

July 14, 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 Vice-President Geoghegan and opened with the salute to the Flag.

Council Vice-President Geoghegan read the following statement pursuant meeting notice to the Open Public Meetings Act:

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

This meeting is convened in accordance with the provisions of the Open Public 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	- Present
Council President Maruca	- Absent

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

**APPROVAL OF MINUTES**

A motion was made by Council Member Huryk, seconded by Council Member Lotano, and carried with Council Members Huryk, Kopp, Lotano, Rodrick, and Council Member Turnbach, voting yes, and Council Member Geoghegan abstaining, and with Council Member Maruca absent, to approve the **Regular Meeting of June 23 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**

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

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

**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 resurfacers 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 Ortlely 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 July 14, 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)

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 Vice-President Geoghegan 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 Lotano offered the following ordinance and moved its adoption, Council Member Kopp 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:

Table with 2 columns: Name and 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: Yes; Council President Maruca: Absent.

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, REPLACING SECTION 8.4 (BUFFER AREAS, SCREENING, LANDSCAPING AND SHADE TREES) AND REPLACING IT WITH A NEW SECTION 8.4 (LANDSCAPE AND BUFFER STANDARDS) OF CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE TOWNSHIP CODE

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

1. Section 348-8.4 (Buffer areas, screening, landscaping and shade trees), be deleted in its entirety and replaced with a new section, entitled "Landscape and Buffer Standards" to read as follows:

2.

**§ 348-8.4 Landscape and Buffer Standards.**

\*A. Buffer areas. All uses, other than single-family detached and two-family detached dwellings and their accessory uses (except as otherwise provided in this chapter), shall provide buffer areas along all side and rear property lines which abut areas zoned residentially (including single-family detached, two-family or multifamily detached dwellings) and along front property lines on local, local collector, minor collector and major collector streets which abut areas zoned for such residential uses. For purposes of these buffer areas, a planned residential retirement development having a density of 4.0 units per acre shall not be considered single-family detached and two-family detached dwellings and shall require provisions for buffer areas as provided herein. [Also refer to § 348-8.20J(2)(b).]

- (1) The width of the buffer area shall be determined in accordance with the following:

Zone	Minimum Buffer Width
HB, RHB, O-10, O-15, I, LI,	60 feet
R-800, Rural, R-400, R-400C, R-200	50 feet
RC	150 feet average, 100 feet minimum
All other zones and any parking area of 10 or more spaces in a residential zone	20 feet along side and rear property lines

- (2) If a proposed single-family detached or two-family detached subdivision abuts a major collector or minor or principal arterial highway or an area zoned for or occupied by other uses, the Board of jurisdiction shall consider the need for buffer areas and may require:

- (a) That a buffer strip not exceeding 50 feet in width be provided and maintained in its natural state and/or suitably planted with screening and landscaping; or
- (b) That the adjacent lots front on an interior street and have a depth of at least 200 feet with suitable screening and landscaping planted at the rear; or
- (c) That other suitable means of separation be provided.

- (4) Buffer areas shall be maintained and kept free of all debris, rubbish, weeds and tall grass.

- (5) No structure, activity, storage of materials or parking of vehicles shall be permitted within the buffer area, except that where permitted by the Board of jurisdiction the buffer area may be broken for vehicular or pedestrian access and appropriate directional and safety signs provided.

- (6) (Reserved)

\*B. Screening. Within buffer areas required by Subsection A above, there shall be provided screening in accordance with the following regulations:

- (1) Location.

- (a) The location of screening within buffer areas wider than 20 feet shall be arranged in order to provide a continuous visual screen and maximum protection to adjacent properties and to avoid damage to or interference within desirable existing plant material and shall be subject to approval by the Board of jurisdiction. Possible arrangements include but are not limited to those shown in Figures 1A, 1B and 1C.

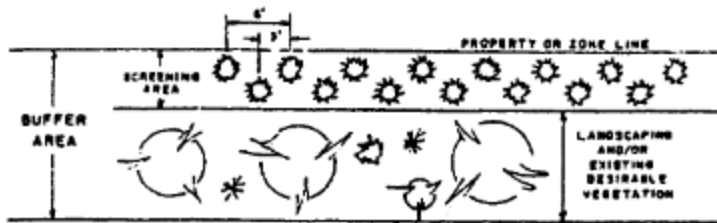


Figure 1A  
PARALLEL SCREENING

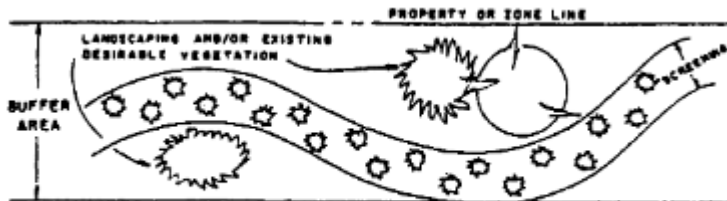


Figure 1B  
SERPENTINE SCREENING

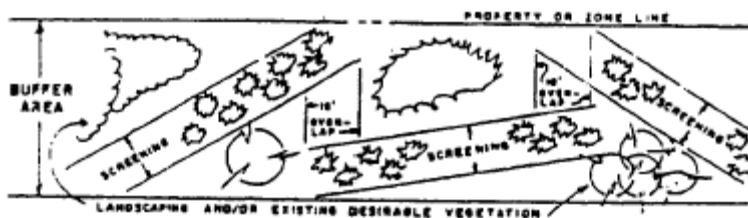


Figure 1C  
BROKEN SCREENING

(b) Those portions of the buffer area not included within the screening strip shall either contain existing vegetation approved by the Board of jurisdiction or its designee and/or be planted with trees and shrubs in accordance with a landscape plan approved by the Toms River Township Planning Board or its designee.

(2) Except as otherwise provided herein, the screening area shall be a minimum of 20 feet in width and shall be planted with evergreen trees specified in this ordinance or otherwise approved by the Board of jurisdiction. Trees shall be planted in two staggered rows eight feet apart and shall be between six and eight feet in height and shall conform to the current American Standard for Nursery Stock sponsored by the American Association of Nurserymen, Inc. Within each row, the trees shall be planted on six-foot centers. (See Figure 2A below.)

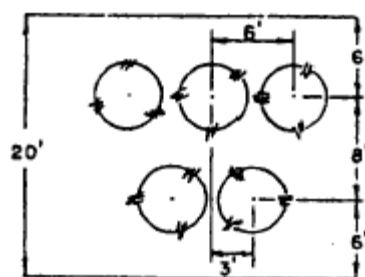


FIGURE 2A  
STANDARD SCREENING

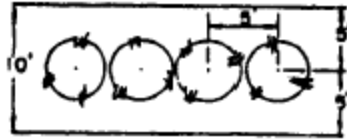
(3) In cases where it is determined to be necessary or desirable by the Board of jurisdiction to create an effective screen, the developer shall install a solid six-foot-high solid vinyl fence, or a substitute acceptable to the Board, along the outside of the required screening strips prior to commencing the construction of improvements on the site.

(4) Where existing specimen trees, as defined in Chapter 471, Trees, of the Code of the Township of Toms River, exist within a screening area, they should be retained and supplemented with shade-tolerant evergreen trees to provide the equivalent of the required screening as determined by the Board of jurisdiction.

(5) Where all proposed buildings, parking areas and other improvements are located 100 feet or more from a property line abutting a residential zone or a permitted residential use and there sufficient existing vegetation to contribute to the effective screening of the proposed development, the Board of jurisdiction may permit a

screening strip of 10 feet in width planted with a single row of evergreen trees in a location approved by the Board of jurisdiction planted on five-foot centers with a minimum height of six to eight feet of a type and species to be substituted for the screening area required in Figure 2A. (See Figure 2B below.)

**FIGURE 2B**  
**MODIFIED SCREENING**



Single row of approved evergreen trees.

(6) The required height for a screening area shall be measured in relationship to the elevation of the land at the nearest required rear, side or front yard setback line of the abutting residentially zoned properties. Where the average ground elevation of the location at which the screening strip is to be planted is less than the average ground elevation at the nearest required rear, side or front setback line on the abutting residentially zoned property, the Board of jurisdiction shall require that the screening strip be bermed and the height of trees planted in the required screening strip be increased so that the height of the berm and increased height of the trees is equal to the difference in elevation.

(7) All trees in a screening area shall be watered weekly through the first growing season. The developer shall construct a six-inch-deep earth saucer around each tree to hold water and fill with woodchips or other suitable mulch. Trees shall be nursery grown, balled and bagged, sheared and shaped, of the required height and planted according to accepted horticultural standards. Plant material planted in combination with a constructed berm shall be installed and the berm designed so that sufficient rainfall or irrigation water reaches the root zones of the plants.

(8) At the following locations within required screening areas, evergreen shrubs with a maximum mature height of 30 inches or less shall be provided in lieu of the evergreen trees specified above:

- (a) Within sight triangle easements.
- (b) Within 25 feet of intersections where sight triangle easements are not provided.
- (c) Within 25 feet of access drives.

(9) Waiver. The Board of jurisdiction, after favorable recommendation by the Board Engineer and, if requested, the Environmental Commission and after examination and review, may waive, fully or partially, provisions of this section in heavily wooded areas, in areas unsuitable for plantings or because of other exceptional conditions and/or may require supplementary plantings.

### C. Landscaping.

(1) Topsoil preservation. No topsoil shall be removed from the site or used as spoil, except as may be provided for in a topsoil removal permit issued in accordance with the ordinances of Toms River Township regulating mining operations or excess topsoil remaining after all improvements have been installed in accordance with an approved site plan or subdivision map after topsoil has been redistributed in accordance with this subsection. All topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide an even cover and shall be stabilized by seeding or planting. All regraded areas and all lawn areas shall be covered by a four-inch minimum thickness of topsoil. If sufficient topsoil is not available on the site, topsoil meeting the requirements of the Standard Specifications shall be provided to result in a four-inch minimum thickness.

(2) Tree removal. All tree removal shall be in accordance with the requirements of Article XII of Chapter 348 of the Code of the Township of Toms River.

(3) Protection of trees. No material or temporary soil deposits shall be placed within six feet of any trees or shrubs designated to be retained on the preliminary and/or final plat. Where grading may be required, trees not shown for removal shall be walled in and extension tiled to the outer crown of the tree.

