

July 27, 2021

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

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

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

OPEN PUBLIC MEETINGS ACT
STATEMENT

This meeting is convened in accordance with the provisions of the Open Public 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 Friday, January 8, 2021, the Press of Atlantic City and the Star Ledger and also forwarded to the Toms River Times, Toms River Patch and WOBN News on Wednesday, January 6, 2021, 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 Tuesday, January 5, 2021. 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 Maruca	- Absent
Council President Geoghegan	- Present

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

APPROVAL OF MINUTES

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 President Geoghegan voting yes, and with Council Member Maruca absent, to approve the **Regular Meeting of July 13, 2021**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof

HONORING RESOLUTIONS AND PRESENTATIONS

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 President Geoghegan voting yes, and with Council Member Maruca absent, to make the following honoring proclamations a part of the Minutes.

Mayor Hill and Council President Geoghegan spoke on the retirements of Ms. Donna Sever, Municipal Court, and Bernie Mackle, Zoning Department, and presented both with retirement clocks.

Township of Toms River

Proclamation

*Honoring Phil Brilliant – 10 years as President
Congregation B’nai Israel*

July 22, 2021

Whereas, Congregation B’nai Israel honors Phil Brilliant as the president of Congregation B’nai Israel (CBI) for ten years of dedicated service (2011-2021), the longest in CBI’s 70-year history. Phil became a member of CBI in 2004, and joined the board in 2006 and for 5 years was Financial Secretary, 2nd Vice President and 1st Vice President; and

Whereas, Phil saw CBI through some of the toughest times. From Super Storm Sandy and COVID-19, he led with dignity, grace, and love, always putting the families first.

Phil is a true mensch and believes in giving back to his community. He is on the boards of Michael’s Feet, Toms River United and the Toms River Chamber of Commerce; and

Whereas, Phil is a proud father of three daughters, Andrea, Jessica, and Sara. He also has one grandson Sami. He is an avid sports enthusiast supporting the NY Mets, NJ Devils, Pittsburgh Steelers and of course the Rutgers Scarlet Knights; and

Whereas, Phil is a proud Alumni of Rutgers University where he obtained a Bachelor of Science in International Environmental Studies. This has allowed him to grow his career into his own company, Brilliant Environmental Services. He has been appointed to the New Jersey Site Remediation Professional Licensing Board, and he started Continuing Education Professional Services (CEPS) to provide education to licensed professionals such as engineers, health officers, LSRP’s, attorneys and surveyors.

NOW, THEREFORE, I, MAURICE B. HILL JR., Mayor of the Township of Toms River, on behalf of myself, The Township Council, and the residents of the Township of Toms River, congratulate Phil Brilliant as the Congregation B’nai Israel honors and commemorates his 10 years as president of CBI.

Mayor Maurice B. “Mo” Hill, Jr.

**Kevin M. Geoghegan
Council President**

Maria Maruca

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River
Proclamation
Normandy Beach Yacht Club 75th Anniversary

July 25, 2021

Whereas, The Normandy Beach Yacht Club was originally founded in 1946 as the Normandy Beach Sailing Club and started Sunday races from the north side of Harbor Court, then a bayberry-covered peninsula with only one house. The original clubhouse resembled an outhouse and may have originally been one. The founders were avid sailors who enjoyed racing on Sunday afternoons. In the early days, the members raced Comets built by Beatons, then Penguins and Lightnings; and

Whereas, Interest in sailing increased and it became fashionable to serve cocktails after the last gun was fired. Social life was added. Soon, increasing attendance showed the need for property and a clubhouse. In 1955, funds were raised by sale of stock. Land and water rights were purchased, and the eastern part of the present clubhouse was built. Its size was doubled in 1958 by the addition of a lower level and the Commodore's Room to continue the tradition of social activities and sailing. A lot of the club work was done by members, fostering a culture of volunteerism which continues today; and

Whereas, over the winter of 1998-99, the old club was completely renovated. The new club was designed by former Commodore Arthur Manns Harden, A.I.A. of Mantoloking, New Jersey. The builder was R. Stone & Co., Inc. of Toms River, New Jersey. The clubhouse was greatly damaged by Superstorm Sandy and underwent significant renovations in 2013. Joe Ward and brother Jack (club member) restored the club to an improved version of what it was; and

Whereas, Normandy Beach Yacht Club has a very robust Junior Sailing program and continues to train junior sailors to compete with other clubs on Barnegat Bay. Our adult sailors compete in Sunday races at our club and some race on Saturdays in BBYRA, too. We currently sail Optimist Prams, Laser Radials, 420's, Sunfish, Sanderlings, Sandpipers and a broad variety of auxiliary sloops with PHRF ratings. We are also open to beginning new fleets when there is interest; and

Whereas, the Normandy Beach Yacht Club is a proud member of the Barnegat Bay Yacht Racing Association (BBYRA), US Sailing, and the Yachting Club of America and serves as a valuable asset for the local community.

NOW, THEREFORE, I, MAURICE B. HILL JR., Mayor of the Township of Toms River, on behalf of myself, The Township Council, and the residents of the Township of Toms River, recognize the history of the Normandy Beach Yacht Club and congratulates them on their 75th Anniversary.

Mayor Maurice B. "Mo" Hill, Jr.

Kevin M. Geoghegan
Council President

Maria Maruca

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Daniel T. Rodrick

Terrance L. Turnbach

July 27, 2021 3

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

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 234 (CANNABIS REGULATION) OF THE TOWNSHIP CODE, TO ESTABLISH AN EXPIRATION DATE FOR THE GENERAL PROHIBITION AGAINST THE OPERATION OF CANNABIS ESTABLISHMENTS, DISTRIBUTORS, AND DELIVERY SERVICES IN THE TOWNSHIP

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Geoghegan announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith.

Laurie Singer, 113 Garfield Avenue, in favor of medical cannabis dispensary in Toms River for accessibility.

Gaughran Gavin, 1204 Fellowship Court, in favor of Cannabis.

Christy Pashtun, Crystal Drive, in favor of Cannabis, and is a patient using medical cannabis for juvenile rheumatoid arthritis.

