

July 9, 2019

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

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

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

**OPEN PUBLIC MEETINGS ACT**  
**STATEMENT**

**This meeting is convened in accordance with the provisions of the Open Public Meetings Act of New Jersey. Let the official Minutes reflect that adequate notice of this meeting has been provided by publishing a notice in the Asbury Park Press on Tuesday, January 8, 2019 and also forwarded to the Toms River Times, Toms River Patch and 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 Kubiel	- Present
Council Member Maruca	- Present
Council Member Rodrick	- Absent
Council Member Turnbach	- Present
Council Vice-President Hill	- Present
Council President Wittmann	- Present

A motion was made by Council Member Hill, seconded by Council Member Turnbach, and Council Members Hill, Huryk, Kubiel, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent, to approve an excused absence for Council Member Rodrick.

**APPROVAL OF MINUTES**

A motion was made by Council Member Maruca, seconded by Council Member Huryk, and with Council Members Hill, Huryk, Maruca, Turnbach, and Council President Wittmann voting yes, and Council Member Rodrick absent, and with Council Member Kubiel abstaining as he was not at the Regular Meeting on June 25, 2019, to approve the **Regular Meeting of June 25, 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**

NONE

Item 7 was removed from the agenda.

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

**AN ORDINANCE OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR VARIOUS PAVING AND ROADWAY IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP IN AND FOR THE TOWNSHIP OF TOMS RIVER AND APPROPRIATING \$4,085,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$3,880,750 IN BONDS OR NOTES OF THE TOWNSHIP OF TOMS RIVER TO FINANCE THE SAME.**

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

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Toms River, in the County of Ocean, New Jersey (the "Township") as general improvements. For the improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$4,085,000 and including the sum of \$204,250 as the down payment for the improvements or purposes required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,880,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, 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 bonds are to be issued are Township-wide paving improvements and roadway elevation projects at various Township locations, and including, but not limited to elevation of Harbor Court and Canal Lane, and including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, 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 the notes pursuant to this bond ordinance is made. Such report must 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 capital budget (or temporary capital budget as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. 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 current expenses. They are improvements or purposes 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 benefitted thereby.

(b) The period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the 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 \$3,880,750 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$335,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes.

(e) The Township reasonably expects to commence the acquisition and/or construction of the improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is 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 the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

### **NOTICE OF PENDING BOND ORDINANCE**

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on July 9, 2019. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Council to be held in the Municipal Offices, 33 Washington Street, Toms River, New Jersey on July 23, 2019 at 6:00 p.m., and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the Township Clerk's office in the Municipal Offices to the members of the general public who shall request the same.

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Alison Carlisle, Township Clerk

A motion was made by Council Member Maruca, seconded by Council Member Huryk and carried, with Council Members Hill, Huryk, Kubiak, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick 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 July 9, 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 July 23, 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 Saturday, July 13, 2019.

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

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

**AN ORDINANCE OF THE TOWNSHIP OF TOMS RIVER,  
IN THE COUNTY OF OCEAN, NEW JERSEY,  
PROVIDING FOR THE PURCHASE AND  
REPLACEMENT OF VARIOUS EQUIPMENT AND  
VEHICLES FOR TOWNSHIP DEPARTMENTS AND  
RELATED EXPENSES IN AND FOR THE TOWNSHIP OF  
TOMS RIVER AND APPROPRIATING \$3,417,500  
THEREFOR AND PROVIDING FOR THE ISSUANCE OF  
\$3,246,625 IN BONDS OR NOTES OF THE TOWNSHIP  
OF TOMS RIVER TO FINANCE THE SAME.**

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

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Toms River, in the County of Ocean, New Jersey (the "Township") as general improvements. For the improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$3,417,500 and including the sum of \$170,875 as the down payment for the improvements or purposes required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are

hereby authorized to be issued in the principal amount of \$3,246.625 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, 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 bonds are to be issued is the acquisition of various new and replacement equipment and vehicles for various Township Departments, including, but not limited to, an automated Robo Truck, a rear loader, a rack body – heavy duty lift, a front loader, 2 single axle dump trucks with box and plow, 2 Mason dump trucks with plow and brine dispensers, a street sweeper/cutter, a forklift, a Street Roller-Hamm (or equivalent) a Lift Truck/Utility Body, 2 4 wheel drive 4 x 4 Series 2500 pickup trucks with plows, 2 ambulances, a senior bus, uplift equipment for future purchased vehicles, an interview room recorder, 1 TORO ballfield groomer, a Spider lift, 3 TORO 3280 Groundmasters, a Bobcat UTV, a TORO 5800 sprayer, a Fairway mower, a contour/greens surround mower and exercise equipment for Township outdoor parks and including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, 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 the notes pursuant to this bond ordinance is made. Such report must 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 capital budget (or temporary capital budget as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. 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 current expenses. They are improvements or purposes 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 benefitted thereby.