(4) Removal of debris. All tree stumps and other tree parts or other debris shall be removed from the site and disposed of in accordance with law. No tree stumps, portions of a tree trunk or limbs shall be buried anywhere in the development. All dead or dying trees, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips they may, subject to the approval of the Township Engineer, be used as mulch in landscaped areas.

(5) Slope plantings. Landscaping of the area of all cuts or fills and terraces shall be sufficient to prevent erosion, shall be approved by the Board of jurisdiction and shall be in accordance with applicable portions of Chapter 438, Soil Disturbance, of the Code of the Township of Toms River. All roadway slopes steeper than one foot vertically to three feet horizontally shall be planted with suitable cover plants combined with grasses and/or sodding. Grasses or sodding alone shall not be acceptable.

(6) Selective thinning. Throughout the development, except in areas specifically designated to remain in their natural state, in landscaped or buffer areas, on building lots and in open space areas for public or quasi-public use, the developer shall selectively thin or remove all dead or dying vegetation, either standing or fallen, and shall remove, including grubbing out stumps, all undesirable trees and other growth in accordance with a Tree Management Plan approved by the Township Forester. The developer shall, in accordance with overall site development and his proposed landscaping scheme, provide cleared, graded and drained pathways approximately four feet wide through all public or quasi-public open space in heavily wooded areas. Such pathways should be sited to conform to the existing natural conditions and should remain unobstructed. They are not intended to provide improved walkways but only to provide easy access through open space areas.

(7) Additional trees in single-family and two-family subdivisions. Besides the screening and shade tree requirements, additional trees shall be planted throughout the subdivision in accordance with a planting plan approved by the Planning Board at the time of final approval. The number of trees planted shall be not less than 10 per acre, calculated on the basis of the entire subdivision tract. The variety of plantings may vary from those listed under shade tree requirements and may include flowering types and/or evergreens, not exceeding 30% of the total plantings.

(8) Additional landscaping for nonresidential uses. In conjunction with all uses other than single- and two-family homes, all areas of the site not occupied by buildings, pavement, sidewalks, required screening, required parking area landscaping, required safety islands or other required improvements shall be landscaped by the planting of grass or other ground cover acceptable to the Planning Board and a minimum of two shrubs and one tree for each 250 square feet of open space.

(9) Trees shall be planted with a minimum diameter of two inches breast high.

(10) Waiver. The Planning Board, after favorable recommendation by the Planning Board Engineer, Conservation Officer and Environmental Commission and after examination and review, may waive, fully or partially, provisions of this section in heavily wooded areas, in areas unsuitable for plantings or because of other exceptional conditions and/or may require supplementary plantings.

(11) Specification. All planting, clearing, selective thinning, topsoiling, seeding and other landscaping work shall conform to the applicable requirements of the Standard Specifications.

(12) Landscaping plan. The placement of landscaping shall be in accordance with a landscaping plan submitted with the final plat.

(13) Relocated plantings. Existing plants may be salvaged and/or relocated from clearing areas within the development and utilized to meet the planting requirements of Subsection C(7) and (8), provided that:

(a) Each three items of salvaged and/or relocated plant material shall be considered equivalent to two items of new plant material.

(b) All such salvaged and/or relocated plant material shall be of a type, size and quality acceptable to the Conservation Officer and the Township Engineer.

(c) All such salvaged and/or relocated plant material shall be dug, transported and replanted at a season of the year and using a schedule and equipment, methods and materials conforming to the requirements of the Standard



Specifications and subject to the approval of the Conservation Officer and the Township Engineer.

(d) The developer has received the approval of the Conservation Officer and the Township Engineer of the items to be relocated and the schedule and methods of relocation prior to any work of salvaging and/or relocation taking place.

(14) All landscape areas other than single-family lots shall provide an irrigation system acceptable to the Planning Board.

(15) A landscape plan shall be submitted to vegetate clear areas of open space for each application. For the purpose of this section, a "clear area" shall be any area that has an average of less than one tree for each 250 square feet of open space. [The definition of tree is any living deciduous trees having a trunk of a diameter greater than three inches DBH (diameter breast high), any living coniferous tree having a trunk of a diameter greater than four inches DBH or any living dogwood (cornus florida) or American holly (ilex opaca) tree having a diameter of one inch or greater DBH as described in Chapter 471, Trees, § 471-3, Definitions.] This plan shall provide a minimum of one tree for every 250 square feet of open space. Thirty percent of the total can be coniferous (evergreen) and/or ornamental trees. The minimum size for deciduous trees shall be two-inch caliper with the minimum height for evergreens to be six feet. These trees must meet the standard set by the American Nursery Standards.

D. Shade trees.

All street trees, or those planted along the street in conjunction with a subdivision or site plan, are recommended to be from the following list planted in the manner indicated:

(1) For purposes of this Section, any reference to "small trees" shall include the following trees, which shall be planted 30 feet on center and which shall be planted in accordance with the following: (The reference to "B&B" shall mean balled and burlapped.)

<b>Botanical Name</b>	<b>Common Name</b>	<b>Mature Height (feet)</b>	<b>Planting Height and Method (feet)</b>
Carpinus betulus fastigiata	Pyramidal European hornbeam	35	8 to 10, B&B
Cornus florida	White flowering dogwood	25	8 to 10, B&B
Cornus florida rubra	Red flowering dogwood	20	8 to 10, B&B
Malus baccata	Siberian crab	25	8 to 9, 2" to 2.5" caliper, B&B
Malus scheideckeri Superba	Scheidecker crab	15	8 to 10, B&B
Prunus serrulata Kwanzan	Kwanzan cherry	40	8 to 10, B&B
Pyrus calleryana "Redspire" Plant Patent No. 3815	Redspire Pear	35	8 to 10, B&B
Sophora Japonica "Regent"	Regent scholar tree	35	8 to 10, B&B
Ulmus parvifolia	Laceback elm	40	8 to 10, B&B

Species not listed may be approved at the discretion of the Planning Board.

(2) For purposes of this Section, any reference to "average sized trees" shall include the following trees, which shall be planted at a maximum of 40 feet on center and which shall be planted in accordance with the following: (The reference to "B&B" shall mean balled and burlapped.

<b>Botanical Name</b>	<b>Common Name</b>	<b>Mature Height (feet)</b>	<b>Planting Height and Method (feet)</b>
Ginkgo biloba "Princeton Sentry" (Plant Patent Number 2726)	Maidenhair tree	75	10 to 12, 2.5" to
Gleditsia triacanthos inermis "Shademaster"	Shademaster honey locust (or Halka)	60	12 to 14, 2.5" to
Gymnocladus dioicus	Kentucky coffee tree	46	12 to 14, 2.5" to
Tilia cordata "Greenspire" (Plant Patent Number 2086)	Greenspire linden	60	12 to 14, 2.5" to 3" caliper, B&B
Zelkova serrata "Village Green" (Plant Patent Number 2337)		60	12 to 14, 2.5" to 3" caliper, B&B

Species not listed may be approved at the discretion of the Planning Board.

<b>Name</b>	<b>Name</b>	<b>Approx. Mature Height (feet)</b>	<b>Planting Height and (feet)</b>
Acer rubrum "October glory"	October glory Red maple	60	12 to 14, 2.5" to 3" caliper, B&B
Cercidiphyllum Japonicum	Katsura tree	45	9 to 10, 2" to 2.5" caliper, B&B
Acer saccharm "Green Mountain" (Plant Patent Number 21191)	Green mountain Sugar maple	75	12 to 14, 2.5" to 3" caliper, B&B
Platanus acerifolia	London plane tree	80	12 to 14, 2.5" to 3" caliper, B&B
Quercus borealis	Northern red oak	75	12 to 14, 2.5" to 3" caliper, B&B
Quercus palustris "Sovereign"	Sovereign pin oak	80	12 to 14, 2.5" to 3" caliper, B&B

(Plant Patent  
Number 2662)

Quercus phellos Willow oak

75

12 to 14, 2.5" to  
3" caliper, B&B

- (3) For purposes of this Section, any reference to "large trees" shall include the following trees, which shall be planted at a maximum of 50 feet on center and which shall be planted in accordance with the following: (The reference to "B&B" shall mean balled and Species not listed may be approved at the discretion of the Planning

Species not listed may be approved at the discretion of the Planning Board.

- (4) Planting requirements.

All trees must be planted at the following minimum sizes and in the following manner unless otherwise specified:

- (a) Minimum planting heights:

- (1) Shade trees: 2 1/2 inches to 3 inches caliper; B&B.
- (2) Flowering trees: eight feet to 10 feet in height; B&B.
- (3) Evergreen trees: seven feet to eight feet in height; B&B.
- (4) Shrubs: 24 inches to 30 inches in height or spread.

- (b) Tagged with a durable label indicating the genus, species, variety and cultural requirements, including watering and fertilization.

- (c) Planted in a tree pit that is 12 inches wider than the root ball on all sides, and backfilled with a planting soil mix that is 1/3 leaf compost, 1/3 original soil, and 1/3 topsoil by volume.

- (d) With a saucer or ring of packed soil around the finished planting hole to catch and hold water.

- (e) Mulch (four inches thick) applied around each individual or group of trees.

- (5) All shade trees to be hereafter planted in accordance with this chapter shall be nursery grown or of substantially uniform size and shape and shall have straight trunks. The use of ornamental trees as street trees is permitted only under overhead wires and with species with a mature height of 30 feet or less and with lowest branches at 6 feet or higher. In the event that other circumstances arise where the use of an ornamental tree is applicable, a formal request should be made to the Board of jurisdiction for review.

- (6) All trees planted pursuant to this chapter shall be planted in a dormant state.

- (7) Subsequent replacement plants shall conform to the type of existing tree in a given area, provided that, if any deviation is anticipated, it must be done only with the permission of the Toms River Township Department of Parks, Buildings and Grounds. In a newly planted area, only one type of tree may be used on a given street, unless otherwise specified by the Toms River Township Department of Parks, Buildings and Grounds. Trees shall be planted with a minimum diameter of 1 3/4 inches to two inches measured at six inches from the ground level.

- (8) A hole in which a tree is to be planted shall, in each case, be 1/3 larger in width and in depth than the existing root ball of the particular tree to be planted. The hole for a tree to be planted shall contain proper amounts of topsoil and peat moss, but no chemical fertilizer shall be added until the tree has been planted for one year.

- (9) Any curbed island planter must be a minimum width of 7 1/2 feet. The minimum depth of topsoil in such planters must be one foot for shrubs and two feet for trees.