Alyssa Rently, resident eleven years, Cannabis expert who gave long testimony and facts about how legalizing can be extremely harmful for kids less than 21 years of age.

Philip Brilliant, 79 Hollow Tree Lane, Greater Toms River Chamber of Commerce, commended Council for taking the time to look into it.

Daniel Kersel, 101 Ortley Drive, spoke regarding the committee; thanked Councilwoman Huryk for all her hard work.

Councilman Turnbach asked Attorney Merlino to clarify what we are voting on tonight.

Township Attorney Merlino explained.

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

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

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

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

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

Council Member Huryk	Yes
Council Member Kopp	Abstained
Council Member Lotano	Yes
Council Member Rodrick	No
Council Member Turnbach	Yes

Council Vice-President Maruca
Council President Geoghegan

Absent
Yes

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

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

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 147
(SALARIES AND COMPENSATION) OF THE TOWNSHIP CODE TO ESTABLISH THE
COMPENSATION OF CERTAIN TOWNSHIP EMPLOYEES**

**SCHEDULE "A" – FRATERNAL ORDER OF POLICE –
SUPERIOR OFFICERS**

SCHEDULE "B" – SUPERVISORY EMPLOYEES

SCHEDULE "C" – TRPA WHITE COLLAR EMPLOYEES

SCHEDULE "D" – TRPA WHITE COLLAR – PART-TIMERS

SCHEDULE "E" –FMBA - DISPATCHERS

SCHEDULE "F" – CONFIDENTIAL EMPLOYEES

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President 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 Lotano and carried, the public hearing was closed.

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

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

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

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

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

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

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY INCREASING THE OPEN SPACE TAX BY AN ADDITIONAL \$0.01 PER \$100 OF TOTAL TOWNSHIP EQUALIZED REAL PROPERTY VALUATION, SUBJECT TO VOTER APPROVAL AT THE NOVEMBER 2021 GENERAL ELECTION

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President 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 Kopp and carried, the public hearing was closed.

Council Member Huryk 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:

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

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

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

REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS OWING TO BASF CORPORATION FOR TAXES LEVIED IN AND BY THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$13,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$13,000,000 BONDS OR NOTES OF THE TOWNSHIP OF TOMS RIVER FOR FINANCING THE COST THEREOF.

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

Section 1. The Township of Toms River, in the County of Ocean, New Jersey (the "Township") is hereby authorized to pay an aggregate amount not exceeding \$13,000,000 for amounts owed by the Township to BASF Corporation, the owner of various properties shown on the tax maps of the Township as Block 411, Lots 6, 6.01 and 107, for taxes levied in the Township, and which amounts are due and owing from the Township on or before December 31, 2021.

Section 2. An aggregate amount not exceeding \$250,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount of \$13,000,000 pursuant to the Local Bond Law.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the tenth anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

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 the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Chief Financial Officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein. 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 refunding bond ordinance by \$13,000,000, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by virtue of a deduction pursuant to N.J.S.A. 40A:2-52.

Section 6. To the extent the refunding bonds or notes authorized hereunder are issued as tax-exempt obligations, the Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the refunding bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended,

and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder. The Township reasonably expects to expend general funds or other available moneys for the purpose described in Section 1 hereof prior to the issuance of refunding bonds or notes hereunder. To the extent such funds are spent, the Township further reasonably expects to reimburse such expenditures from the proceeds of the refunding bonds or notes authorized by this refunding bond ordinance, in an aggregate not to exceed the amount of refunding bonds or notes authorized in Section 3 hereof.

Section 7. The Township hereby covenants to comply with Rule 15c2-12 promulgated under the Securities Exchange Act of 1934 to the extent applicable to the issuance of refunding bonds or notes issued pursuant to this refunding bond ordinance.

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

Section 9. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

NOTICE OF PENDING REFUNDING BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing refunding bond ordinance was duly introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on July 13, 2021. Further notice is hereby given that said refunding bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a meeting of said Township Council to be held in the Municipal Offices, 33 Washington Street, Toms River, New Jersey, on July 27, 2021 at o'clock_m., and during the week prior to and up to and including the date of such meeting, copies of said refunding bond ordinance will be made available at the Township Clerk's Office to the members of the general public who shall request the same.

Alison Carlisle, Township Clerk

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, July 30, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Turnbach, Council member Rodrick voting no, Council 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:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$10,097,163 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$9,592,305 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 \$10,097,163, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$504,858 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 \$9,592,305, 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) the acquisition of land located in the Township, designated on the municipal tax map as Block 569 Lot 3 and Lot 10, and including all rights or interests therein, and including all work and services necessary therefor or incidental thereto, with a total appropriation and estimated cost of \$558,000, an estimated maximum amount of bonds or notes therefor of \$530,100, and an average period of usefulness of forty (40) years;

ii) paving and roadway improvements, including the 2021 Paving Program, drainage improvements to Heyer Street and Chadwick Road and the 2021 Roadway Elevation Project (Broad Street and 5th Avenue), with a total appropriation and estimated cost of \$3,990,500, an estimated maximum amount of bonds or notes therefor of \$3,790,975, and an average period of usefulness of twenty (20) years;

iii) the purchase and replacement of various vehicles and equipment, including, but not limited to, various acquisitions for the Department of Public Works (DPW), including robo cans, concrete pad improvements, a vac-truck, a front loader, a street sweeper, eight (8) v-boxes (single and tandem) salt spreaders, one (1) robo can trash truck, one (1) rear loader trash truck, two (2) F250 trucks and one (1) single axle dump truck; various acquisitions for the Department of Parks, Buildings and Grounds (DPBG), including one (1) F250 truck, Toro 4000 large area mowers, miscellaneous specialized hand equipment, a deep tine aeration machine, Salsco green rollers and a John Deere 4066 Turf Tractor; various acquisitions for the Department of Recreation, including rental skates and other recreation equipment for the Winding River Ice Rink; an ambulance for the Office of Emergency Management/Community Service Office (OEM/CSO); various acquisitions for the Police Department, including police vehicle upfits and an ESU chassis replacement; and public meeting video and camera upgrades and replacement and door security upgrades and replacement, with a total appropriation and estimated cost of \$3,843,633, estimated amount of bonds and notes therefor of \$3,651,480, and an average period of usefulness of 11.62473 years; and