(b) The period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 14.72225 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the 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 \$3,880,750 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$138,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes.

(e) The Township reasonably expects to commence the acquisition and/or construction of the improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is 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 the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

### **NOTICE OF PENDING BOND ORDINANCE**

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on July 9, 2019. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Council to be held in the Municipal Offices, 33 Washington Street, Toms River, New Jersey on July 23, 2019 at 6:00 p.m., and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the Township Clerk's office in the Municipal Offices to the members of the general public who shall request the same.

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Alison Carlisle, Township Clerk

A motion was made by Council Member Maruca, seconded by Council Member Turnbach and carried, with Council Members Hill, Huryk, Kubiell, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick 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 July 9, 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 July 23, 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 Saturday, July 13, 2019.

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

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

**ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER  
473 (VACANT AND ABANDONED PROPERTIES) OF THE TOWNSHIP CODE TO  
EXEMPT FEDERALLY-ADMINISTERED AND SERVICED PROPERTIES FROM  
VACANT PROPERTY REGISTRATION REQUIREMENTS**

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

1. Chapter 473 (Vacant and Abandoned Properties) is hereby amended and supplemented to add a new Article III, entitled "Federally-Administered and Serviced Properties," to provide as follows:

Article III

**Federally Administered and Serviced Properties**

**§473-13. Exemption for federally-administered and serviced properties.**

Notwithstanding any other contrary provisions of this Chapter, Fannie Mae, Freddie Mac and any loan servicers acting on their behalf are exempt from payment of any registration fee for any property registered under this Chapter as well as from payment of any fines or penalties otherwise permitted to be assessed under this Chapter or any other provision of the Township Code.

2. All other provisions of Chapter 473 remain in full force and effect.

3. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.

4. If any part of this ordinance is invalidated for any reason by competent authority, that part is severed and the remaining provisions shall remain in full force and effect.

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

A motion was made by Council Member Huryk, seconded by Council Member Turnbach and carried, with Council Members Hill, Huryk, Kubiel, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick 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 July 9, 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 July 23, 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 Saturday, July 13, 2019.

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

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, URGING LEGISLATORS TO TAKE ACTION TO OPPOSE AND SEEK CHANGES TO THE REAUTHORIZATION OF THE NATIONAL FLOOD INSURANCE PROGRAM ("NFIP")**

**JULY 9, 2019**

WHEREAS, floods are one of the most common and most destructive natural disasters in the United States; and

WHEREAS, the National Flood Insurance Act authorizes a National Flood Insurance Program ("NFIP"); and

WHEREAS, the NFIP is a program created by Congress to mitigate future flood losses across the United States and to further provide access to affordable flood insurance protection for property owners; and

WHEREAS, the NFIP is designed to provide an insurance alternative to disaster assistance to meet the increasing costs of repairing damage to buildings and their contents caused by floods; and

WHEREAS, New Jersey is third amongst states in total value of claims paid and fourth in the number of NFIP policies enforced; and

WHEREAS, five hundred and fifty-two communities in New Jersey participate as members of the NFIP; and

WHEREAS, the NFIP maintains a significant role in providing financial protection against flood events to New Jersey property owners; and

WHEREAS, the NFIP is set to expire on September 30, 2019; and

WHEREAS, on June 12<sup>th</sup>, the House Financial Services Committee unanimously passed legislation to reauthorize and reform the NFIP, known as H.R. 3167; and

WHEREAS, the proposed reauthorization provides for the following unacceptable terms; the increase of rates to primarily homeowners up to 18% annually until they reach their actuary rate (meaning every 4 years, premiums may double); the increase of rates to secondary homeowners up to 25% annually, until they reach their actuary rate (every 3 years, premiums may double); the increase to risk/premiums for communities that have higher construction/replacement costs; the implementation of risk rating 2.0 mapping which results in higher premiums the closer you live to water, and an increase to the cost of compliance limits that is still insufficient to meet actual numbers; and

WHEREAS, H.R. 3167 is unacceptable and will unfairly increase premiums to those requiring flood insurance; and

WHEREAS, the Mayor and Council urge its Federal representatives to oppose H.R. 3167 and further support the re-authorization of the NFIP to protect the people of New Jersey through the provision of affordable, federally-backed flood insurance;

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 Mayor and Council of the Township of Toms River oppose H.R. 3167 and implores its legislators to similarly oppose same.

2. That the Mayor and Council of the Township of Toms River implore its legislators to take any and all necessary action to ensure the NFIP is re-authorized and extended and that any such legislation provide affordable rates and sensible coverage to affected property owners.

