MEDICAL SERVICES TO COVER THEIR RESPECTIVE MUNICIPALITIES ON THE NORTHERN OCEAN COUNTY BARRIER ISLAND

JUNE 23, 2020

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 hereby authorized to execute and the Township Clerk to attest to a Mutual Aid Agreement between the Toms River EMS, Brick Township EMS, and

Tri Boro First Aid Squad, for emergency medical services to cover their respective municipalities on the Northern Ocean County Barrier Island, for a term commencing retroactive to June 15, 2020 and terminating September 2, 2020. A copy of this Agreement will be kept on file in the Office of the Township Clerk upon its execution.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Purchasing Division
- g) Police Department
- h) Paul Daley, Toms River Township EMS
- i) Brick Township EMS
401 Chambers Bridge Road
Brick, NJ 08723
- j) Tri Boro First Aid Squad
61 J St.
Seaside Park, NJ 08752

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A SOLID WASTE COLLECTION AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND CANDLELIGHT III CONDOMINIUM ASSOCIATION, FOR THE COLLECTION OF SOLID WASTE AND RECYCLABLE MATERIALS, PURSUANT TO THE MUNICIPAL SERVICES ACT, N.J.S.A. 40:67-23.1 to -23.8

JUNE 23, 2020

WHEREAS, the Candlelight III Condominium Association (“Candlelight III”) is a qualified private community under the Municipal Services Act (“MSA”), N.J.S.A. 40:67-23.1 to -23.8; and

WHEREAS, under the MSA, the Township must either directly provide solid waste collection to qualified private communities or reimburse private communities for the expense of that service at a rate equal to the Township’s actual cost of providing solid waste collection to the general public; and

WHEREAS, the Township has determined that it is more efficient and cost-effective to directly provide solid waste collection to Candlelight III; and

WHEREAS, Candlelight III has requested and consented to Township-provided solid waste collection:

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to the Solid Waste Agreement, attached as Schedule “A” to this resolution, between the Township and Candlelight III for the collection of solid waste and recyclable materials from the Candlelight III complex.

2. A fully-executed copy of this agreement shall remain on file in the office of the Township Clerk.

3. The Township Clerk shall provide a certified copy of this resolution and a copy of the fully-executed agreement to the following parties:

- a. Business Administrator
- b. Chief Financial Officer
- c. Director of Public Works

- d. Township Attorney
- e. Candlelight III Condominium Association
2030 Route 35 North
Ortley Beach, NJ 08751

SCHEDULE "A"

"See Attachments"

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE
PURCHASING DIVISION TO SOLICIT PROPOSALS FOR
5G CONSULTING SERVICES RELATED TO THE INSTALLATION
OF 5G FACILITIES AND INFRASTRUCTURE**

JUNE 23, 2020

WHEREAS, it has been brought to the attention of the Township Council of the Township of Toms River, that the Purchasing Division is desirous soliciting proposals for 5G Consulting Services relating to the installation of 5G facilities and infrastructure;

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 of the Township of Toms River is hereby authorized to solicit proposals for consulting services related to the installation of 5G facilities and infrastructure.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) IT Department
- e) Engineering Division
- f) Public Works Department

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO
EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A MUTUAL AID
AGREEMENT BETWEEN THE TOMS RIVER EMS,
BRICK TOWNSHIP EMS, AND TRI BORO FIRST AID SQUAD, FOR EMERGENCY
MEDICAL SERVICES TO COVER THEIR RESPECTIVE MUNICIPALITIES ON THE
NORTHERN OCEAN COUNTY BARRIER ISLAND**

JUNE 23, 2020

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 hereby authorized to execute and the Township Clerk to attest to a Mutual Aid Agreement between the Toms River EMS, Brick Township EMS, and Tri Boro First Aid Squad, for emergency medical services to cover their respective municipalities on the Northern Ocean County Barrier Island, for a term commencing retroactive to June 15, 2020 and terminating September 2, 2020. A copy of this Agreement will be kept on file in the Office of the Township Clerk upon its execution.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Purchasing Division
- g) Police Department
- h) Paul Daley, Toms River Township EMS
- i) Brick Township EMS
401 Chambers Bridge Road
Brick, NJ 08723
- j) Tri Boro First Aid Squad
61 J St.
Seaside Park, NJ 08752

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A SHARED SERVICES RENEWAL AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND OCEAN COUNTY COLLEGE FOR SOLID WASTE AND RECYCLING COLLECTION, COMMENCING JULY 1, 2020 THROUGH JUNE 30, 2022