iv) improvements to Township properties, including, but not limited to, improvements to various parks, including the Township dog park, playgrounds, ballfields and courts; Township wide dredging (planning), parking deck and garage repairs, LED street light study, Clubhouse siding replacement, air conditioning and HVAC improvements, various signage improvements and installation, sprinkler and irrigation improvements, repaving of various parking lots, generator upgrades, office upgrades and indoor and outdoor shower upgrades and ADA compliance at the Winding River Ice Rink, with a total appropriation and estimated cost of \$1,705,000, estimated amount of bonds and notes therefor of \$1,619,750, and an average period of usefulness of 12.20235 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 \$9,592,305, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$10,097,163, which is equal to the amount of the appropriation herein made therefor. The excess of

the appropriation of \$10,097,163 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$504,858 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 16.60036 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 \$9,592,305 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$997,500 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 _____, 2021, and finally adopted at a duly convened meeting of the Township Council on _____, 2021.

IN WITNESS WHEREOF, I hereby set my hand and the seal of the Township this _____ day of _____, 2021.

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

ALISON CARLISLE, Municipal Clerk

(SEAL)

**TOWNSHIP OF TOMS RIVER
COUNTY OF OCEAN
BOND ORDINANCE NO. _____**

NOTICE OF PENDING BOND ORDINANCE

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Toms River, in the County of Ocean, New Jersey (the "Township"), held on _____, 2021. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Municipal Offices, 33 Washington Street, Toms River, New Jersey, on _____, 2021, at __:__ p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Municipal Complex of the Township during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Township who shall request such copies, at the office of the Municipal Clerk in said Township of Toms River, in the County of Ocean, New Jersey. The summary of the terms of such bond ordinance follows:

TITLE: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$10,097,163 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$9,592,305 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.

Purpose(s): Providing for the following capital improvements and/or acquisitions: (i) the acquisition of land located in the Township, designated on the municipal tax map as Block 569 Lot 3 and Lot 10, and including all rights or interests therein, and including all work and services necessary therefor or incidental thereto, (ii) paving and roadway improvements, including the 2021 Paving Program, drainage improvements to Heyer Street and Chadwick Road and the 2021 Roadway Elevation Project (Broad Street and 5th Avenue), (iii) the purchase and replacement of various vehicles and equipment, including, but not limited to, various acquisitions for the Department of Public Works (DPW), including robo cans, concrete pad improvements, a vac-truck, a front loader, a street sweeper, eight (8) v-boxes (single and tandem) salt spreaders, one (1) robo can trash truck, one (1) rear loader trash truck, two (2) F250 trucks and one (1) single axle dump truck; various acquisitions for the Department of Parks, Buildings and Grounds (DPBG), including one (1) F250 truck, Toro 4000 large area mowers, miscellaneous specialized hand equipment, a deep tine aeration machine, Salsco green rollers and a John Deere 4066 Turf Tractor; various acquisitions for the Department of Recreation, including rental skates and other recreation equipment for the Winding River Ice Rink; an ambulance for the Office of Emergency Management/Community Service Office (OEM/CSO);

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various acquisitions for the Police Department, including police vehicle upfits and an ESU chassis replacement; and public meeting video and camera upgrades and replacement and door security upgrades and replacement, and (iv) improvements to Township properties, including, but not limited to, improvements to various parks, including the Township dog park, playgrounds, ballfields and courts; Township wide dredging (planning), parking deck and garage repairs, LED street light study, Clubhouse siding replacement, air conditioning and HVAC improvements, various signage improvements and installation, sprinkler and irrigation improvements, repaving of various parking lots, generator upgrades, office upgrades and indoor and outdoor shower upgrades and ADA compliance at the Winding River Ice Rink.

A motion was made by Council Member Huryk, seconded by Council Member Kopp and carried, with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council President 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 July 27, 2021 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on August 10, 2021 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:
ANTHONY MERLINO
ASSISTANT TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, July 30, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council 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:

ORDINANCE REAPPROPRIATING \$985,532.25 OF THE PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR A CAPITAL IMPROVEMENT 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, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF ALL MEMBERS THEREOF AFFIRMATIVELY CONCURRING) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$985,532.25 of the proceeds of obligations originally made available pursuant to Section 3.(a) of Bond Ordinance No. 4572-18 of the Township of Toms River, in the County of Ocean, New Jersey (the "Township"),

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finally adopted by the Township Council of the Township on February 13, 2021 ("Bond Ordinance No. 4572-18"), is no longer necessary for the purposes for which the obligations previously were authorized.

Section 2. The \$985,532.25 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39, from Bond Ordinance No. 4572-18 is hereby reappropriated to provide funding for the acquisition of land for open space purposes located in the Township, designated on the municipal tax map as Block 411, Lot 87 (the Boy Scout Property), and including all rights or interests therein, and including all work and services necessary therefor or incidental thereto.

Section 3. 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 Clerk and is available there for public inspection.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing ordinance was duly introduced and passed upon first reading at a regular meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on July 27, 2021. Further notice is hereby given that said ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Council to be held in the Municipal Offices, 33 Washington Street, Toms River, New Jersey on August 10, 2021 at 6:00 p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Township Clerk's Office in the Municipal Building to the members of the general public who shall request the same.

Alison Carlisle, Township Clerk

A motion was made by Council Member Huryk, seconded by Council Member Kopp and carried, with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council President 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 July 27, 2021 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on August 10, 2021 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:
ANTHONY MERLINO
ASSISTANT TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET

TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, July 30, 2021.