- (10) All soils must be of a proper physical and chemical property to support the proposed plant materials.

- (11) All planting beds must specify a minimum of four inches of mulch shall be used in all nongrassed landscape bed areas.

- (12) All landscaping should be planted as to not interfere with utility lines, sight triangles, underground utilities or public walkways.
- (13) All planted landscaped areas must be irrigated with an underground irrigation system.
- (14) Where practicable, all turf areas located in the front yard area shall be irrigated with an underground irrigation system.
- (15) A minimum of 30% of all planted shrub material must be either flowering material or ornamental grasses capable of withstanding typical streetscape areas.
- (16) All vegetative species used in landscaped areas must be tolerant to local conditions to reduce maintenance through the use of fertilizers, pesticides and frequency in irrigation during drought conditions. A list of recommended landscape materials is offered below.
  - (a) Ornamental grasses:
    - (1) *Penisetum alopecuroides* *Miscanthus sinensis*.
    - (2) *Miscanthus sinensis* "Variegatus."
    - (3) "Yaku Jima."
  - (b) Flowering shrubs:
    - (1) *Spirea bumalda* "Anthony Hydrangea Nikko Blue."
    - (2) *Waterer* "Potentilla Fruiticosa."
    - (3) *Spirea bumalda* "Gold Flame."
    - (4) *Viburnum*.
    - (5) *Hypericum*, *patulum*.
  - (c) Perennials:
    - (1) *Coreopsis* moonbeam *Sedum* autumn joy.
    - (2) *Verticillata* "Veronica sunny border blue."
    - (3) *Rudbeckia goldstrum* *Hemerocallis* "Stella D'Oro."
- (17) In areas adjacent to salt water, such as bays, brackish rivers or lagoons but not located in a riparian zone and/or riparian easement, plantings shall be of the following kinds of trees:
  - (a) *Zelkova* (*Zelkova serrata*).
  - (b) Japanese scholar tree (*Sophora japonica*).
- (18) In the upland, which is away from rivers, bays and lagoons, and not adjacent to large bodies of water, plantings shall be one of the following kinds of trees:
  - (a) Sugar maple (*Acer saccharum*).
  - (b) *Sassafras* (*Sassafras albidum*): must be single-trunked, nursery grown and planted only in the spring.
  - (d) Callery pear (*Pyrus calleryana*): any cultivar except Bradford.
  - (e) *Zelkova* (*Zelkova serrata*).
  - (f) Hophornbeam (*Ostrya virginiana*).
  - (g) Silver linden (*Tilia tomentosa*).
  - (h) Littleleaf linden (*Tilia cordata*).
  - (i) London planetree (*Platanus acerifolia*).
  - (j) Hardy rubber tree (*Eucommia ulmoides*).
  - (k) Japanese scholar tree (*Sophora japonica*).
  - (l) Ginko (*Ginkgo biloba*).
- (19) In areas adjacent to freshwater rivers and lakes but not located in a riparian zone and/or riparian easement, plantings shall be one of the following kinds of trees, except in riparian zones:

- (a) Blackgum (*Nyssa sylvatica*).
  - (b) Sweetgum (*Liquidambar styraciflua*).
  - (c) London planetree (*Platanus acerifolia*).
  - (d) Hardy rubber tree (*Eucommia ulmoides*).
  - (e) Japanese scholar tree (*Sophora japonica*).
  - (f) Sugar maple (*Acer saccharum*).
- (20) On outer beaches, both oceanfront and bay front but not located in a riparian zone and/or riparian easement:
- (a) Oak species: Red (*Quercus rubra*), Willow (*Quercus phellos*), Chestnut (*Quercus prinus*), Pin (*Quercus palustris*) and Scarlet (*Quercus coccinea*) are subject to special approval by the Planning Board.
- (21) All shade trees shall be planted in accordance with the landscaping requirements of the Standard Specifications.

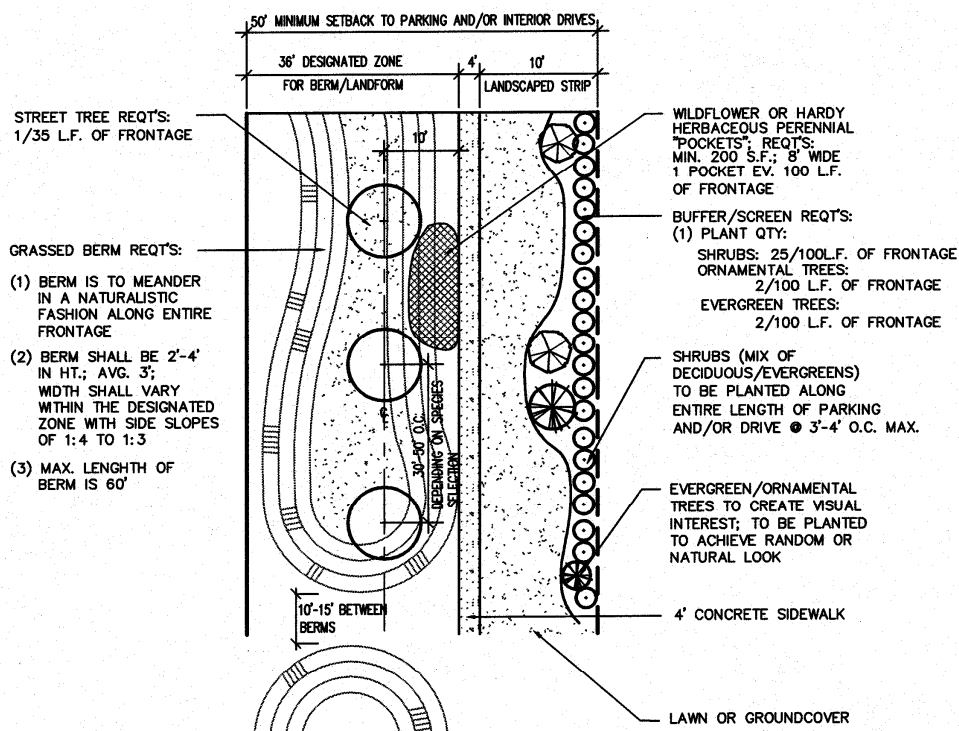
#### E. Corridor Landscape Design Standards.

These standards apply to all properties fronting on NJ Route 9, NJ Route 37 and NJ Route 70 and located in the Highway Business (HB), Rural Highway Business (RHB) Industrial (I) and Light Industrial (LI) zoning districts. They shall apply specifically to the area within 50 feet of the highway right-of-way line. All subdivision and site plan applications involving such properties shall provide a landscape plan that demonstrates compliance with these standards. If unique site-specific circumstances such as wetlands, existing vegetation, or unusual lot configuration preclude the installation of any of the prescribed landscaping elements, the applicant shall provide an alternative plan that incorporates as many elements as is feasible.

1. General Corridor Plan – Diagrams 1 and 2 depict the overall design concept to be achieved along the corridors.
2. Planting Details (General) – Plant selection should conform to the following general design principles:
  - (a) All landscape plants shall be typical full specimens conforming to the American Association of Nurserymen Standards (ANA) for quality and installation.
  - (b) Local soil conditions and water availability shall be considered in the plant selection. All plants shall be tolerant of specific site conditions. The use of indigenous species may be appropriate.
  - (c) Landscaping shall not inhibit access by emergency vehicles or inhibit visibility within required vehicular sight triangles.
  - (d) Irrigation systems are to be provided for all new plantings.
  - (e) An appropriate variety of tree species shall be provided to avoid die-out due to species-specific diseases.
3. Street Tree Details – Street trees shall be provided in accordance with the following:
  - (a) Placement of street trees shall conform to diagrams 1 and 2.
  - (b) The number of street trees shall average one for every 35 linear feet of property frontage.
  - (c) Spacing between trees shall be determined based upon species selection. In general, trees should be between 30 and 50 feet on center.
  - (d) Trees should be a minimum of three and one-half inches caliper, based on ANA standards.
  - (e) Trees are to be disease resistant and tolerant of road salts and air pollution.
  - (f) On properties with more than one tree species, species shall not be alternated one-by-one; instead a single species shall be grouped together to create a canopy effect.

- (g) Branching height shall bear a relationship to the size and species of tree but shall have a minimum clearance height of seven feet above grade before branching begins.
- (h) Acceptable street tree species shall be chosen from the list of street trees and planted in accordance with subsection D above.
- (i) Unacceptable trees include:
  - *Acer platanoides* - Norway Maple: roots grow near surface and can uproot sidewalks.
  - *Acer saccharinum* - Silver Maple: tree has weak branches and is susceptible to various insects and diseases.
  - *Plantus occidentalis* – American Sycamore: Excess litter.
  - *Liquidambar* – Sweetgum: Excess Litter.
  - *Pyrus Calleryana* “Bradford” – Bradford Callery Pear

**Diagram 1**



**CORRIDOR PLAN**

4. Buffer Details – A landscaped buffer shall be provided in the last 10 feet of the setback area in accordance with the following:
- (a) A shrub mass of deciduous and/or evergreen species shall be planted within the required buffer area to provide for a visual and physical screen of a minimum of three feet in height along the entire frontage to mask the view of parking lots and minimize headlight glare. Shrubs within the buffer shall primarily include evergreen species, although deciduous plants may be used provided that their use does not result in significant visual openings during the winter season. This landscape mass shall be interspersed with the required ornamental and shade trees to provide for a natural, random and visually interesting plant scheme.
  - (b) Location, placement and spacing of plant material shall conform to diagrams 1 and 2.
  - (c) Selection of plants species shall provide for a variety and mixture of plant types. Varieties shall consider susceptibility to disease, shapes, seasonal display, textures, flowers, and foliage.
  - (d) The plant quantities constituting the buffer shall include:
    - (i) Shrubs averaging 25 per 100 linear feet of frontage.
    - (ii) Ornamental trees averaging two per 100 linear feet of frontage.
    - (iii) Shade trees averaging two per 100 linear feet of frontage.