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) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
  
- f) 9<sup>th</sup> District Legislators
- g) 10<sup>th</sup> District Legislators
- h) 30<sup>th</sup> District Legislators
- i) Federal Legislators and Representatives
- j) Governor Phil Murphy

k) Ocean County Board of Chosen Freeholders  
 l) Carmen F. Amato, Jr.  
 Mayor, Township of Berkeley  
 PO Box B  
 Bayville, NJ 08721

**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 Maruca, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent, to approve all the following items listed on the Consent Agenda, except item **J and K**, which were done separately.

*R E S O L U T I O N*

*JUNE 9, 2019*

*WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, AND IN THE AMOUNT INDICATED, 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 been notified of said refund by mail but have not responded,*

*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 refunds due will be escheat to the State of New Jersey, Department of Treasury, Unclaimed Property Division.*

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Year</i>	<i>Amount</i>
<b>PLEASE SEE ATTACHED SCHEDULE A</b>				
<b>TOTAL:</b>				<b>\$20,544.55</b>

**SCHEDULE A**

**"SEE ATTACHMENT"**

*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 9, 2019*

*WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO A DUPLICATE TAX PAYMENT/AND OR ERRONEOUS: 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
	648.04	6	2018/1	\$1,449.42
<b>TOWELL, DEIDRE A.</b>				
<b>TOTAL:</b>				<b>\$1,449.42</b>

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 AN AMENDMENT TO THE RESOLUTION DATED APRIL 10, 2018, WHICH AUTHORIZED A PROFESSIONAL SERVICES CONTRACT WITH THE MUSIAL GROUP ARCHITECTURE, FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION FOR THE TOWN HALL FAÇADE REPAIR PROJECT, IN THE TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$129,505.00**

**(THE AMENDMENT TO THE CONTRACT IS TO INCREASE THE SCOPE OF WORK FOR THE PROJECT, TO INCLUDE LEAD TESTING AND ASSOCIATED SPECIFICATION REVISIONS, FOR AN ADDITIONAL AMOUNT OF \$5,000.00, FOR A TOTAL REVISED MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$134,505.00)**

**JULY 9, 2019**

WHEREAS, resolution of the Township Council of the Township of Toms River dated April 10, 2018, authorized a professional service contract with The Musial Group Architecture, for the Design and Construction Administration for the Town Hall Façade Repair Project, for a total maximum contract amount not to exceed \$129,505.00; and

WHEREAS, it is necessary to amend the scope of the work for the Town Hall Façade Repair Project, to include lead testing and associated specification revisions; and

WHEREAS, the Musial Group Architecture has submitted a proposal letter dated May 8, 2019 for these additional services, for an additional amount of \$5,000.00;

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

1. It hereby authorizes an amendment to the contract with The Musial Group Architecture for the Design and Construction Administration for the Town Hall Façade Repair Project, to include lead testing and associated specification revisions, for an additional amount of \$5,000.00, in accordance with proposal letter dated May 8, 2019, for a revised total maximum contract amount not to exceed \$134,505.00.

2. Funds for the additional amount of \$5,000.00, are available in Account No.

X-04- -238-002. Total maximum amount of project not to exceed \$134,505.00. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

3. The Mayor is authorized to execute and the Township Clerk to attest to an Amended Agreement with The Musial Group Architecture, a copy of which is attached to this resolution as Schedule "A".

4. All of the other terms and conditions of the original contract are to remain in full force and effect.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Township Engineer
- e) The Musial Group Architecture  
191 Mill Lane  
Mountainside, NJ 07092  
Attn: Noel S. Musial, A.I.A., PP, NCARB, President

### **CERTIFICATION**

THIS IS TO CERTIFY that the funds for the amended professional service contract with The Musial Group Architecture, in the additional amount of \$5,000.00, for a total maximum amount of contract not to exceed \$134,500.00 (\$129,505.00 previously awarded by resolution of April 10, 2018), are available in Account No. X-04- -238-002.

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: July 9, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT FOR EMERGENCY POWER GENERATOR SYSTEMS MAINTENANCE, GENTRACKER MONITORING & REPAIR SERVICES TO EBROADBURL REALTY CORPORATION T/A POWER EQUIPMENT COMPANY, AS LOW BIDDER MEETING ALL THE BID SPECIFICATIONS, IN THE TOTAL MAXIMUM CONTRACT PRICE NOT TO EXCEED \$9,097.60 FOR 2019 (MAINTENANCE AND MONITORING – 2019)**

**JULY 9, 2019**

WHEREAS, bids were invited on March 28, 2019 for Emergency Power Systems Maintenance, Gentracker Monitoring & Repair Services, with no bids being received; and

WHEREAS, bids were invited a second time on April 25, 2019, with no bids being received; and