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

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

ORDINANCE REAPPROPRIATING \$1,396,007.38 OF THE PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR A CAPITAL IMPROVEMENT 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, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF ALL MEMBERS THEREOF AFFIRMATIVELY CONCURRING) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$1,396,007.38 of the proceeds of obligations originally made available pursuant to Section 3.(a)(1) of Bond Ordinance No. 4500-15 of the Township of Toms River, in the County of Ocean, New Jersey (the "Township"), finally adopted by the Township Council of the Township on December 22, 2015 ("Bond Ordinance No. 4500-15"), is no longer necessary for the purposes for which the obligations previously were authorized.

Section 2. The \$1,396,007.38 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39, from Bond Ordinance No. 4500-15 is hereby reappropriated to provide funding for the road elevation and drainage project located at Broad Street and 5th Avenue in the Township, and including all work and services necessary therefor or incidental thereto.

Section 3. 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 Clerk and is available there for public inspection.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing ordinance was duly introduced and passed upon first reading at a regular meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on July 27, 2021. Further notice is hereby given that said ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Council to be held in the Municipal Offices, 33 Washington Street, Toms River, New Jersey on August 10, 2021 at 6:00 p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Township Clerk's Office in the Municipal Building to the members of the general public who shall request the same.

Alison Carlisle, Township Clerk

A motion was made by Council Member Huryk, seconded by Council Member Kopp and carried, with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council President 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 July 27, 2021 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on August 10, 2021 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:
ANTHONY MERLINO
ASSISTANT TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, July 30, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council 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:

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN APPROPRIATION OF \$685,000 FROM THE OPEN SPACE TRUST FUND TOWARD THE ACQUISITION BY THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, OF REAL PROPERTY DESIGNATED AS BLOCK 1022, LOTS 2.03 AND 2.04, AND BLOCK 1026, LOTS 27-30 IN THE TOWNSHIP OF TOMS RIVER

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) and the Township have jointly determined that the property designated as Block 1022, Lots 2.03 and 2.04, and Block 1026, Lots 27-30 (“subject property”), on the official Township tax map, is one of the few, if any, remaining beachfront parcels viable for acquisition as open space for the use and enjoyment of the general public; and

WHEREAS, the subject property lies between Township-owned beachfront to the immediate north and south; and

WHEREAS, the acquisition of the subject property would expand and unify the publicly-owned and -accessible beachfront in the Ortley Beach section of the Township; and

WHEREAS, after nearly two years of extensive negotiations, NJDEP, the Township, and the property owners reached a tentative, tri-partite agreement, for NJDEP to purchase the subject property for \$7.3 million, with the State and the Township each contributing a share of the purchase price; and

WHEREAS, under this arrangement, NJDEP will contribute \$6.615 million in Blue Acres/Green Acres funding toward the acquisition (90.6% of the purchase price), and the Township will contribute the remaining \$685,000 (9.4% of the purchase price), from an appropriation from the Open Space Trust Fund; and

WHEREAS, the tentative agreement also requires the Township to perform certain pre-closing demolition and surveying work as well as undertake the post-acquisition management and use of the subject property pursuant to a separate agreement with NJDEP; and

WHEREAS, §95-1 of the Township Code permits “the disbursement of monies from the Open Space Trust Fund to assist . . . the State of New Jersey . . . in acquiring interests in real property located within the Township of Toms River” for recreation, conservation, and open space; and

WHEREAS, the Mayor and Township Council fully and enthusiastically support the State’s acquisition of the subject property, which will appreciably expand the Township’s publicly-owned and -accessible beachfront and benefit the Township ecologically and economically:

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

1. Pursuant to §95-1 of the Township Code, an appropriation of \$685,000 from the Open Space Trust Fund is hereby authorized to assist with the acquisition of Block 1022, Lots 2.03 and 2.04, and Block 1026, Lots 27-30 by NJDEP, as open space.

2. Funds for the appropriation authorized by this ordinance are available in the Open Space Trust Fund, in the following accounts: Account No. 1-24- -O24-502 - \$642,480.05, and Account No. X-24-O24-501 - \$42,519.95, for a total of \$685,000.00. A certification of available funds executed by the Chief Financial Officer is on file in the Office of the Township Clerk.

3. The appropriation authorized pursuant to this ordinance is contingent upon NJDEP fulfilling its commitment to contribute no less than \$6.615 million in State funding toward the acquisition of the subject property.

4. The appropriation authorized pursuant to this ordinance is further contingent upon the execution of the tri-partite “Agreement for Purchase,” attached hereto as Schedule A, among the NJDEP, the Township of Toms River, and the owners of the subject property, and the mutual satisfaction of all obligations, covenants, and contingencies set forth therein, including, but not limited to: (1) the Township receiving, on or before December 1, 2021, \$1.8 million in proceeds from the sale of Township-owned lands to the County of Ocean in a separate transaction, which proceeds shall offset the Township’s share of the purchase price and additional expenses associated with the post-acquisition improvement, management, and use of the subject property; and (2) the execution of a companion, bi-lateral management and use agreement between the

Township of Toms River and NJDEP governing the post-acquisition management and use of the subject property.

5. Upon this ordinance becoming effective as provided by law, the Mayor is hereby authorized to execute and the Township Clerk to attest to the following documents: (1) "Agreement for Purchase," attached hereto as Schedule A; (2) "Memorandum of Understanding," attached hereto as Schedule B; and (3) all other documents necessary to effectuate the acquisition of the subject property.

6. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

7. 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.

8. This ordinance is legislative in nature and therefore shall not be codified in the Code of the Township of Toms River.