- (iv) Lawn or groundcover to complete the required 10-foot wide landscape buffer outside of the required shrub/tree planted area.
  - (e) The planting mass of the mix of shrubs/trees shall be mulched to a depth of three inches in a continuous bed.
  - (f) Required plantings in the buffer area shall meet the minimum size requirements as follows:
    - (i) Shrubs: planted size is to be a minimum of 36 inches in height.
    - (ii) Ornamental trees: planted size is to be a minimum of two and one half inches caliper measured at one foot above the top of the root ball.
    - (ii) Evergreen trees: planted size is to be a minimum of five feet to six feet in height.
    - (iii) Shade trees: planted size to be a minimum of three and one half inches caliper measured at one foot above the root ball.
5. Flower Pocket Details – Flower pockets shall be provided in accordance with the following:
- (a) Location and placement of flower pockets shall conform to diagrams 1, and 2.
  - (b) A minimum of 200 square feet of wildflowers and/or perennials constitutes one pocket. One pocket shall be provided per 100 linear feet of frontage with additional pockets provided at driveway crossings.
  - (c) Wildflowers, if used, are to be hardy and native regional mixtures. Mixture selection shall provide for a blend of species in approximate equal amounts. Mixtures shall include a variety of colors. The selection of mixtures should consider the existing soil conditions. The specific blend is subject to the approval of the Board in consultation with its professionals. Wildflower pockets shall be mowed once a year. Mowing shall occur in the late fall while the wildflowers are dormant.
  - (d) Perennials shall be hardy and include either a mix of colors or single stands of one color. Perennials shall be approved by the Board in consultation with its professionals.
7. Grass Berm Details – Grass berms shall be provided in accordance with the following:
- (a) Berms shall be limited to the areas indicated in diagrams 1 and 2.
  - (b) Berms are to be both vertically and horizontally meandering to achieve a naturalistic landscape by de-emphasizing the linearity of the highway corridor. Requirements for berm design are noted in diagrams 1 and 2. Berms are not to be continuous for the entire length of the frontage but shall allow for breaks as indicated in diagram 1. Berms are not to be terminated abruptly at the ends of the lot lines but are to transition to existing grade in a naturalistic fashion.
  - (c) Berm design shall not adversely affect natural drainage or impair access to rain or irrigation water by plant materials.
  - (d) Berms at driveway openings should conform to diagram 2.
8. Sidewalk Details – A continuous sidewalk or multi-purpose path shall be provided in accordance with the following:
- (a) The location and placement of a sidewalk shall conform to diagrams 1 and 2 as applicable.
  - (b) Standard Township construction details for the sidewalk shall be utilized and shall be approved by the Township Engineer.

9. Driveway Crossing Details – The following elements and standards apply to all driveway crossings. Driveway crossing treatment is necessary to warn both pedestrians and motorists of each other's presence. Certain elements contained herein will provide visual cues to motorists that pedestrian crossing zones are nearby. The arrangement of the design elements is depicted in diagram 2. Additional elements and standards specific to the driveway crossings are set forth below.

(a) Painted crosswalks shall be provided in accordance with the following:

- (i) Location and placement of painted crosswalks shall conform to diagram 2.
- (ii) Standard Township construction details for such striping shall be utilized and shall be approved by the Township Engineer. In the event that the Township has not adopted such standards, then generally accepted engineering standards, as set forth in engineering and construction manuals shall be used as approved by the Township Engineer.
- (iii) Painted crosswalks shall be skid-resistant.

(b) Handicapped ramps shall be provided in accordance with the following:

- (i) Location and placement of handicapped ramps shall conform to diagram 2 as applicable.
- (ii) All sidewalks and multi-purpose paths shall taper down to meet grade at the intersection with a driveway. Ramps shall be provided in these areas to allow for full accessibility as per Americans with Disabilities Act (ADA) guidelines. Standard Township construction details for such ramps shall be utilized and approved by the Township Engineer. In the event that the Township has not adopted such standards, then generally accepted engineering standards, as set forth in engineering and construction manuals shall be used as approved by the Township Engineer.

(c) A raised median shall be provided if the driveway opening into the developed property exceeds two lanes and shall conform to the following:

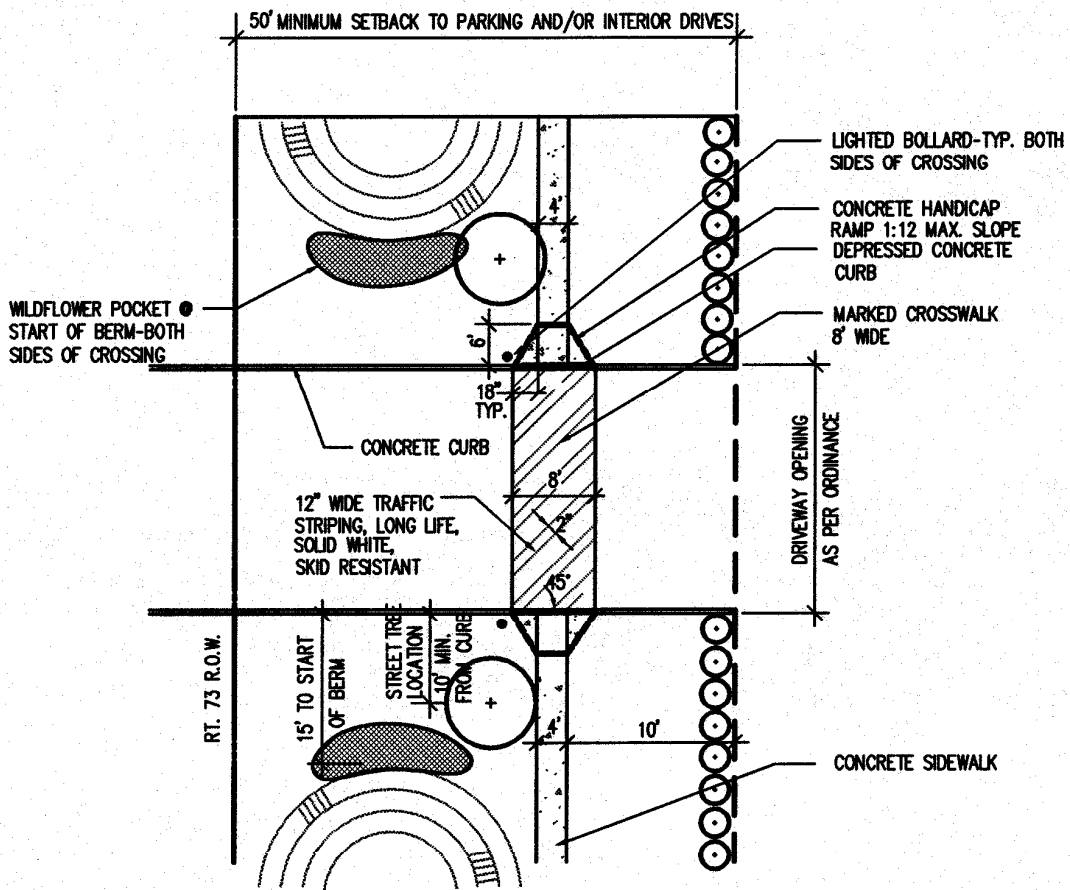
- (i) Median shall be placed at the centerline of all new driveways extending from the intersection with the corridor right-of-way to the 50 foot minimum setback line required for parking and/or interior drives into new developments.
- (ii) Median shall be a four-foot wide brick paver island edged by a six-inch vertical granite block curb.
- (iii) Brick shall be a four-inch x eight-inch rectangular shape and placed in a herringbone pattern. Brick color shall be a red/charcoal blend.
- (iv) The median shall allow for an opening at the crosswalk locations. Location and placement of crosswalks shall conform to diagram 2.

(d) Bollards shall be provided wherever a sidewalk engages a driveway in accordance with diagram 2. Bollards shall conform to the following:

- (i) Lighted bollards shall be located and placed to warn both pedestrians and motorists of each other's presence at the crosswalks. Lighted bollards will provide visual cues to motorists.
- (ii) Lighted bollards shall be a minimum 36 inches in height with a 100-watt metal halide or high-pressure sodium lamp. Bollards should provide a minimum maintained illumination level of 0.5 footcandles in the crosswalk area.



**Diagram 2**



**DRIVEWAY CROSSINGS:**

2. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 348 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.
  
3. If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.
  
4. This Ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.

A motion was made by Council Member Huryk, seconded by Council Member Kopp, and carried, with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Vice-President Geoghegan voting yes, and with Council Member Maruca 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 Friday, July 17, 2020.

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

Council Member Huryk asked Township Chief Financial Davidson to explain the following Ordinance.

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

**ORDINANCE OF THE TOWNSHIP COUNCIL, OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, RESTRUCTURING CERTAIN ADMINISTRATIVE  
POSITIONS IN THE DEPARTMENT OF FINANCE**

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

1. Subsections B through E of Section 3 (Other positions) of Chapter 44 (Department of Finance) are hereby repealed in their entirety and replaced with the following:

**B.** Accountant. There is hereby created the position of Accountant of the Department of Finance, to which are assigned the following duties:

(1) Prepare written answers to routine correspondence and memorandums.

(2) Automated payroll coordination

(3) Cash reconciliations and proof verification.

(4) Assist in the preparation of the bill list for review by the Chief Financial Officer.

(5) Assist the Director of Finance in preparing reports and cost analysis of Township operations.

(6) Prepare budget variance reports for the purpose of monitoring departmental expenditures in comparison to departmental budget resources.

(7) Monitor and verify all inventories, with fixed-asset inventories conducted in accordance with the Technical Accounting Directives issued by the Local Finance Board.

(8) Assist the Director of the Department of Finance in preparing statistical information for the investment of Township funds on a daily basis.

(9) Maintain an inventory of all property owned by the Township and have custody of all municipal personal property.

(10) Any other duties as may be assigned by the Director of the Department of Finance.

(11) Bill various outside agencies in conformity with shared service agreements and lease agreements.

(12) Maintain an accurate billing register.

(13) Any other duties as may be assigned by the Chief Financial Officer, including assisting the Chief Financial Officer in carrying out the duties of the Finance Department.

**C. Supervisor of Payroll.** There is hereby created the position of Supervisor of Payroll, who shall, under the direction and supervision of the Chief Financial Officer, perform the following duties:

- (1) Prepare and maintain all Township Employee payroll records.
- (2) Supervise the preparation and distribution of employee payroll checks or direct deposit and develop and maintain payroll procedures.
- (3) Maintain salary increment control.
- (4) Assist in the preparation of the annual Township Budget.
- (5) Prepare all necessary reports to the Mayor and Council and all other applicable federal and state agencies relating to Township payroll accounts and pension system.
- (6) Assist in the preparation of equal employment opportunity reports.
- (7) Answer routine inquiries relating to payroll and pension.
- (8) Serve as the certifying pension officer.
- (9) Complete all necessary quarterly and annual statutorily required federal and state payroll reporting.
- (10) Serve as the subject matter expert with Township time keeping systems and financial software package.
- (11) Any other duties as may be assigned by the Chief Financial Officer, including assisting the Chief Financial Officer in carrying out the duties of the Finance Department.