WHEREAS, pursuant to 40A:11-5(3)(a), this contract can now be negotiated; and

WHEREAS, proposals were then solicited from the following vendors:

Atlantic Switch & Generator  
4108 Sylon Blvd.  
Hainesport, NJ 08036

Ebroadburl Realty Corporation  
t/a Power Equipment Company  
1259 N. Church St., Bldg. 2  
Moorestown, NJ 08057

WHEREAS, the proposals were reviewed by the Purchasing Division and the Department of Parks, Buildings and Grounds, and recommendation has been made to award a contract to Ebroadburl Realty Corporation t/a Power Equipment Company, as follows:

Gentracker Monitoring:

Each Generator one time additional fee: . . . . . \$ 250.00  
Total one-time fee @ 4 Generators . . . . . \$1,000.00

PEECO Monitoring & Maintenance:

Bi-Annual Price: . . . . . \$ 5,397.60  
Yearly Price: . . . . . \$10,795.20  
Three Year Total: . . . . . \$32,385.60

Preventative Maintenance:

Three Year Total: . . . . . \$ 16,200.00

Additional Repairs, Parts & Service:

Year 1: . . . . . \$135.00 per hour  
Year 2: . . . . . \$135.00 per hour  
Year 3: . . . . . \$135.00 per hour  
Percentage markup on materials: . . . . . 25.00%

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 Ebroadburl Realty Corporation for Emergency Power Generator Systems Maintenance, Gentracker Monitoring & Repair Services, as low bidder meeting all the specifications, for a total contract price not to exceed \$9,097.60 for 2019 (Maintenance and Monitoring for 2019), as follows:

Total Preventative Maintenance and Monitoring funds to be certified for 2019:  
\$9,097.60

Preventative Maintenance	Generator Quarterly Price	Total for 2019
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Onan Generator (Diesel) ATS, Controls & Gentracker Monitoring, 33 Washington Street:	\$ 400.00	\$ 800.00
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Onan # 1 Generator (Diesel), Shared ATS's, Controls & Gentracker Monitoring, 255 Oak Ave.	\$ 400.00	\$ 800.00
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Onan # 2 Generator (Nat. Gas), Shared ATS's, Controls & Gentracker Monitoring, 255 Oak Ave.	\$ 275.00	\$ 550.00
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Onan # 3 Generator (Nat. Gas), Shared ATS's, Controls & Gentracker Monitoring, 255 Oak Ave.	\$ 275.00	\$ 550.00
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Gentracker Monitoring: One Time \$250.00/each Generator fee for vendor switching account.		\$1,000.00
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PEECO Bi-Annual Price

Philadelphia Electrical Equipment Co.

(PEECO) Master Control Panel (MCP), Batteries and Storage Battery System (SBS):	\$5,397,60	\$5,397.60 -----
GRAND TOTAL FOR MAINTENANCE AND MONITORING FOR 2019:		\$9,097.60

Funds in the amount not to exceed \$9,097.50 for 2019 (Maintenance and Monitoring for 2019), are available in Account No. 9-01- -R20-531. Future maintenance will be encumbered upon approval of appropriate future municipal budgets. Additional repairs and service rates and materials shall be open-ended with funds being encumbered each time an order is placed contingent upon the availability of funds. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all terms and conditions of the bid specifications.

2. Pursuant to N.J.S.A. 40A:11-15(7), the term of the contract shall be effective for three (3) years, retroactive to April 12, 2019 through April 11, 2022.

3. Pursuant to N.J.S.A. 40A:11-15, this contract may be extended for no more than one (1) two-year, or two (2) one-year terms after the expiration of the original contract period.

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) All aforementioned bidders

### CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the contract awarded to Ebroadburl Realty Corporation t/a Power Equipment Company, in the total contract price not to exceed \$9,097.60 for 2019 (Maintenance and Monitoring for 2019), are available in Account No. 9-01- -R20-531. Future maintenance will be encumbered upon approval of appropriate future municipal budgets. Additional repairs and services rates and materials shall be open-ended with funds being encumbered each time an order is placed, contingent upon the availability of funds.