9. A copy of this ordinance shall remain on file in the Office of the Township Clerk and provided to the following parties:

- a. Mayor
- b. Business Administrator
- c. Township Attorney
- d. Chief Financial Officer
- e. Township Engineer
- f. Fawn Z. McGee, Director
NJDEP Blue Acres Program &
Bureau Chief, State Land Acquisition,
NJDEP Green Acres Program
Mail Code: 501-01
P.O. Box 420
501 East State Street, 1st Floor
[Trenton, NJ 08625-0420](mailto:Fawn.McGee@NJDEP.state.nj.us)
- g. Renee Jones, Central Team Leader
NJDEP Green Acres Program
Mail Code: 501-01
P.O. Box 420
501 East State Street, 1st Floor
[Trenton, NJ 08625-0420](mailto:Renee.Jones@NJDEP.state.nj.us)
- h. Lawrence E. Bathgate, II, Esq.
Bathgate, Wegener & Wolf
One Airport Road
P.O. Box 2043
Lakewood, New Jersey 08701
*Counsel for Hoffman's Surf Club, Inc., and
Joseph and Dolores Barcellona*

SCHEDULE A – SEE ATTACHMENTS

CERTIFICATION

THIS IS TO CERTIFY that the funds for the appropriation of \$685,000.00 from the Open Space Trust Fund toward the acquisition by the State of New Jersey, Department of Environmental Protection, of real property designated as Block 1022, Lots 2.03 and 2.04, and Block 1026, Lots 27-30 in the Township of Toms River, are available in the following accounts:

Account No. 1-24- -O24-502	\$642,480.05
Account No. X-24-O24-501	<u>\$ 42,519.95</u>
Total:	\$685,000.00

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

DENISE WAHLERS
DEPUTY CHIEF FINANCIAL OFFICER

Dated: July 27, 2021

A motion was made by Council Member Huryk, seconded by Council Member Kopp and carried, with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council President 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 July 27, 2021 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on August 10, 2021 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:
ANTHONY MERLINO
ASSISTANT TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, July 30, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council 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, Rodrick, Turnbach, and Council President Geoghegan voting yes, and with Council Member Maruca absent, to approve the following Resolution.

RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, URGING THE GOVERNOR TO SIGN INTO LAW ASSEMBLY BILL NO. 5864 TO ALLOW POLICE OFFICERS TO REVIEW BODY-WORN CAMERA FOOTAGE PRIOR TO CREATING AN INITIAL INCIDENT REPORT

JULY 27, 2021

WHEREAS, under current law, law enforcement officers are prohibited from reviewing or receiving an accounting of body-worn camera recordings prior to creating any required initial reports, statements, and interviews regarding recorded incidents; and

WHEREAS, both houses of the State Legislature have overwhelmingly passed legislation, Assembly Bill No. 5864, to rescind this prohibition and allow law enforcement officers to review and receive an accounting of body-worn camera recordings prior to creating any required initial reports, statements, and interviews regarding recorded incidents; and

WHEREAS, this legislation is strongly supported by both the New Jersey State Police Benevolent Association (“PBA”) and the Toms River PBA; and

WHEREAS, allowing law enforcement to review body-worn camera footage prior to drafting reports, statements, and interviews would further the interests of justice by promoting accuracy; enabling law enforcement officers to prepare clear and detailed reports; and avoiding the inefficiency of having to prepare subsequent reports to correct any inaccuracies or discrepancies:

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

1. In the interests of justice and to provide law enforcement officers with a valuable tool to ensure accuracy in police reports, the Township Council strongly urges Governor Murphy to sign A-5864 into law.

2. A certified copy of this resolution shall remain on file in the Office of the Township Clerk and provided to the following parties

- a. Mayor
- b. Business Administrator
- c. Township Attorney
- d. Chief of Police
- e. Governor Philip D. Murphy

A motion was made by Council Member Lotano, second by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, and Council Member Turnbach voting yes, Council Member Maruca absent, and with Council Members Rodrick and Geoghegan abstaining, to nominate Philip Brilliant as representative in expired MUA term.

Councilman Rodrick read a letter from Carmen Memoli current Chairman of MUA.

A motion was made by Council Member Lotano, second by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Turnbach, and Council President Geoghegan voting yes, and Council Member Rodrick abstaining, and with Council Member Maruca absent, **nominations were closed.**

Council Member Turnbach spoke regarding party politics.

Council President Geoghegan spoke regarding a letter read into record by Councilman Rodrick, and suggested it be forwarded it to Prosecutors Office.

With nominations closed, the foregoing Ordinance was adopted on roll call by the following vote:

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, APPOINTING PHILIP I. BRILLIANT AS A MEMBER OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY
JULY 27, 2021**

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

1. **PHILIP I. BRILLIANT** is hereby appointed as a regular member of the Toms River Municipal Utilities Authority for a term of five (5) years, commencing retroactive from February 1, 2021, and expiring on February 1, 2026.
2. The Office of the Township Clerk shall send a certified copy of this resolution to each of the following, and appointee shall present himself before the Township Clerk to take and subscribe to the Oath of Office:
 - a) Mayor Maurice B. Hill, Jr.
 - b) Township Council
 - c) Township Attorney
 - d) Municipal Utilities Authority
Philip I. Brilliant 79 Holly Tree Lane
Toms River, NJ 08755
 - e) Secretary of State, State of New Jersey
PO Box 308
Trenton, NJ 08625
 - f) New Jersey Department of the Treasury
Division of Commercial Recording
(along with a Toms River Township voucher
to cover the filing fees)
PO Box 308
Trenton, NJ 08625

CONSENT AGENDA

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 687.05 LOT 4 EFFECTIVE JANUARY 1ST, 2021, AND PROVIDING THAT PROPERTY TAXES FOR 2021, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

JULY 27, 2021

WHEREAS, the owner of real property in the Township of Toms River known as Block 687.05 Lot 4, located at 141 Cranmoor Drive, has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective January 1st, 2021 and

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

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

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

1. All 2021 real property taxes for block 687.05 lot 4 due on or after January 1st, 2021, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 687.05 lot 4 if any, shall be refunded on a pro-rated basis from January 1st , 2021.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor
 - b) Business Administrator
 - c) Township Attorney
 - d) Chief Financial Officer
 - e) Township Assessor
 - f) Township Tax Collector

AMENDMENT TO A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ADOPTED NOVEMBER 24, 2020, TO ADD THREE (3) ADDITIONAL ICE SKATING INSTRUCTORS, FOR A TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$7,000.00, WITH NO ADDITIONAL FUNDING NEEDED

JULY 27, 2021

WHEREAS, the Township of Toms River sponsors ice skating instruction at the Winding River Skating Center; and

WHEREAS, the services of nine (9) ice skating instructors were obtained for calendar year 2021; and

WHEREAS, the total amount of the contracts awarded under the November 24, 2020 resolution was not to exceed \$7,000.00; and

WHEREAS, this resolution will authorize hiring three (3) additional ice skating instructors for the Winding River Skating Center for calendar year 2021;

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. The November 24, 2020 adopted resolution is amended to authorize the hiring of three (3) additional ice skating instructors for the Winding River Skating Center for calendar year 2021, for a total maximum amount not to exceed \$7,000.00. No additional monies are required for this amendment.