**D. Payroll Coordinator.** There is hereby created the position of Payroll Coordinator, who shall, under the direction and supervision of the Chief Financial Officer, perform the following duties:

- (1) Prepare and distribute employee payroll checks or direct deposit and maintain payroll procedures.
- (2) Assist the Supervisor of Payroll with the completion of all required federal and state payroll reporting.
- (3) Maintain employee time sheets and payroll registers.
- (4) Answer routine inquiries relating to payroll and pension.
- (5) Calculate terminal leave worksheets.
- (6) Prepare quarterly pension reports for submission to Certifying and Supervisory Certifying Officials.
- (7) Any other duties as may be assigned by the Chief Financial Officer, including assisting the Chief Financial Officer in carrying out the duties of the Finance Department.

**E. Clerical support staff.**

**2.** All other provisions of Chapter 44 (Department of Finance) shall 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 such inconsistency.

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

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

A motion was made by Council Member Huryk, seconded by Council Member Turnbach and carried, with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Vice-President Geoghegan voting yes, and with Council Member Maruca 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 Friday, July 17, 2020.

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

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

**COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY,  
AMENDING AND SUPPLEMENTING THE FOLLOWING POSITIONS AND SALARY  
RANGES OF SECTION 147-1 (SALARY RANGES) OF CHAPTER 147 (SALARIES AND  
COMPENSATION)  
OF THE TOWNSHIP CODE :**

**SCHEDULE "C" – SUPERVISORY EMPLOYEES  
SCHEDULE "G" – TRPA WHITE COLLAR EMPLOYEES  
SCHEDULE "H" – CONFIDENTIAL EMPLOYEES**

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

1. Schedule "C" (Supervisory employees) of Subsection 147-1 (Salary Ranges) of Chapter 147 (Salaries and Compensation) of the Township Code is amended, as follows:

Foreman - \$66,695.44 to \$106,000.00

2. Schedule "G" (TRPA White Collar Employees) of Subsection 147-1 (Salary Ranges) of Chapter 147 (Salaries and Compensation) of the Township Code is amended to delete Grade 3 - "Switchboard Operator", and establish the title of Grade 3 –"Information Clerk".

3. Schedule "H" (Confidential Employees) of Subsection 147-1 (Salary Ranges) of Chapter 147 (Salaries and Compensation) of the Code of the Township of Toms River, Ocean County, New Jersey, is amended and supplemented, as follows:

- (1) To eliminate the position and salary range of Assistant Deputy Chief Financial Officer in the Department of Finance.
- (2) To establish the position and salary range of Accountant in the Department of Finance - \$55,000.00 to \$75,000.00.
- (3) To establish the position and salary range of Supervisor of Payroll in

the Department of Finance - \$60,000.00 - \$95,000.00.

4. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 147 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

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

6. 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.

7. This Ordinance is not legislative in nature, and it does not need to be codified in the Code of the Township of Toms River, Ocean County, New Jersey.

A motion was made by Council Member Huryk, seconded by Council Member Turnbach and carried, with Council Members Huryk, Kopp, Lotano, Turnbach, and Vice-President Geoghegan voting yes, and Council Member Rodrick voting no, and with Council Member Maruca 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 Friday, July 17, 2020.

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

#### CONSENT AGENDA

Council Vice-President Geoghegan 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 Lotano and carried with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council Vice-President Geoghegan voting yes, and with Council Member Maruca absent, to approve all the following items listed on the Consent Agenda, except item **S**, and **J**, which were as done separately.

*RESOLUTION*

*JULY, 2020*

*WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO A ERRONEOUS 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>
<b>CORELOGIC</b>	<b>392.05</b>	<b>6</b>	<b>2020/2</b>	<b>\$2,603.81</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*

*JULY, 2020*

*WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO PROPERTIES HAD DIRECT WITHDRAWLS ON THEM AND PROPERTIES WERE SOLD AND THE HOME OWNERS' SOLD THE PROPERTIES AND FAILED TO NOTIFY THE TAX COLLECTOR TO DELETE THE DIRECT WITHDRAWLS;*

*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>INGATA, FRANK JR.</i>	<i>1015</i>	<i>8</i>	<i>2019/4</i>	<i>\$2,181.03</i>
<i>TSANG, NICHOLAS C/O MIKE SANTIAGO</i>	<i>53.08</i>	<i>1.02</i>	<i>C008 20/2</i>	<i>1,524.06</i>
<i>TSANG, KOCK, YEN</i>	<i>535.08</i>	<i>1.02</i>	<i>C009/20/2</i>	<i>3,307.59</i>
<i>TOTALS;</i>				<i>\$7,012.68</i>

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

Approved as to content:

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO ENTER INTO A STATE-LOCAL SUBAWARD AGREEMENT, FLOOD MITIGATION ASSISTANCE PROGRAM (CFDA#97.029) FMA-PL-02-NJ-2018-014, WITH THE STATE OF NEW JERSEY, OFFICE OF EMERGENCY MANAGEMENT, AND AUTHORIZING THE MAYOR TO EXECUTE, AND THE TOWNSHIP CLERK TO ATTEST TO THE AGREEMENT, AND THE STOCKTON COASTAL RESEARCH CENTER TO PREPARE A WATERSHED MANAGEMENT PLAN**

**JULY 14, 2020**

**WHEREAS**, the Township has been awarded a grant from FEMA to prepare a Watershed Management Plan; and

**WHEREAS**, a Watershed Management Plan is a prerequisite for a Class 4 designation in the Community Rating System; and

**WHEREAS**, the Stockton Coastal Research Center (SCRC) has experience in developing such plans; and

**WHEREAS**, N.J.S.A. 40A:65-5 requires the adoption of a resolution by the Township Council to authorize the execution of a State-Local Subaward Agreement Flood Mitigation Assistance Program (CFDA#97.029) FMA-PL-02-NJ-2018-014;

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

1. It hereby authorizes the Township to enter into a State-Local Subaward Agreement Flood Mitigation Assistance Program (CFDA#97.029) FMA-PL-02-NJ-2018-014 with the Stockton Coastal Research Center to develop a Watershed Management Plan.

2. The Mayor is hereby authorized to execute and the Township Clerk to attest to a State-Local Subaward Agreement Flood Mitigation Assistance Program (CFDA#97.029) FMA-PL-02-NJ-2018-014 between the Township of Toms River and The Stockton Coastal Research Center. A copy of this agreement is attached hereto as Schedule "A" and will be kept on file in the Office of the Township Clerk upon execution.

3. Funds in the amount of \$16,659.98 are available in Account No. X-99- -907-768. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

4. Agreement Term: Retroactive to October 1, 2018 through April 1, 2022.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Acting Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Engineering Department
- g) Emergency Management
- h) Stockton Coastal Research Center  
30 Wilson Avenue  
Port Republic, NJ 08241  
Attention: Dr. Stewart Farrell, Executive Director  
Coastal Research Center

### CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the agreement with Stockton Coastal Research Center in the amount of \$16,659.98 are available in Account No. X-99- -907-768.

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: July 14, 2020

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF AN OPEN-ENDED CONTRACT FOR THE SUPPLY OF PETERBILT REPAIR PARTS TO HUNTER JERSEY PETERBILT, WHO HAS THE HIGHEST PERCENTAGE DISCOUNT (25%) OFF THE CURRENT PETERBILT REPAIR PARTS PRICE LIST, FOR THE DEPARTMENT OF PUBLIC WORKS, AND MEETS ALL OF THE BID SPECIFICATIONS**

**JULY 14, 2020**

WHEREAS, bids were received on June 17, 2020, for the Supply of Peterbilt Repair Parts for the Department of Public Works; and

WHEREAS, bids were received, as follows:

<u>Vendor:</u>	<u>Discount off current Peterbilt Repair Parts Price List:</u>
Gabrielli Kenworth of NJ 2306 Route 130 North Dayton, NJ 08810	<u>12%</u>
Cambria Truck Centers 116 Talmadge Rd. Edison, NJ 08817	<u>15%</u>
Hunter Jersey Peterbilt 524 Monmouth Rd. Clarksburg, NJ 08510	<u>25%</u>



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 Hunter Jersey Peterbilt, who has the highest percentage discount at 25% off the current Peterbilt repair parts price list, and meets all of the bid specifications;

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

1. It hereby awards an open-ended contract for the Supply of Peterbilt Repair Parts for the Department of Public Works to Hunter Jersey Peterbilt, who has the highest percentage discount at 25% off the current Peterbilt repair parts price list, and meets all of the bid specifications. The vendor confirmed in writing that he is providing Peterbilt manufacturer parts.

2. The contract term shall be effective June 24, 2020 through June 23, 2022. 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. 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.

3. 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 the terms and conditions of the bid specifications.

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) Department of Public Works
- e) Aforementioned bidders

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended contract awarded to Hunter Jersey Peterbilt, are contingent upon the availability of funds in the appropriate municipal budget.

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: July 14, 2020

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF OPEN-ENDED  
CONTRACTS TO W. B MASON CO., INC., CONCEPT PRINTING, INC. D/B/A CONCEPT  
PRINT, AND PAPER MART, INC., WHO MEET ALL THE BID SPECIFICATIONS, FOR  
THE SUPPLY OF COPY PAPER, PARCHMENT PAPER, PROCLAMATION AND  
CERTIFICATE HOLDERS**

**JULY 14, 2020**

WHEREAS, bids were invited on June 24, 2020 for the Supply of Copy Paper, Parchment Paper, Proclamation and Certificate Holders; and

WHEREAS, bids were received, as follows:

W.B. Mason Co., Inc.  
300 Prospect Plains Rd.  
Cranbury, NJ 08512

Concept Printing, Inc.  
d/b/a Concept Print  
40 Lydecker Street  
Nyack, NY 10960

Paper Mart, Inc.  
151 Ridgedale Avenue  
East Hanover, N.J. 07936

WHEREAS, the bids have been reviewed by the Purchasing Division, and they have recommended that award of open-ended contracts be made to the following vendors:

W. B. Mason Co., Inc. –Item Nos. A-1, A-2, A-4, A-5, and A-6.  
Concept Printing, Inc. d/b/a Concept Print – Item Nos. D-1, D-2, and D-3.  
Paper Mart, Inc. – Item Nos. A-3, A-7, B-1, B-2 and C.