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

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: July 9, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT TO RESOURCE MANAGEMENT ASSOCIATES, FOR PROMOTIONAL TESTING SERVICES FOR THE TOMS RIVER POLICE DEPARTMENT, AND AUTHORIZING PAYMENT IN THE AMOUNT NOT TO EXCEED \$21,825.00 PLUS THE OPTION OF TEST QUESTION DEVELOPMENT OF \$25.00 PER QUESTION NOT-TO-EXCEED \$2,500.00 IF THE POLICE DEPARTMENT CHOOSES TO TAKE THE OPTION)**

**JULY 9, 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 Purchasing Division to enter into a contract with Resource Management Associates, for Promotional Testing Services for the Toms River Police Department

2. It hereby authorizes payment to Resource Management Associates, in the amount of \$21,825.00 plus the option of test question development of \$25.00 per question not-to-exceed \$2,500.00 if the Police Department chooses to take the option). Funds in the amount of \$21,825.00 (plus the option of test question development o \$25.00 per question not-to-exceed \$2,500.00 if the Police Department chooses to take the option), are available in Account No. 9-01- -P45-534. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

4. The Township Council of the Township of Toms River, has determined that it is the best interest of the Township of Toms River to award the services of and authorize payment to Resource Management Associates in the amount of \$21,825.00 plus the option of test question development of \$25.00 per question not-to-exceed \$2,500.00 if the Police Department chooses to take the option. The cost for the service is as follows:

Written Exam Development Administration	\$ 438.33 per candidate
Assessment Center	\$1,016.67 per candidate
	-----
Total Cost Per Candidate	\$1,455.00

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

- a) Township Attorney
- b) Chief Financial Officer
- c) Purchasing Division
- d) Police Department
- e) Resource Management Associates  
17730-A Oak Park Avenue  
Tinley Park, IL 60477

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the payment to Resource Management Associates, in the amount of \$21,825.00 plus the option of test question development of \$25.00 per question not-to-exceed \$2,500.00 if the Department chooses to take the option, are available in Account No. 9-01- -P45-534.

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

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: July 9, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING  
CHANGE ORDER NO. 1 - FINAL (REDUCTION IN CONTRACT IN THE AMOUNT OF  
\$9,072.68), RELEASING PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND,  
AND AUTHORIZING FINAL PAYMENT TO CONTRACTOR, JOHN J. FACCAS, INC. T/A  
QUALITY ELECTRICAL CONSTRUCTION CO., IN THE AMOUNT OF \$478,527.32, FOR THE  
CLOSEOUT OF THE RIVERWOOD PARK SOCCER FIELD LIGHTING PROJECT

JULY 9, 2019

WHEREAS, resolution of the Township Council dated January 23, 2019, awarded a contract to John J. Faccas, Inc. t/a Quality Electrical Construction Co., as low bidder meeting all the specifications, for the Riverwood Park Soccer Field Lighting Project, in the maximum amount not to exceed \$487,600.00; and

WHEREAS, the contractor retained for the Riverwood Park Soccer Field Lighting Project, has submitted the required documents in connection with the closeout of this project; and

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

- a) Contractor's Application for Payment in the amount of \$478,527.32.
- b) Change Order No. 1 – Final - Executed by the contractor for a reduction in the contract amount of \$9,072.68.
- c) Original Maintenance Bond No. 14165127M with John J. Faccas, Inc. t/a Quality Electrical Construction Co., as Principal and The Guarantee Company of North America USA, as Surety.

WHEREAS, Change Order 1 – to the contract with John J. Faccas, Inc. t/a Quality Electrical Construction Co., to wit:

**DESCRIPTION OF CHANGE – CHANGE ORDER NO. 1 – REDUCTION:**

Item No. 4 – Allowance for Utility Company (JCP&L) – Total JCP&L cost came to \$13,477.32 (allowance was \$15,000.00) – Reduction of \$1,572.68.

Item No. 5 – Allowance for Sprinkler Repair – Not Used – Reduction of \$7,500.00.

**TOTAL REDUCTION: (\$9,072.68).**

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	(\$9,072.68)
Total Extras This C.O.	X	X
Total Supplementary This C.O.	X	X
Total This C.O.	X	(\$9,072.68)
Previous Change Orders	X	X
Total Change Orders to Date:	X	(\$9,072.68)
Total Change in Contract		(\$9,072.68)
ORIGINAL CONTRACT BID PRICE:	\$487,600.00	
NEW CONTRACT PRICE:	\$478,527.32	

be and the same is hereby ratified and confirmed;

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

1. It hereby authorizes the appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation, to close out the Riverwood Park Soccer Field Lighting Project, approval of Change Order No. 1 – Final, releasing Performance Bond, acceptance of Maintenance Bond, and authorizing final payment to contractor, in the amount of \$478,527.32. Funds in the amount of \$478,527.32, are available in Account No.