JUNE 23, 2020

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 hereby authorized to execute and the Township Clerk to attest to a Shared Services Renewal Agreement between the Township of Toms River and Ocean County College for solid waste and recycling collection. A copy of this agreement will be kept on file in the Office of the Township Clerk upon execution.
2. Contract Term: Commencing July 1, 2020 and terminating on June 30, 2022.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Business Administrator
- b) Township Attorney
- c) Chief Financial Officer
- d) Public Works Department
- e) Ocean County College
1 College Drive
Toms River, N.J. 08754
Attention: Dr. Jon H. Larson, President

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS, BLOCK 171, LOT 10 (1930 Lakewood Road)

June 23, 2020

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 171, Lot 10.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00 which represents the full portion of the Safety & Stabilization Guarantee.
- 2) Check in the amount of \$25,231.27 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 Eli Schwab, 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. Eli Schwab
1930 Lakewood Road, LLC
147 Liberty Drive
Lakewood, NJ 08701

RESOLUTION OF THE TOWNSHIP COUNCIL AUTHORIZING THE ISSUANCE OF PERMIT PURSUANT TO N.J.S.A. 21:3-3 TO CELEBRATION FIREWORKS, INC., AND SAG INDEPENDENCE CELEBRATIONS, LLC, TO CONDUCT A FIREWORKS DISPLAY AT SHELTER COVE ON JULY 4, 2020

June 23, 2020

WHEREAS, SAG Independence Celebrations, LLC (“SAG”), has organized to host a fireworks celebration at Shelter Cove on July 4, 2020, and has enlisted Celebrations Fireworks, Inc. (“Celebration”), to conduct the display; and

WHEREAS, SAG and Celebration have filed a permit application with the Toms River Bureau of Fire Prevention; and

WHEREAS, in support of the application, Celebration has filed all of the information required pursuant to N.J.S.A. 21:3-3 and N.J.S.A. 21:3-4; and

WHEREAS, both the Toms River Bureau of Fire Prevention and the Toms River Police Department have reviewed the permit application and conducted the required inspections, and based thereon, have issued their written approval of the issuance of the permit; and

WHEREAS, SAG and Celebration have notified and received the approval of any applicable state agencies, and filed the appropriate documents with the Toms River Bureau of Fire Prevention, to conduct this display; and

WHEREAS, the fireworks display will take place at a designated area at Shelter Cove, on Saturday, July 4, 2020, with a rain date of Sunday, July 5, 2020, between approximately 9:00 pm and 9:45 pm; and

WHEREAS, the Toms River Chief of Police and the Chief of the Toms River Bureau of Fire Prevention recommend that the Township Council issue the requested permit:

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

1. Pursuant to N.J.S.A. 21:3-3, the Township Council hereby authorizes the issuance of a fireworks display permit to SAG Independence Celebrations, LLC, and Celebrations Fireworks, Inc., to host and conduct a fireworks celebration at a designated location at Shelter Cove on Saturday, July 4, 2020, with a rain date of Sunday, July 5, 2020, between approximately 9:00 pm and 9:45 pm.

2. The Mayor is hereby authorized to execute and the Township Clerk to attest to any and all documents necessary to effectuate the arrangement approved by this resolution.

3. Pursuant to N.J.S.A. 21:3-6, the Township Clerk is hereby directed to submit copies of the permit application, all supporting materials, and a certified copy of this resolution to the New Jersey Department of Labor, Office of Safety Compliance, P.O. Box 386, Trenton, New Jersey, 08625-0386.

4. 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. Acting Business Administrator
- c. Township Attorney
- d. Chief of Police
- e. Chief of the Bureau of Fire Prevention
- f. SAG Independence Celebrations, LLC
45 West Water Street, 2nd Floor
Toms River, NJ 0875
- g. Celebration Fireworks, Inc.
7911 Seventh Street
Slatington, PA 18080

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, APPROVING THE ACQUISITION OF PROPERTIES
FROM THE TOWNSHIP OF TOMS RIVER, NOT NEEDED FOR PUBLIC USE, BY THE
COUNTY OF OCEAN, FOR THE TOTAL PURCHASE PRICE OF \$1,880,000.00**

JUNE 23, 2020

WHEREAS, the Township Council of the Township of Toms River has found and determined that below listed blocks and lots are not needed for public use, and are no longer needed by the Township; and

WHEREAS, the Township Council has received a request from the County of Ocean to purchase the following properties from the Township of Toms River:

Block 444, Lots 78, 80, 92, and 151 – Tilton Point Extension - \$260,000.00
Block 39, Lots 45, 46, 47, 94, 96 and 97 – Silver Bay Headwaters I - \$880,000.00
Block 394, Lots 10, 11, 12, and 133 – Silver Bay Headwaters II - \$180,000.00
Block 394, Lots 89 and 118 – OCC Access Extension - \$560,000.00

WHEREAS, the Township Council has determined that it would be in the best interest of the Township of Toms River to sell the above properties to the County of Ocean; and