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 Copy Paper, Parchment Paper, Proclamation and Certificate Holders, to the following vendors, who meet all the bid specifications:

W. B. Mason Co., Inc. –Item Nos. A-1, A-2, A-4, A-5, and A-6.  
Concept Printing, Inc. d/b/a Concept Print – Item Nos. D-1, D-2, and D-3.  
Paper Mart, Inc. – Item Nos. A-3, A-7, B-1, B-2 and C.

2. The contract term shall be for one (1) year, commencing July 11, 2020 through July 10, 2021. The award of these contracts is subject to all terms and conditions of the bid specifications. These contracts shall be open-ended with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) All Departments

## CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the open-ended contracts awarded to W. B. Mason Co., Inc., Concept Printing, Inc. d/b/a Concept Print, and Paper Mart, Inc., are contingent upon the availability of funds at the time of purchase, in the appropriate municipal budget.

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.

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ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

Dated: July 14, 2020

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO DISPOSE OF FOUR (4) VEHICLES FROM THE POLICE DEPARTMENT BY DONATING THEM TO THE FIRE ACADEMY, PURSUANT TO N.J.S.A. 40A:11-36(2), WHICH ALLOWS FOR TRANSFER OF PERSONAL PROPERTY TO ANOTHER CONTRACTING UNIT WITHOUT ADVERTISING FOR PUBLIC BID OR AUCTION**

**JULY 14, 2020**

WHEREAS, the Division of Purchasing is requesting authorization to dispose of Four (4) Vehicles from the Police Department by donating them to the Fire Academy, pursuant to N.J.S.A. 40A:11-36(2), which allows for the transfer of personal property to another contracting unit without advertising for public bid or auction;

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 Four (4) Vehicles from the Police Department by donating them to the Fire Academy, pursuant to N.J.S.A. 40A:11-36(2), which allows for the transfer of personal property to another contracting unit without advertising for public bid or auction, as follows:

2017	Dodge	Charger	2C3CDXAT0HH608101
2014	Dodge	Charger	2C3CDXAT6EH207874
2013	Dodge	Charger	2C3CDXAT1DH672853
2010	Ford	Crown Vic	1FABP7BV0AX100209

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) Fire Academy
- f) Laurie Knemoller, Clerk's Office

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF REPLACEMENT BRINE AND SPREADER EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS, FROM TRIUS, INC., UTILIZING ESCNJ COOPERATIVE CONTRACT, #17/18-30, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$91,450.35**

**JULY 14, 2020**

WHEREAS, the Township of Toms River is a member of the Educational Services Commission of New Jersey #17/18-30, as authorized by N.J.S.A. 40A:11-11(5); and

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

WHEREAS, the Purchasing Division is requesting authorization to purchase Replacement for Brine and Spreader Equipment for the Department of Public Works utilizing Educational Services Commission of New Jersey, Contract #17/18-30, in the total contract amount not to exceed \$91,450.35, from the following vendor:

Trius, Inc.  
458 Johnson Avenue  
PO Box 158  
Bohemia, NY 11716

Description	Quantity	Unit	15% Discount	Total
Trailer & Skid Mounted Brine Application Units Pricing per NJ State Contract #85439: Price Line 2: Swenson 1200 gallon brine Tank mounted on a 12-ton Stephen Green finish stainless Steel trailer – unit works with Existing Bosch hydraulics	2			\$71,980.00
		\$35,990.00		

ESCNJ 17/18-30 FURNISH & DELIVER Swenson #70010-008501 EV 100-14, 62" high, 11.2 Cu. Yd, SS hydraulic driven Spreader, 20" poly spinner disc, 12 gauge SS bolt-in replaceable Conveyor floor, self-cleaning pintle Style conveyor chain, rear chain Wiper, swing up spinner, 12" Adj height spinner extension, Drop-n-Lock top screens	1	\$20,719.00	-15% (\$3,107.85)	\$17,611.00
Swenson #00106-005-14 Vee For 14' V-box, stainless steel	1	\$1,293.00	-15% (\$193.95)	\$1,098.90

Swenson #00118-041-01 Tailgate latch kit, carbon Steel	1	\$ 389.00	-15% (\$58.35)	\$ 330.50
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Swenson #00002-429-02 Slip In nylon strap kit ss	1	\$ 506.00	-15% (\$75.90)	\$ 429.95
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TOTAL FOR STAINLESS STEEL SPREADER: \$19,470.35

**TOTAL PURCHASE: \$91,450.35**

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

1. It hereby authorizes the purchase of Replacement for Brine and Spreader Equipment for the Department of Public Works, utilizing Educational Services Commission of New Jersey, Contract #17/18-30, in the total contract amount not to exceed \$91,450.35, as stated above.

2. Funds in the amount of \$91,450.35, are available in Account No. X-04- -248-001

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Public Works Department
- e) Trius, Inc.  
458 Johnson Avenue  
PO Box 158

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract with Trius, Inc., in the total contract amount not to exceed \$91,450.35, are available in Account No. X-04- -248-001.

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 accounts at that time.

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

Dated: July 14, 2020

**RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS FOR FY2020  
CLEAN COMMUNITIES GRANT IN THE AMOUNT  
OF \$210,009.22**

**JULY 14, 2020**

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

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

WHEREAS, the Township has received a grant from the FY2020 Clean Communities Grant and wishes to amend its 2020 Budget to include a portion of this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, County of Ocean, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2020 Budget the sum of \$210,009.22 which is now available as revenue from:

Miscellaneous Revenues -

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

FY2020 Clean Communities Grant..... \$210,009.22

pursuant to the provisions of the Statute;

BE IT FURTHER RESOLVED that a like sum of \$210,009.22 be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations – Excluded from “CAPS”

Public and Private Programs Off-Set by Revenues:

FY2020 Clean Communities Grant.....\$210,009.22

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

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

Approved as to Content:

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CLOSEOUT OF THE  
ELEVATION OF PUMPSHIRE ROAD PROJECT WITH EARLE ASPHALT COMPANY,  
RELEASING PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND, AND  
AUTHORIZING THE RELEASE OF FINAL PAYMENT AND RETAINAGE TO CONTRACTOR IN  
THE AMOUNT OF \$152,960.51**

**JULY 14, 2020**

WHEREAS, resolution of the Township Council dated September 11, 2018, awarded a contract to Earle Asphalt Company, as lowest bidder meeting all the bid specifications, for the Elevation of Pumpshire Road Project, in the maximum amount not to exceed \$152,960.51; and

WHEREAS, the contractor retained for the Elevation of Pumpshire Road Project has submitted the required documents in connection with the closeout of this project; and

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

- a) Original Maintenance Bond No. 82463291M with Earle Asphalt Company, as Principal and Federal Insurance Company, as Surety.
- b) Contractor’s Application for Payment in the amount of \$152,960.51;

**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 Elevation of Pumpshire Road Project, releasing Performance Bond, accepting Maintenance Bond, and authorizing final payment and retainage to Earle Asphalt Company, in the amount of \$152,960.51. Funds in the amount of \$152,960.51, are available in Account No. X-04- -230-001. 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) Earle Asphalt Company  
PO Drawer 556  
Farmingdale, NJ 07727

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the release of final payment and retainage to Earle Asphalt Company, for the Elevation of Pumpshire Road Project, in the amount of \$152,960.51, are available in Account No. X-04- -230-001.

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

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A RELEASE OF ALL CLAIMS, IN THE MATTER OF CLAIM NO. 7049606, TOWNSHIP OF TOMS RIVER V. EAGLE PAVING CORP., IN THE AMOUNT OF \$13,889.06, PAYABLE TO THE TOWNSHIP OF TOMS RIVER, FOR DAMAGE DONE TO A TOWNSHIP LIGHT POLE AT SHELTER COVE PARK ON OR ABOUT OCTOBER 25, 2019**

**JULY 14, 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 Release of all Claims in the matter of Claim No. 7049606, Township of Toms River v. Eagle Paving Corp., in the amount of \$13,889.06, payable to the Township of Toms River, for damage done to a Township light pole at Shelter Cove Park on or about October 25, 2019. A copy of the Release is attached to this resolution as Schedule "A" and made a part hereof.

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) Engineering Division
- g) Department of Parks, Buildings & Grounds
- h) Vernita Cunningham  
Senior Claims Representative  
Sedgwick  
PO Box 183188  
Columbus, Ohio 43218  
&
- i) E-Mail – Vernita.Cunningham@sedgwick.com  
FAX 1-800-921-7683

**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 \$16,500.00 BID SUBMITTED BY A CONTIGUOUS PROPERTY OWNER, FOR THE SALE OF LOT 5, BLOCK 724.38 (791 TUNNEY POINT DRIVE), CONSISTING OF APPROXIMATELY 0.11 ACRES**

**JULY 14, 2020**

**WHEREAS**, the Township Council retained the services of Max Spann R.E. & Auction Company, to auction real estate not needed for public use; and

**WHEREAS**, the only bid received was from Michael McCormick; and

**WHEREAS**, the Township Council, after due consideration, determined it to be in the public interest to accept the bid of Michael McCormick, the sole conforming bidder:

**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 sale of Lot 5, Block 724.38 and it accepts the following bid:

<b><u>BIDDER/PURCHASER</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>BID/PURCHASE PRICE</u></b>
Michael McCormick	Lot 5, Block 724.38, Approximately 0.11 Acres	\$16,500.00

2. It hereby authorizes the Mayor to execute and the Township Clerk to attest to a Contract for Sale of Real Estate, and any and all closing documents in connection with the sale of this property.

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) Township Attorney
- d) Tax Collector
- e) Tax Assessor
- f) Chief Financial Officer
- g) Michael McCormick  
793 Tunney Point Drive  
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO ACCEPT A \$2,200.00 BID SUBMITTED BY A CONTIGUOUS PROPERTY OWNER, FOR THE SALE OF LOT 190, BLOCK 394 (POLHEMUS ROAD), CONSISTING OF APPROXIMATELY 0.09 ACRES**

**JULY 14, 2020**

**WHEREAS**, the Township Council retained the services of Max Spann R.E. & Auction Company, to auction real estate not needed for public use; and

**WHEREAS**, the only bid received was from Nunzio Forese; and



**WHEREAS**, the Township Council, after due consideration, determined it to be in the public interest to accept the bid of Nunzio Forese, the sole conforming bidder:

**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 sale of Lot 190, Block 394, and it accepts the following bid:

<u>BIDDER/PURCHASER</u>	<u>DESCRIPTION</u>	<u>BID/PURCHASE PRICE</u>
Nunzio Forese	Lot 190, Block 394, Approximately 0.09 Acres	\$2,200.00

2. It hereby authorizes the Mayor to execute and the Township Clerk to attest to a Contract for Sale of Real Estate, and any and all closing documents in connection with the sale of this property.