X-04- -219-001 - \$259,346.11, Account No. X-04- -207-001 - \$10,748.49, Account No. X-04- -208-001 - \$5,567.86, and Account No. X-04- -236-001 - \$202,864.86. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing Division
- e) John J. Faccas, Inc.  
t/a Quality Electrical Construction Co.  
290 Laurel Avenue  
Hazlet, NJ 07734

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the final payment to John J. Faccas, Inc. t/a Quality Electrical Construction Co., in the amount of \$478,527.32, are available in the following Account Nos.:

Account No. X-04- -219-001 - \$259,346.11

Account No. X-04- -207-001 - \$ 10,748.49

Account No. X-04- -208-001 - \$ 5,567.86

Account No. X-04- -236-001 - \$202,864.86

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

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: July 9, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING  
CHANGE ORDER NO. 1 - FINAL (REDUCTION IN CONTRACT IN THE AMOUNT  
OF \$35,565.45), RELEASING PERFORMANCE BOND, ACCEPTANCE OF  
MAINTENANCE BOND, AND AUTHORIZING FINAL PAYMENT TO  
CONTRACTOR, MARLIN CONSTRUCTION SERVICES INC., IN THE AMOUNT OF  
\$96,449.01, FOR THE CLOSEOUT OF THE TOMS RIVER NORTH BEACHES –  
STORM SEWER REPLACEMENT PROJECT**

**JULY 9, 2019**

WHEREAS, resolution of the Township Council dated November 14, 2017, awarded a contract to Marlin Construction Services Inc., as low bidder meeting all the specifications, for the Toms River North Beaches – Storm Sewer Replacement Project, in the maximum amount not to exceed \$1,052,578.00; and

WHEREAS, the contractor retained for the Toms River North Beaches – Storm Sewer Replacement Project, has submitted the required documents in connection with the closeout of this project; and

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

- a) Contractor’s Application for Payment in the amount of \$96,449.01.
- b) Change Order No. 1 – Final - Executed by the contractor for a reduction in the contract amount of \$35,565.45.
- c) Original Maintenance Bond No. BX03056MB with Marlin Construction Services, Inc., as Principal and Bondex Insurance Company, as Surety.

WHEREAS, Change Order 1 – Final to the contract with Marlin Construction Services, Inc., to wit:

**DESCRIPTION OF CHANGE – CHANGE ORDER NO. 1 – FINAL REDUCTION:**

Final Asbuilt Quantity Adjustments

**TOTAL REDUCTION: (\$35,565.45).**

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	(\$394,435.13)
Total Extras This C.O.	\$358,869.67	X
Total Supplementary This C.O.	X	X
Total This C.O.	\$358,869.67	(\$394,435.13)
Previous Change Orders	X	X
Total Change Orders to Date:	\$358,869.67	(\$394,435.13)
Total Change in Contract		(\$35,565.45)
ORIGINAL CONTRACT BID PRICE:	\$1,052,578.00	
NEW CONTRACT PRICE:	\$1,017,012.55	

be and the same is hereby ratified and confirmed;

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

1. It hereby authorizes the appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation, to close out the Toms River North Beaches – Storm Sewer Replacement Project, approval of Change Order No. 1 – Final, releasing Performance Bond, acceptance of Maintenance Bond, and authorizing final payment to contractor, in the amount of \$96,449.01. Funds in the amount of \$96,449.01, are available in Account No. X-04- -233-001. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing Division
- e) Marlin Construction Services, Inc.  
442 Whitesville Road  
Jackson, NJ 08527

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the final payment to Marlin Construction Services, Inc., in the amount not to exceed \$96,449.01, are available in Account No. X-04- -233-001

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

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: July 9, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CLOSEOUT OF THE IMPROVEMENTS TO THE TOMS RIVER YOUTH CENTER PROJECT WITH J.H. WILLIAMS ENTERPRISES INC., RELEASING PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND, AND AUTHORIZING FINAL PAYMENT TO CONTRACTOR IN THE AMOUNT OF \$37,061.10**

**JULY 9, 2019**

WHEREAS, resolution of the Township Council dated March 13, 2018, awarded a contract to J.H. Williams Enterprises Inc., as the lowest responsible bidder meeting all the specifications, for the Improvements to the Toms River Youth Center Project, rebid, in the maximum amount not to exceed \$329,400.00; and

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

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

- a) Original Maintenance Bond with J.H. Williams Enterprises, Inc., as Principal and Western Surety Company, as Surety.
- b) Contractor's Application for Payment in the amount of \$37,061.10;

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

1. It hereby authorizes the appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation to close out the Improvements to the Toms River Youth Center Project, releasing Performance Bond, accepting Maintenance Bond, and authorizing final payment to J.H. Williams Enterprises, in the amount of \$37,061.10, and funds are available in Account No. X-04- -231-001. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing Division
- e) J.H. Williams Enterprises, Inc.  
231 Haines Drive  
Moorestown, NJ 08057

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the final payment to J.H. Williams Enterprises, Inc., in the amount of \$37,061.10, are available in Account No. X-04- -231-001.