WHEREAS, the proceeds from the sale of these properties to the County of Ocean will be deposited in the Open Space Trust Fund, established pursuant to State Law, and Chapter 95 of the Township Code;

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 approves the acquisition of the following properties by the County of Ocean from the Township of Toms River for the purchase price of \$1,880,000.00:

Block 444, Lots 78, 80, 92, and 151 – Tilton Point Extension - \$260,000.00
Block 39, Lots 45, 46, 47, 94, 96 and 97 – Silver Bay Headwaters I - \$880,000.00
Block 394, Lots 10, 11, 12, and 133 – Silver Bay Headwaters II - \$180,000.00
Block 394, Lots 89 and 118 – OCC Access Extension - \$560,000.00

2. The proceeds from the sale of these properties to the County of Ocean will be deposited in the Open Space Trust Fund, pursuant to State Law, and Chapter 95 of the Township Code.

3. The map depicting the location of the properties for sale to the County of Ocean are attached to this resolution as Schedule "A" and made a part hereof.

4. 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) Chief Financial Officer
- e) Township Tax Assessor
- f) Township Tax Collector
- g) Ocean County Board of Freeholders
- h) Mark A.C. Villinger, PP, AICP, CFM
Supervising Planner
Ocean County Planning Department
129 Hooper Avenue – PO Box 2191
Toms River, NJ 08754-2191

SCHEDULE "A"

See Attachments

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, SUPPORTING THE ACQUISITION OF PROPERTIES DESIGNATED AS LOCK 230, LOT 11, AND BLOCK 693, LOT 4.03, IN THE TOWNSHIP OF TOMS RIVER BY THE OCEAN COUNTY NATURAL LANDS PROGRAM FOR OPEN SPACE PRESERVATION

June 23, 2020

WHEREAS, by correspondence dated June 15, 2020, the Ocean County Natural Lands Trust Fund Advisory Committee ("Committee") expressed its interest in acquiring Block 693, Lot 4.03, a former Christmas tree farm, located off of Cedar Grove Road, for open space preservation; and

WHEREAS, by correspondence dated June 16, 2020, the Committee expressed its interest in acquiring Block 230, Lot 11, an 11.98 acre parcel located off of Church Road, to complement the nearby Kettle Creek watershed area; and

WHEREAS, the Committee has requested a resolution of support from the Township for these proposed acquisitions, based on which the Committee will recommend that the Board of Chosen Freeholders authorize the purchase through the Ocean County Natural Lands Program; and

WHEREAS, the Mayor and the Township Council believe that the preservation of these parcels as open space is critical to the local environment and quality of life:

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

1. The Township Council hereby expresses its strong support for the acquisition of Block 230, Lot 11, and Block 693, Lot 4.03, by the Ocean County Natural Lands Program for open space preservation.

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 Maurice B. Hill, Jr.

- b. Acting Business Administrator
- c. Township Planner
- d. Township Engineer
- e. Township Attorney
- f. Ocean County Planning Board
Natural Lands Program
c/o Mark C. Villinger, Supervising Planner
P.O. Box 2191
Toms River, New Jersey 08754-2191

Art Anderson, 12 Park Street, questioned the following Resolution.

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

**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 297.13 LOT 4
EFFECTIVE APRIL 2ND, 2020, AND PROVIDING THAT PROPERTY TAXES FOR 2020,
AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED**

JUNE 23, 2020

WHEREAS, the owner of real property in the Township of Toms River known as Block 297.13 LOT 4, located at 230 Aldo Drive, has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective April 2nd 2020 and

WHEREAS, property taxes for 2020, 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 2020 real property taxes for Block 297.13 Lot 4, due on or after April 2, 2020, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 297.13 lot 4, if any, shall be refunded on a pro-rated basis from April 2nd 2020.
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 Maurice B, HILL Jr.
 - b) Donald Guardian, Business Administrator
 - c) Kenneth B. Fitzsimmons, Township Attorney
 - d) Alexander Davidson, Chief Financial Officer
 - e) William Laird, Township Assessor
 - f) Carl Dileo, Township Tax Collector

REPORTS

NONE

Deputy Chief Belcher spoke regarding the fireworks resolution.

APPROVAL OF BILLS

Council President Maruca asked for a report on the bills.

The Bill List, dated **June 18, 2020** was approved on motion by Council Member Turnbach, seconded by Council Member Huryk, and carried with Council Members, Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council President Maruca voting yes, and with Council Member Geoghegan absent. The following respective exceptions to their votes were noted as abstentions to this vote:

Councilwoman Huryk abstained due to Business conflicts on the following:

Purchase Order 20-02727, & 20-02732, payable to Remington & Vernick Engineers in the amount of \$8,923.00.