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) Township Attorney
- d) Tax Collector
- e) Tax Assessor
- f) Chief Financial Officer
- g) Nunzio Forese  
2471 Polhemus Road  
Toms River, NJ 08753

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

**JULY 14, 2020**

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

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

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

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

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

2) The Tax Collector is authorized and directed to collect the costs listed on the Certification of Costs. The amount shown on the Certification of Costs shall be charged, become, and form part of the real estate taxes next to be assessed and levied upon such property, and shall

bear interest at the same rate as real property taxes, and shall be collected and enforced in the same manner as provided for in the collection of real property taxes.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Business Administrator
- c) Chief Financial Officer
- d) Tax Collector
- e) Township Attorney
- f) Housing & Property Maintenance
- g) Code Enforcement
- h) Director, Parks, Buildings & Grounds
- i) Foerter, Dave  
3000 Cedar Woods Road  
Falls Church, VA 22042
- j) Leavitt, James & Lynn  
4012 Olde Waverley Way  
Fuguay-Varina, NC 27526
- k) Service Link Field Services, Attn: Carol  
10385 Westmoor Drive, Suite 100  
West Minister, CO 80021
- l) Kathy Gurzakovic Weichert Realtor  
2110 West County Line  
Jackson, NJ 08527
- m) Thomas Soffel  
2 Spar Court  
Little Egg Harbor, NJ 08087
- n) Stanley, Klint & Jaime  
117 Leedsville Drive  
Lincroft, NJ 07738
- o) Fleet National Bank CC #98339  
NC10010381, 101 N. Tryon  
Charlotte, NC 28255
- p) Parker, Douglas & Sabrina A.  
27 Oak Leaf Lane  
Toms River, NJ 08755
- q) Curcio, Joseph Jr. & Karen Curcio  
606 Catesby Court  
Leesburg, VA 20175
- r) SNM5 LLC  
5014 Sixteenth Avenue #541  
Brooklyn, NY 11204
- s) Silver Ridge LLC  
569 Lakehurst Road  
Toms River, NJ 08755
- t) Coppola, Carmela & Theodore  
645 Innkeeper Lane  
Toms River, NJ 08753
- u) Farinella, Anthony W. & Bilinsky, J.  
4 Holly Street  
Toms River, NJ 08753
- v) Zimmerman, Robert  
1228 Audubon Drive  
Toms River, NJ 08753
- w) Ringel, David Trust  
410 Twelfth Street  
Lakewood, NJ 08701
- x) Rodriguez, Manuel  
2322 Adams Avenue  
Toms River, NJ 08753

**SCHEDULE "A"**

## **CERTIFICATION OF COSTS**

	<u><b>BLOCK</b></u>	<u><b>LOT</b></u>	<u><b>PROPERTY ADDRESS</b></u>	<u><b>TOTAL</b></u>
1.	1082.14	39	586 Garfield Avenue	\$1,473.35
2.	364.05	46	108 Lavenham Court	\$1,769.70
3.	444.20	11	956 Hunt Drive	\$2,600.66
4.	235.10	7	690 Bay View Drive	\$ 555.66
5.	1083.15	27	519 Coolidge Avenue	\$ 390.33
6.	706.04	20	480 West End Avenue	\$ 938.79
7.	646.01	10	200 Route 37 East	\$ 840.62
8.	510.13	3	27 Oak Leaf Lane	\$ 548.11
9.	298	27	1944 Whitesville Road	\$ 516.32
10.	1093.04	16	203 Flack Street	\$1,169.76
11.	507.44	5	569 Lakehurst Road	\$ 456.91
12.	796.03	56	645 Innkeeper Lane	\$ 567.02
13.	697	12	4 Holly Street	\$ 775.43
14.	444.06	17	1228 Audubon Drive	\$ 958.90
15.	571.22	93	1210 Old Freehold Road	\$ 701.66
16.	1082.16	58	2322 Adams Avenue	\$ 701.32

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

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

### **RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS, BLOCK 533.09, LOTS 26, 27 AND 28 (501 Lakehurst Road)**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 533.09, Lots 26, 27 & 28.

WHEREA, performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00 which represents the Safety & Stabilization guarantee amount.
- 2) Check in the amount of \$3,041.28 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 AAA Real Estate Holdings, II, LLC., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. AAA Real Estate Holdings, II, LLC  
110 Route 70  
Whiting, NJ 08759

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING REDUCED PERFORMANCE GUARANTEES FOR A MAJOR SUBDIVISION KNOWN AS BLOCK 1098.56, LOTS 34 THRU 39 (DEWEY DRIVE)**

**July 14, 2020**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision known as Block 1098.56, Lots 34 - 39.

WHEREAS, Reduced Performance Bonds have been posted as follows:

- 1) Cash Bond in the amount of \$162,000.00, originally accepted by way of Resolution 'EE', dated November 14, 2017, is hereby reduced down to \$97,200.00.

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) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Pound Nets, LLC., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.
- 3) Cash Bond in the amount of \$64,800.00 to be released from the original amount posted, reducing Bond to \$97,200.00

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Pound Nets, LLC  
29 Hadley Avenue  
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS, BLOCK 411, LOT 16.02 (734 Route 37 West)**

**July 14, 2020**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 411, Lot 16.02.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$8,900.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$500.00 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 MB Toms River, LLC., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. MB Toms River, LLC  
1070 Route 37 West  
Toms River, NJ 08755

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING REVISED INTERIM COSTS  
AGREEMENT WITH  
CONDITIONALLY DESIGNATED REDEVELOPER FD STONEWATER WITHIN  
THE HOOPER-CAUDINA REDEVELOPMENT PLAN AREA**

**JULY 14, 2020**

**WHEREAS**, on May 12, 2020, the governing body of the Township of Toms River ("**Township**") conditionally designated FD Stonewater ("**FDS**") as the redeveloper of Block 592, Lots 72-95; Block 594, Lots 139-158; Block 595, Lots 159, 162, 163, 188, and 198-202; Block 596, Lots 203-246; Block 597, Lots 16-71; Block 605, Lots 421-433 and 489-501; Block 606.01, Lots 369-387; Block 606.02, Lots 336-420; and Block 607, Lot 247; and the unimproved rights of way of Reggio Avenue, Nocera Avenue, Sarno Avenue, Cipriano Avenue, Castlebuono Avenue and Salerno Avenue within the Hooper-Caudina Redevelopment Plan Area; and

**WHEREAS**, the Township and FDS entered negotiations in relation to the proposed form of Interim Costs Agreement that required certain substantive revisions; and

**WHEREAS**, upon entry of a Revised Interim Costs Agreement attached hereto as **Exhibit A**, the Township wishes to enter into exclusive negotiations with FDS to enter a Redevelopment Agreement to become the designated redeveloper of the above-cited condemnation parcels within the Hooper-Caudina Redevelopment Plan Area.

**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 above recitals are incorporated by reference as if fully set forth herein.
2. The designation of FDS as the conditional redeveloper is explicitly conditioned upon FDS's entry into an Interim Costs Agreement attached hereto as **Exhibit A**, FDS's completion of a Redeveloper's Application substantially in the form attached hereto as **Exhibit B**, and the provision of any additional project related information as may be requested by the Township.
3. The prior Interim Cost Agreement included in the conditional designation resolution adopted by the Township's governing body on May 12, 2020 is hereby repealed and replaced in its entirety with the Revised Interim Costs Agreement attached hereto as **Exhibit A**.
4. All other portions on the Township's May 12, 2020 conditional designation resolution shall remain in full force and effect so long as not inconsistent herewith.
5. The Mayor, Township Planner, Township Administrator and Special Redevelopment Counsel are hereby authorized and directed to take all actions and to execute any and all documents necessary to effectuate this Resolution.
6. This Resolution shall take effect immediately.

7. 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 Planner
- g) Brian M. Nelson, Esq.  
Archer & Greiner P.C.  
Riverview Plaza  
10 Highway 35  
Red Bank, NJ 07701-5902
- h) FD Stonewater, LLC  
1001 N. 19<sup>th</sup> Street  
Suite 1401  
Arlington, VA 22209

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

Township Planner Roberts explained the following Resolution.

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, Kopp, Lotano, Turnbach, and Council Vice- President Geoghegan voting yes, Council Member Rodrick saying no, and Council President Maruca absent, to approve the following Resolution.

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING MAYOR MAURICE B. HILL, JR., TO  
EXECUTE A U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,  
FUNDING APPROVAL/AGREEMENT WITH THE OFFICE OF COMMUNITY PLANNING  
AND DEVELOPMENT, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM –  
TOTAL FY2020 AWARD \$405,118.00**

**JULY 14, 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. Mayor Maurice B. Hill, Jr. is authorized to execute a U.S. Department of Housing and Urban Development, Funding Approval/Agreement with the Office of Community Planning and Development, Community Development Block Grant Program (CDBG), whereby the Township of Toms River will receive a \$405,118.00 grant from the U.S. Department of Housing and Urban Development, to provide quality affordable housing, a suitable living environment, and expanding economic opportunities for low and moderate income persons through HUD programs.

2. A copy of the agreement is attached to this resolution as Schedule "A", and made a part hereof.

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) Township Planner
- g) Kim Bauer, Community Development
- h) Assistant Township Planner, Robert Hudak
- i) U.S. Department of Housing and Urban Development

Newark Field Office – Region II  
One Newark Center, 13<sup>th</sup> Floor  
Newark, NJ 07102-5260  
Attn: Annmarie C. Uebbing, Director  
Community Planning and Development

**SCHEDULE “A”**

**“See Attachments”**

Councilman Lotano gave brief comment on this Resolution.