2. The services of the following instructors are retained on a per class basis for the Winding River Ice Skating Rink for calendar year 2021:

- a) **Konstantin Kaplan**
460 Tivoli Ct.
Morganville, NJ 07751
\$17.00/class

- b) **Clare Cahill**
2416 Orchard Crest Blvd.
Manasquan, NJ 08736
\$17.00/class

- c) **Anthony Frattini**
102 Rolling Hills Court
Toms River, NJ 08755
\$17.00/class

3. Fully executed purchase orders shall serve as the necessary contract documentation between the parties hereto.

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

- a) Chief Financial Officer
- b) Township Attorney
- c) Purchasing Division
- d) Recreation Department
- e) Dean Marusic, Ice Rink Manager
- f) All aforementioned instructors

CERTIFICATION

THIS IS TO CERTIFY that the funds for hiring Three (3) additional ice skating instructors for 2021, for the Winding River Ice Skating Center as follows:

- a) Konstantin Kaplan
460 Tivoli Ct.
Morganville, NJ 07751
\$17.00/class

- b) Clare Cahill
2416 Orchard Crest Blvd.
Manasquan, NJ 08736
\$17.00/class
- c) Anthony Frattini
102 Rolling Hills Court
Toms River, NJ 08755
\$17.00/class

The total maximum amount of all contracts shall not exceed \$7,000.00. No additional funding needed.

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

DENISE WAHLERS
DEPUTY CHIEF FINANCIAL OFFICER

Dated: July 27, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE FIRST ONE (1) YEAR
CONTRACT EXTENSION FOR THE SUPPLY OF OEM AUTOMOTIVE PARTS AND
ACCESSORIES WITH FREEHOLD FORD, INC., PINE BELT ENTERPRISE, AND P&G
AUTO INC., COMMENCING AUGUST 22, 2021 THROUGH AUGUST 21, 2022
JULY 27, 2021**

WHEREAS, resolution of the Township Council dated July 23, 2019, authorized the award of contracts for the Supply of OEM Auto Parts and Accessories to Freehold Ford Inc., Pine Belt Enterprise, and P & G Auto, Inc., for a two (2) year term, effective August 22, 2019 through August 21, 2021, as follows:

	<u>Discount</u>	<u>Vendor</u>	<u>Exceptions</u>
A. FORD OEM Parts/Accessories:	<u>44.20%</u>	Freehold Ford Inc.	Exceptions: 1) Batteries, remanufactured parts, engine assemblies & transmission assemblies will be discounted 20%. 2) Diesel engine assemblies will be discounted 15%
B. GENERAL MOTORS OEM Parts/Accessories:	<u>25.00%</u>	Pine Belt Enterprise	Exception: Engines & Transmission 15% off list
C. DODGE/CHRYSLER/JEEP OEM Parts/Accessories:	<u>30.00%</u>	P & G Auto Inc.	

WHEREAS, the terms of the original contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15, which allows for the contracts to be extended for no more than two (2) additional one-year terms upon expiration of the original contract term; and

WHEREAS, the Purchasing Division has determined it is in the best interest of the Township to extend these contracts for the first additional one (1) year term, commencing August 22, 2021 through August 21, 2022, under the same terms and conditions as the original contract; and

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

1. It hereby authorizes the first one (1) year contract extension with Freehold Ford, Inc., Pine Belt Enterprise and P & G Auto Inc., for the supply of OEM Auto Parts and Accessories, as stated above, for a one (1) year term, commencing August 22, 2021 through August 21, 2022, under the same terms and conditions as the original contract.

2. 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) Department of Public Works
- e) Division of Parks, Buildings and Grounds
- f) Police Department
- g) Office of Emergency Management
- h) Freehold Ford, Inc.
3572 U.S. Route 9
Freehold, NJ 07728
- i) Pine Belt Enterprise
1088 Route 88
Lakewood, NJ 08701
- j) P & G Auto Inc.
80 Leuning St.
S. Hackensack, NJ 07606

CERTIFICATION

THIS IS TO CERTIFY that the funds for the first one (1) year contract extension for the supply of OEM Automotive Parts and Accessories awarded to Freehold Ford Inc., Pine Belt Enterprise and P & G Auto, Inc., 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 accounts at that time.

DENISE WAHLERS
DEPUTY CHIEF FINANCIAL OFFICER

Dated: July 27, 2021

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF REBID AND NEGOTIATED CONTRACTS FOR THE SUPPLY OF COPY PAPER, PARCHMENT PAPER AND PHOTO HOLDERS, TO CONCEPT PRINTING INC. AND WB MASON CO. INC.

JULY 27, 2021

WHEREAS, bids were first received on June 3, 2021, for the Supply of Copy Paper, Parchment Paper and Photo Holders, which bids were rejected, and authorization to rebid was awarded on June 22, 2021; and

WHEREAS, all items were rebid on July 8, 2021, and one bid was received from Concept Printing Inc., 40 Lydecker St., Nyack, NY, 10960, for Item Number D1; and

WHEREAS, Item Numbers A1-7, B1-2 and C1 received no bids; and

WHEREAS, rebid Item Number D1 shall be awarded to Concept Printing Inc. in the amount of \$7.70 each; and

WHEREAS, based on NJSA 40A:11-5(3)(a) negotiations were invited from various vendors for Item Numbers A1-7, B1-2, and C1, and one vendor, WB Mason Co. Inc., 300 Prospect Plains Rd., Cranbury, NJ, 08512, responded to the request; and

WHEREAS, negotiated Item Numbers A1-6 shall be awarded to WB Mason Co. Inc., as follows:

1. 8½ x 11, White:	<u>Mason WBM21200</u>	<u>\$2.84</u>
2. 8½ x 14, White:	<u>Mason WBM24200</u>	<u>\$3.97</u>
3. 11" x 17, White:	<u>Mason WBM28110</u>	<u>\$6.28</u>
4. 8½ x 11, Various Colors:	<u>Mason WBM22201xx</u>	<u>\$3.87</u>
5. 8½ x 14, Various Colors:	<u>Boise CASMP2204xx</u>	<u>\$6.46</u>
6. 8½ x 11, Astrobright Neon Colors:	<u>Astrobright WAU2xxxx</u>	<u>\$9.98</u>

Quotes shall be obtained for Item Numbers A7, B1-2 and C1.