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

SHARON SMITH  
CHIEF FINANCIAL OFFICER

**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 393.03, LOT 24 (1380 Whitty Road)**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 393.03, Lot 24.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00 which represents the Stabilization Guarantee.
- 2) Check in the amount of \$1,294.25 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 St. Joseph's Roman Catholic Church, its successors and assignees, with all term 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. St. Joseph's Roman Catholic Church  
685 Hooper Avenue  
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS, BLOCK 413, LOT 31 (1554 North Bay Avenue)**

**July 9, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 413, Lot 31.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00 which represents the Stabilization Guarantee.
- 2) Check in the amount of \$2,044.13 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 Salome Gasviani., its successors and assignees, with all term 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. Salome Gasviani  
1230 Horn Avenue  
Apt #627  
West Hollywood, CA 90069

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

**RESOLUTION AUTHORIZING POCKET-TO-PLACE  
TRANSFER OF PLENARY RETAIL CONSUMPTION  
LICENSE NUMBER 1507-33-057-001 ISSUED TO  
GRUNIN HOLDINGS, LLC**

July 9, 2019

**WHEREAS**, an application has been filed for POCKET-TO-PLACE TRANSFER of Plenary Retail Consumption License #1507-33-057-001 issued to Grunin Holdings, LLC, to be located at 781 Fischer Blvd, Toms River, NJ; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinance and conditions consistent with Title 33;

**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 authorizes; the Pocket-To-Place Transfer to place Plenary Retail Consumption License Number 1507-33-057-001, held by Grunin Holdings, LLC " Caneda's White Rooster" located at 781 Fischer Blvd, Toms River, NJ 08753.

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

- a) Police Department
- b) Chief Financial Officer
- c) Council
- d) Attorney
- e) New Jersey Division of Taxation  
PO Box 999  
Trenton, N.J. 08646-09999

- f) Grunin Holdings, LLC  
1027 Hooper Ave  
Toms River, NJ 08753

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

**RESOLUTION MEMORIALIZING THE 2019 TOMS RIVER SPECIAL IMPROVEMENT DISTRICT BUDGET**

**JULY 9, 2019**

WHEREAS, the Toms River Township Special Improvement Budget is stated, below, and

WHEREAS, the public hearing was held on April 23, 2019.

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 Toms River Special Improvement District Budget, adopted by resolution dated April 23, 2019, is hereby memorialized as follows:

The Special Improvement District Budget for the period of January 1, 2019 through December 31, 2019 as hereby memorialized as follows:

S01 Ratables	<u>\$135,726,600</u>
S02 Ratables	\$ 49,447,500

Total 2019 Revenue to be raised by taxation

S01 Budget	\$247,860
S02 Budget	\$ 27,540

S01 Proposed 2019 Tax Rate	0.183
S02 Proposed 2019 Tax Rate	0.056

2. Public hearing of the Budget was held at the Toms River Township Council Meeting on:

**Tuesday, April 23, 2019, 6:00 p.m.**

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

- a) Chief Financial Officer
- b) Township Attorney
- c) New Jersey Division of Local Government Services
- d) Township Auditor
- e) Ocean County Board of Taxation
- f) Tax Assessor
- g) Tax Collector
- h) Alizar Nicholas Zorojew  
Toms River Business Improvement District  
218 Main Street  
Toms River, N.J. 08753

4. The Municipal Clerk has advertised this resolution, in its entirety, as public notice of its introduction and as public notice of the hearing.

The foregoing Resolution was **APPROVED** on the following roll call vote:

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

## REPORTS

A motion was made by Council Member Kubiel, 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 absent, to approve the following Reports.

	2019	2018
Bey Lea Golf Course – June	\$164,230.48	\$162,358.27
Bey Lea Golf Course – YTD through June	\$512,411.32	\$477,292.94
Winding River Ice Rink – June	\$32,151.00	\$31,215.81
Winding River Ice Rink – YTD through June	\$460,398.17	\$469,073.59
Building Permits - June	\$253,934.00	\$226,986.00
Building Permits – YTD through June	\$1,441,612.00	\$1,136,882.00
Beach Badges – YTD through June	\$368,286.00	\$331,865.00
Pool Badges – YTD through June	\$35,775.00	\$30,640.00

## APPROVAL OF BILLS

Council President Wittmann asked for a report on the bills.

The Bill List, dated **July 8, 2019** was approved on motion by Council Member Turnbach, seconded by Council Member Kubiel, and carried with Council Members , Hill, Huryk, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 19-03579, payable to Arya Properties LLC in the amount of \$2,526.86.

Purchase Order 19-03436 & 19-03434, payable to Frank Sadeghi in the amount of \$1,351.50.

Purchase Order 19-03436, payable to Toms River Yacht Club in the amount of \$40.50.

Purchase Order 19-03581, payable to Conflict Engineering Fees GW in the amount of \$222.00.