Councilman Kopp thanked administration for their quick movement on this Resolution.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT TO  
GOVERNMENT STRATEGY GROUP, THROUGH THE COMPETITIVE CONTRACTING  
PROCESS, FOR THE TOWNSHIP EFFICIENCY STUDY, IN THE TOTAL MAXIMUM  
AMOUNT NOT TO EXCEED \$150,000.00**

**JULY 14, 2020**

**WHEREAS**, proposals were invited on June 10, 2020 for the Township Efficiency Study through the competitive contracting process; and

**WHEREAS**, proposals were received from the following vendors:

<u>Vendor Information</u>		<u>Pricing</u>
Government Strategy Group 450 Shrewsbury Plaza, #330 Shrewsbury, NJ 07702	Phase 1	\$ 20,000.00
	Phase 2	\$ 104,300.00
	Phase 3	\$ 25,700.00
	Total:	\$ 150,000.00
PFK O'Connor Davies 20 Commerce Drive Cranford, NJ 07016	Phase 1	\$ 170,000.00
	Phase 2	\$ 25,000.00
	Phase 3	\$ 5,000.00
	Total:	\$ 200,000.00
The Novak Consulting Group 227 W. Trade Street Suite 1400 Charlotte, NC 28202	Phase 1	\$ 14,840.00
	Phase 2	\$ 119,095.00
	Phase 3	\$ 21,065.00
	Total:	\$ 155,000.00
IKnow LLC 100 Overlook Center 2 <sup>nd</sup> Floor Princeton, NJ 08540	Phase 1	IKnow proposed an alternate invoice schedule because the two major phases proceed in parallel
	Phase 2	
	Phase 3	
	Total:	\$263,140.00

**WHEREAS**, the review committee for this solicitation was led by Council President Maria Maruca, and rated by Council Vice-President Kevin Geoghegan, Councilman Terrance Turnbach, Acting Township Administrator Louis Amoruso, Certified Municipal Finance Officer Alexander Davidson and Township Attorney Kenneth Fitzsimmons; and

**WHEREAS**, before reviewing any proposals, each person on the committee reviewed the Ownership Disclosure Documents for each vendor and executed the statement certifying that there is no conflict of interest in accordance with the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq.; and

**WHEREAS**, Committee members reviewed the proposals both separately and together, and scored each vendor as follows:

	<u>Total Points</u>
Government Strategy Group 450 Shrewsbury Plaza #330 Shrewsbury, NJ 07702	485
The Novak Consulting Group 227 W. Trade Street Suite 1400 Charlotte, NC 28202	304
PFK O'Connor Davies 20 Commerce Drive Cranford, NJ 07016	285
IKnow LLC 100 Overlook Center 2 <sup>nd</sup> Floor Princeton, NJ 08540	223

**WHEREAS**, the scores were based upon the following observations;

IKnow - had no experience in the State of New Jersey, and had the highest price making them the least desirable.

PFK O'Connor Davies - had a narrower scope and were geared toward the Finance end and dollars rather than the knowledge of each department and their responsibilities.

The Novak Consulting Group - had a little more experience in the State of New Jersey and their price was competitive, however, the time frame for completion of the project would have gone into 2021 for completion, not the required 90 days after award.

Government Strategy Group – had local experience in New Jersey and the Faulkner Act form of government including managing and overseeing several of the most populous municipalities. Their knowledge and diverse staff have experience in every department and field. They take into account the value of certain services as opposed to just the cost/expense. The sample report is exactly what the Township wants. They are also the lowest price and can complete the job within the requested time frame; and

**WHEREAS**, the Committee unanimously chose Government Strategy Group, at a total contract price of \$150,000.00;

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

1. It hereby awards a contract to Government Strategy Group for the Township Efficiency Study through the competitive contracting process, for a total maximum contract amount not to exceed \$150,000.00.

2. The report prepared pursuant to subsection (d) of this section has been posted to the Township website more than 48 hours in advance of award of contract, and shall become part of the public record and shall reflect the final action of the governing body. Contracts shall be executed pursuant to section 14 of P.L.1971, c.198 (C.40A:11-14).

3. The clerk or secretary of the contracting unit shall publish a notice in the official newspaper of the contracting unit summarizing the award of a contract, which shall include, but not be limited to, the nature, duration, and amount of the contract, the name of the vendor and a statement that the resolution and contract are on file and available for



public inspection in the Office of the Township Clerk or secretary of the municipality, county, local public authority or special district of the governing body.

4. Funds in the amount not to exceed \$150,000.00, are available in Account No. 0-01- -F12-534.

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

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Division of Purchasing
- d) Chief Financial Officer
- e) Township Attorney
- f) Acting Township Administrator
- g) All Aforementioned Vendors

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract awarded to Government Strategy Group, in the total contract amount not to exceed \$150,000.00, are available in Account No. 0-01- -F12-534.

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.

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

Dated: July 14, 2020

### **REPORTS**

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

	<b>2020</b>	<b>2019</b>
Bey Lea Golf Course – June	<b>\$232,594.77</b>	<b>\$164,230.48</b>
Bey Lea Golf Course – YTD through June	<b>\$456,554.44</b>	<b>\$512,411.32</b>
Winding River Ice Rink – June	<b>\$30,362.00</b>	<b>\$32,151.00</b>
Winding River Ice Rink – YTD through June	<b>\$329,834.50</b>	<b>\$460,443.17</b>
Building Permits - June	<b>\$148,007.00</b>	<b>\$250,448.00</b>
Building Permits – YTD through June	<b>\$1,250,138.00</b>	<b>\$1,424,545.00</b>
Beach Badges – YTD through June	<b>\$403,569.00</b>	<b>\$290,260.00</b>
Pool Badges – YTD through June	<b>\$5,159.00</b>	<b>\$35,775.00</b>

### **APPROVAL OF BILLS**

Council Vice-President Geoghegan asked for a report on the bills.

The Bill List, dated **July 10, 2020** was approved on motion by Council Member Turnbach, seconded by Council Member Kopp, and carried with Council Members, Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council Vice-President Geoghegan voting yes, and with Council Member Maruca absent. The following respective exceptions to their votes were noted as abstentions to this vote:

Councilman Vice-President Geoghegan abstained due to Business conflicts on the following:

Purchase Order 20-03180, payable to Silverton First Aid Squad, Inc., in the amount of \$26,385.22.

Councilwoman Huryk abstained due to Business conflicts on the following:

Purchase Order 20-00162, payable to Borough of Lavallette in the amount of \$268.02.

Purchase Order 20-03160 and 20-03162, payable to Remington & Vernick Engineers in the amount of \$5,551.50.

Purchase Order 20-03346, payable to Recreation Salaries in the amount of \$8,577.04.

Purchase Order 20-03346, payable to Recreation Overtime Wages in the amount of \$29.02.

Councilman Kopp abstained due to Business conflicts on the following:

Purchase Order 20-03180, payable to Silverton First Aid Squad, Inc., in the amount of \$26,385.22.

Councilman Rodrick abstained due to Business conflicts on the following:

Purchase Order 20-00785 payable to Praxair Distribution, Inc., in the amount of \$747.20

Purchase Order 20-00893, 20-02728, 20-03102, and 20-03502, payable to Dasti, McGuckin, Attorneys at Law in the amount of \$30,120.75.

Purchase Order 20-01314, and 20-03161, payable to McGuckin, Gregory, Esquire, in the amount of \$5,103.00.

Councilman Turnbach abstained due to Business conflicts on the following:

Purchase Order 20-00893, 20-02728, 20-03102, and 20-03502, payable to Dasti, McGuckin, Attorneys at Law in the amount of \$30,120.75.

Purchase Order 20-01314, and 20-03161, payable to McGuckin, Gregory, Esquire, in the amount of \$5,103.00.

Purchase Order 20-03346, payable to Magistrate Salaries in the amount of \$7,499.70.

## **ELECTED OFFICIALS COMMENTS**

Mayor Hill thanked Jesse Sipe and the Toms River Police Department for the 4<sup>th</sup> of July firework prevention.

Councilman Rodrick spoke in favor of efficiency study, and against spending in bond ordinance.

Councilwoman Huryk spoke regarding “Stop Hate” movement – her words were twisted on social media based on her commentary last meeting. She mentioned that we must continually work toward inclusion and unity. She also spoke on golf course and wear masks.

Councilman Turnbach congratulated Councilman Geoghegan, Kopp, and Lotano on efficiency study. Downtown dining night extended to Saturday night as well due to Lotano and Kopp asking police department for an extension.

Councilman Kopp excited about changes happening and thank Councilman Lotano for asking police department to extend dine out for Saturday.

Councilman Lotano praised Police Chief Little and Deputy Chief Belcher for extending Downtown Dining to Saturday as well. Comments about cost savings efforts, and best practices to reduce costs.

Councilman Geoghegan thanks Jesse Sipe for fireworks; efficiency study comments; and health benefits questions from retiree's to be addressed.

## **PUBLIC COMMENTS**

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

Jim Rollin spoke on diversity; tax increases, and Pay to Play.

Artis Cohen, 492 Eagle Point Drive, spoke on 2<sup>nd</sup> amendment rights and supporting idea of sanctuary states, and council's responsibility to the public.

Dan Valentine, questioned proceedings of meeting and he didn't understand the format of the agenda or the bill list.

No further comments from the public appearing, a motion was made by Council Member Huryk, seconded by Council Member Lotano, and carried to enter into a private Executive Session at 6:38 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:

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

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

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

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

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

Matters of Personnel  
Attorney Client Privilege  
Contract Negotiations

3. The following specific topics were announced.

1. Executive Session Minutes: May 12, 2020 and June 23, 2020
2. Personnel Issues
3. Review of status of all real property acquisitions. (voluntary acquisitions and eminent domain actions)

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

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

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

The Council **reconvened** the public portion at 6:55 P.M., 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 Vice-President Geoghegan voting yes, and with Council Member Maruca absent.

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

#### **RESOLUTION APPROVING EXECUTIVE SESSION MINUTES**

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

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

1. The following Executive Session Minutes are approved:

#### **May 12, 2020 Regular Meeting**

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

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

#### **RESOLUTION APPROVING EXECUTIVE SESSION MINUTES**

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

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

1. The following Executive Session Minutes are approved:

#### **June 23, 2020 Regular Meeting**

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

No other business appearing, the meeting was **adjourned** at 6:56 P. M., on motion with Council Member Lotano, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council Vice-President Geoghegan voting yes, and with Council Member Maruca absent.

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KEVIN GEOGHEGAN, COUNCIL VICE-PRESIDENT

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ALISON CARLISLE, TOWNSHIP CLERK