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. Rebid Item Number D1 shall be awarded to Concept Printing Inc. in the amount of \$7.70 each.

2. Negotiated Item Numbers A1-6 shall be awarded to WB Mason Co. Inc., as follows:

1. 8½ x 11, White:	<u>Mason WBM21200</u>	<u>\$2.84</u>
2. 8½ x 14, White:	<u>Mason WBM24200</u>	<u>\$3.97</u>
3. 11" x 17, White:	<u>Mason WBM28110</u>	<u>\$6.28</u>
4. 8½ x 11, Various Colors:	<u>Mason WBM22201xx</u>	<u>\$3.87</u>
5. 8½ x 14, Various Colors:	<u>Boise CASMP2204xx</u>	<u>\$6.46</u>
6. 8½ x 11, Astrobright Neon Colors:	<u>Astrobright WAU2xxxx</u>	<u>\$9.98</u>

3. Quotes shall be obtained for Item Numbers A7, B1-2 and C1.

4. These will be open-ended contracts with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget.

The award of these contracts are subject to all the terms and conditions of the bid specifications.

5. Term of contracts shall be effective retroactive from July 11, 2021 through July 10, 2022. 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) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) All Departments
- f) Concept Printing Inc.
40 Lydecker St.
Nyack, NY 10960
- g) WB Mason Co. Inc.
300 Prospect Plains Rd.
Cranbury, NJ 08512

CERTIFICATION

THIS IS TO CERTIFY that the funds for the award of rebid and negotiated contracts for the Supply of Copy Paper, Parchment Paper and Photo Holders, with Concept Printing Inc. and WB Mason Co. Inc., 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 year.

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

DENISE WAHLERS
DEPUTY CHIEF FINANCIAL OFFICER

Dated: July 27, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, REJECTING BIDS RECEIVED FOR THE HUDDY
PARK GAZEBO MASONRY DEMOLITION & RECONSTRUCTION, AND AUTHORIZING
THE APPROPRIATE TOWNSHIP OFFICIALS TO REBID FOR THIS PROJECT**

JULY 27, 2021

WHEREAS, bids were invited on July 8, 2021 for the Huddy Park Gazebo Masonry Demolition & Reconstruction project, and received as follows:

<u>Vendor:</u>	<u>Total Bid Price:</u>
Twinn Cedars Landscape Construction 156 Grand Central Pkwy. Bayville, NJ 08721	\$292,000.00
A1 Construction Services Inc. 2468 N. Jerusalem Rd., Suite 1 Baltimore, NY 11710	\$497,000.00

WHEREAS, the bids have been reviewed by the Purchasing Division and the Engineering Division, pursuant to N.J.S.A. 40A:11-13.2.b, and recommendation has been made that it would be in the best interest of the Township to reject all bids and rebid this contract because the lowest bid exceeded the engineer's estimate;

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 is in the best interest of the Township to reject all bids and rebid this contract because the lowest bid exceeded the engineer's estimate.
2. The appropriate Township Officials are hereby authorized to rebid for this contract.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing Division
 - b) Chief Financial Officer
 - c) Township Attorney
 - d) Engineering Division
 - e) Twinn Cedars Landscape Construction
156 Grand Central Pkwy.
Bayville, NJ 08721
 - f) A1 Construction Services Inc.
2468 N. Jerusalem Rd., Suite 1
Baltimore, NY 11710

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF TWO MICROSOFT SURFACE HUBS AND EXTENDED HARDWARE SERVICE PLANS FOR THE TOMS RIVER POLICE DEPARTMENT, FROM CDW GOVERNMENT, UTILIZING ESCNJ #18/19-03, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$49,395.00

JULY 27, 2021

WHEREAS, the Township of Toms River is a member of the Educational Services Commission of New Jersey #18/19-03, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, pursuant to bids received, a contract was awarded to CDW Government, 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 Two Microsoft Surface Hubs and Extended Hardware Service Plans for the Toms River Police Department, from CDW Government, 230 North Milwaukee Avenue, Vernon Hills, IL, 60061, utilizing Educational Services Commission of New Jersey, Contract #18/19-03, in the total contract amount not to exceed \$49,395.00, from the following vendor:

**CDW Government
230 North Milwaukee Avenue
Vernon Hills, IL 60061
ESCNJ # 18/19-03**

<u>Part #</u>	<u>Item Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
TQP-00001	Microsoft Surface Hub 2S 85" - Touch Surface - Core i5 - 8 GB - SSD 128 GB	2	\$19,800.00	\$39,600.00
QDT-00070	Microsoft Extended Hardware Service Plan - Extended Service Agreement - 3 Year	2	\$3,075.00	\$6,150.00

July 27, 2021 27

STPM2CART85	Microsoft Steelcase Roam Mobile Stand for Surface Hub 2S 85" - Whiteboard	1	\$2,075.00	\$2,075.00
STPM2FLRMT85	Microsoft Steelcase Roam Floor Supported Wall Mount for Surface Hub 2S	1	\$1,570.00	\$1,570.00
			Grand Total:	\$49,395.00

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

1. It hereby authorizes the purchase of Two Microsoft Surface Hubs and Extended Hardware Service Plans for the Toms River Police Department, from CDW Government, utilizing Educational Services Commission of New Jersey, Contract #18/19-03, as stated above, in the total contract amount not to exceed \$49,395.00,

2. Funds in the amount of \$49,395.00 are available in Account No. X-99- -907-775.

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) Police Department
- e) IT Department
- f) CDW Government
230 North Milwaukee Avenue
Vernon Hills, IL 60061

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with CDW Government, in the total contract amount not to exceed \$49,395.00, are available in Account No. X-99- -907-775.