Purchase Order 20-03105, payable to recreation salaries in the amount of \$8,547.96.

Purchase Order 20-03105, payable to recreation overtime wages in the amount of \$40.01.

Councilman Kopp abstained due to Business conflicts on the following:

Purchase Order 20-00410, payable to Owen Little & Associates in the amount of \$9,585.35.

Purchase Order 20-01384, payable to Board of Fire Commissioner in the amount of \$637,743.38.

Purchase Order 20-01891, payable to Good Friend Electric Inc., in the amount of \$314.82.

Councilman Turnbach abstained due to Business conflicts on the following:

Purchase Order 20-03105, payable to Magistrate Salaries in the amount of 7,499.70.

Purchase Order 20-00485, payable to Citta, Holzapfel and Zabarsky in the amount of \$6,250.00.

Purchase Orders 20-00893, 20-02728, 20-03102 payable to Dasti, McGuckin Attorneys at Law in the amount of \$20,830.50.

Purchase Order 20-0314 payable to Gregory McGuckin, Esq. in the amount of \$445.50.

Councilman Rodrick abstained from the bills list in full.

Councilman Lotano did not have any conflicts, and voted "yes" to the bills list in full.

Council Vice President Geoghegan was absent.

Council President Maruca abstained due to business conflicts on the following:

Purchase Orders 20-00893, 20-02728, 20-03102 payable to Dasti, McGuckin Attorneys at Law in the amount of \$20,830.50.

Purchase Order 20-0314 payable to Gregory McGuckin, Esq. in the amount of \$445.50.

ELECTED OFFICIALS COMMENTS

Mayor Hill spoke regarding Senior Tax Freeze; comments regarding New Jersey Department of Transportation widening Route 9 between Lakewood and Toms River; thanked Council for supporting 4th of July fireworks resolution; and this Friday is last food distribution event and thank you to all volunteers.

Councilman Rodrick is disappointed about the zoning amendment passed by Council members this evening.

Councilwoman Huryk spoke regarding LGBTW and Pride Day on June 20th; comments on Civil Rights Act; George Floyd event incited progress towards racial prejudice reform, safety, and quality of life for all.

Councilman Turnbach spoke regarding the hard work done the past 3 months serving the residents through the “pop the trunk” food distribution drive through events he has helped put together. Friday night dining in the streets event a big success; he thanked the businesses and restaurants involved and hoped to see the support to our local businesses continue.

Councilman Lotano mentioned the good news of businesses downtown starting to reopen. CMC has seen a reduction in COVID cases, and more non-COVID related admissions for the first time are being seen. Comments on schools possibly not opening until January 2021.

Councilman Kopp spoke regarding last week Business Improvement District event. Positive changes coming with Efficiency and Productivity Study.

Council President Maruca spoke regarding beaches opening full time; food drive on Friday at Ortley Beach, will continue as long as there is a need; Presbyterian Church will be central location. Thank you to Ocean County Board of Freeholders for allowing street closing on Washington. Elections comments, and looking forward to thanking all volunteers in person when COVID restrictions list and we can invite them to be honored at a Council Meeting.

PUBLIC COMMENTS

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

NONE

No further comments from the public appearing, a motion was made by Council Member Huryk, seconded by Council Member Lotano, and Vice President Geoghegan absent, carried to enter into a private Executive Session at 6:59 p.m.

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

RESOLUTION

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

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

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

- 1. The Township Council will now conduct a private Executive Session.

2. The general nature of the subject matter to be discussed and/or acted upon is as follows:

Matters of Personnel
Attorney Client Privilege
Contract Negotiations

3. The following specific topics were announced.

1. Executive Session Minutes Review: April 28, 2020 & May 12, 2020
2. Personnel Issues
3. Review of status of all real property acquisitions. (voluntary acquisitions and eminent domain actions)
4. Possible acquisition of Surf Club property

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	- Absent
Council President Maruca	- Yes

The Council **reconvened** the public portion at 7:27 P.M., a motion was made by Council Member Huryk, seconded by Council Member Turnbach and carried with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council Present Maruca voting yes, and with Council Member Geoghegan absent.

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

RESOLUTION APPROVING EXECUTIVE SESSION MINUTES

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

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

1. The following Executive Session Minutes are approved:

April 28, 2020 Regular Meeting

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

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

**RESOLUTION APPROVING
EXECUTIVE SESSION MINUTES**

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

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

2. The following Executive Session Minutes are approved:

March 10, 2020 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 7:30 P. M., on motion with Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council President Maruca voting yes, and with Council Member Geoghegan absent.

MARIA L. MARUCA, COUNCIL PRESIDENT

ALISON CARLISLE, TOWNSHIP CLERK