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

Purchase Order 19-02835, 19-02836, 19-02837, 19-02838, 19-02839 & 19-02830, payable to Owen Little & assoc. Inc. in the amount of \$17,240.25.

Purchase Order 19-03623, payable to Community Medical Center in the amount of \$216.00.

Purchase Order 19-03570 & 19-03309, payable to Toms River Board of Education in the amount of \$1,738.55.

Purchase Order 19-03527, payable to Terry Brady, Esquire, in the amount of \$650.00.

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

Purchase Order 17-01326, 19-03434, 19-03579 & 19-03581, payable to Remington & Vernick Engineers in the amount of \$25,476.12.

Purchase Order 19-03863, payable to Recreation Salaries in the amount of \$8,649.59.

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

Purchase Order 19-03623, payable to Community Medical Center in the amount of \$216.00.

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

Purchase Order 19-03863, payable to N.J. Motor Vehicle Commission in the amount of \$3,461.50.

Purchase Order 19-00863, 19-03436 & 19-03621, payable to Dasti & McGuckin in the amount of \$9,544.50.

Purchase Order 19-03623, 19-00863, 19-03436, & 19-03021, payable to Dasti & McGuckin in the amount of \$9,544.50.

Purchase Order 19-03623, payable to Gregory McGuckin in the amount of \$5,697.00.

Purchase Order 19-03527, payable to Terry Brady, Esquire, in the amount of \$650.00.

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

Purchase Order 19-00863, 19-03436 & 19-03621, payable to Dasti & McGuckin in the amount of \$9,544.50.

Purchase Order 19-03623, payable to Gregory McGuckin in the amount of \$5,697.00.

Purchase Order 19-03863, payable to Magistrate Salaries in the amount of \$7,635.44.

## **ELECTED OFFICIALS COMMENTS**

Mayor Kelaher had no comments.

Council Member Hill spoke regarding Department of Transportation Redevelopment; Route 9 improvements due for Church and Whitty Roads.

Council Members Kubiak and Wittmann had no comments.

Councilman Turnbach spoke regarding Property Tax Rebate Program comments and South Toms River is also participating in program.

Councilwoman Maruca spoke regarding June 29 Friends of Ortley Beach Town Nite Yard Sale; possible curfew for Wawa in Ortley/Chadwick beach area.

Councilwoman Huryk spoke regarding July 4<sup>th</sup> in Normandy Beach flag rising by Mayor Kelaher and Councilman Hill.

## **PUBLIC COMMENTS**

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

Tommy Stanziale, 11 Plainfield Avenue, Lavallette, spoke regarding Army Corps built ramp for ADA accessible on their street and there is soft sand at end of ramp which prevents wheelchairs from crossing. Councilman Wittmann asked Township Engineer Chankalian to look into it.

Jan Harris, 229 Joseph Street, Lavallette, complained the surface is hard to walk on and big rocks now surfacing. Township Administrator suggests going back to Army Corps.

Pat Klaslo, Ortley Beach, what do they want to change in flood insurance for Plainfield and Joseph Street. Council President Wittmann explained it is the rates.

Geraldine Lucas, 20 Olera Drive, Silverton, explained theft in her home by her neighbors. She reported several times but not satisfied. Township Administrator will talk to Police Department.

Alizar Zorojew, Business Improvement District, spoke regarding trolley update; thanked the Township for Huddy Park game night; July 20<sup>th</sup> – Summer in the Street – free admission and parking; Cruising Update, and Farmers Market running until Thanksgiving.

Anthony Devecka, Main Street, spoke regarding fundraising for skate park, and Council Wittmann meeting with Recreation Director.

Donna Serchio, 601 Main Street, spoke regarding a house on Main Street being unkempt. Township Attorney Fitzsimmons asked Council not to comment and asked resident to give address.

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

A motion was made by Council Member Kubiel, seconded by Council Member Huryk, and carried to enter into a private Executive Session.

A motion was made by Council Member Kubiel, seconded by Council Member Huryk, 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: June 25, 2019 Regular Meeting
2. Personnel:
3. Review of status of all real property acquisitions (voluntary acquisitions and eminent domain actions)
4. Review of candidates for appointment of Rent Leveling Board and their respective backgrounds and qualifications

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

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

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

The Council **reconvened** the public portion at 7:32 P.M., a motion was made by Council Member Huryk, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent.

A motion was made by Council Member Huryk, 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 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:

**June 25, 2019 Regular Meeting**

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

No other business appearing, the meeting was **adjourned** at 7:46 P. M., on motion with Council Member Wittmann, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Member Rodrick absent.

\_\_\_\_\_  
COUNCIL PRESIDENT GEORGE WITTMANN

\_\_\_\_\_  
ALISON CARLISLE, TOWNSHIP CLERK