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.

DENISE WAHLERS
DEPUTY CHIEF FINANCIAL OFFICER

Dated: July 27, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF OPEN-ENDED
CONTRACTS TO PETRO CHOICE HOLDINGS, LLC AND BWE, LLC D/B/A BRENNTAG
LUBRICANTS, AS THE LOWEST RESPONSIBLE, RESPONSIVE BIDDERS MEETING
ALL OF THE BID SPECIFICATIONS, FOR THE SUPPLY OF MOTOR OILS,
ANTIFREEZE, GREASES AND LUBRICANTS, AND TO REJECT CERTAIN ITEMS AND
REBID CERTAIN ITEMS**

JULY 27, 2021

WHEREAS, bids were received on June 24, 2021, for the supply of motor oils, antifreeze, greases and lubricants, from the following vendors, and have been reviewed by the Purchasing Division, as follows:

Petro Choice Holdings LLC 837 Cherry St. Avoca, PA 18641	BWE, LLC d/b/a Brenntag Lubricants 1064 Goffs Falls Rd. Manchester, NH 03103	Pilot Thomas Logistics LLC 1750 Woodhaven Dr. Bensalem, PA 19020
--	--	--

WHEREAS, the bid from Pilot Thomas Logistics LLC is rejected for taking exception to bid specification 1B.21 - Bidding Price; and

WHEREAS, Item Numbers shall be awarded as follows:

Petro Choice Holdings LLC for Item Numbers: 5a-d, 6a-c, 8a, 10a, 14a-b, 18a, 21a-b, 22b, 24a-b, 24d, 25a, 26a-b, and 29a

BWE, LLC D/B/A Brenntag Lubricants for Item Numbers: 1a, 2a, 3a, 9a-c, 11a, 12a-b, 13a-b, 16a, 20a-b, 22a, 24c, 27a-b, and 28a.

WHEREAS, Item Numbers 15b, 17a-b, 23a and 25b received no bids and will be rebid; and

WHEREAS, Item numbers 1b, 2b, 3b, 4a, 6d-e, 7a, 15a, 19a, 21c, 30a and 31a received bids but are rejected because the specifications were not met and will be rebid; and

WHEREAS, Item Number 21 was rejected because the specifications were not met and will not be rebid because the item has not been purchased in several years and there is no longer a need for this item per using departments; and

WHEREAS, Item Number 23a received no bid and will not be rebid because this item has not been ordered in several years and there is no longer a need for this item per the using department;

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 rebids and awards contracts for the supply of motor oils, antifreeze, greases and lubricants to Petro Choice Holdings LLC and BWE, LLC D/B/A Brenntag Lubricants, as the lowest responsible, responsive bidders, meeting all the bid specifications.

2. The bid from Pilot Thomas Logistics LLC is rejected for taking exception to bid specification 1B.21 - Bidding Price.

3. Item Numbers shall be awarded as follows:

Petro Choice Holdings LLC for Item Numbers: 5a-d, 6a-c, 8a, 10a, 14a-b, 18a, 21a-b, 22b, 24a-b, 24d, 25a, 26a-b, and 29a

BWE, LLC D/B/A Brenntag Lubricants for Item Numbers: 1a, 2a, 3a, 9a-c, 11a, 12a-b, 13a-b, 16a, 20a-b, 22a, 24c, 27a-b, and 28a.

4. Item Numbers 15b, 17a-b, 23a and 25b received no bids and will be rebid.

5. Item Numbers 1b, 2b, 3b, 4a, 6d-e, 7a, 15a, 19a, 21c, 30a and 31a received bids but are rejected because the specifications were not met and will be rebid.

6. Item Number 21 was rejected because the specifications were not met and will not be rebid because the item has not been purchased in several years and there is no longer a need for this item per using departments.

7. Item Number 23a received no bid and will not be rebid because this item has not been ordered in several years and there is no longer a need for this item per the using department.

8. 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.

9. Term of Contracts shall be effective August 22, 2021 through August 21, 2022. This award of these contracts are subject to all the terms and conditions of the bid specifications.

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

11. 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) Bey Lea Golf Course
- f) Petro Choice Holdings LLC
837 Cherry Street
Avoca, PA 18641
- g) BWE, LLC D/B/A Brenntag Lubricants
1064 Goffs Falls Rd.
Manchester, NH 03103

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contracts awarded to Petro Choice Holdings LLC and BWE, LLC D/B/A Brenntag Lubricants, for the supply of motor oils, antifreeze, greases and lubricants, are contingent upon the availability of funds in the appropriate municipal budget year.

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

DENISE WAHLERS
DEPUTY CHIEF FINANCIAL OFFICER

Dated: July 27, 2021

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE IT DEPARTMENT TO DISPOSE OF IT EQUIPMENT WHICH IS NO LONGER NEEDED FOR PUBLIC USE, AND IS NOT USABLE BY THE TOWNSHIP OR SUITABLE FOR AUCTION, PURSUANT TO N.J.S.A. 40A:11-36

JULY 27, 2021

WHEREAS, the It Department is requesting authorization to dispose of IT Equipment which is no longer needed for public use and is not usable by the Township or suitable for auction and should be disposed of by recycling with the Township's electronics; and

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

July 27, 2021 30

1. Pursuant to N.J.S.A. 40A:11-36, it hereby authorizes the IT Department to dispose of IT Equipment, which is no longer needed for public use and is not usable by the Township or suitable for auction and should be disposed of by recycling with the Township's electronics, as follows:

Serial #	Manufacturer	Model	Type	Asset Tag #
2UA8410T9X	HP	dc5800	DESKTOP	
2UA93705MY	HP	dc5800	DESKTOP	
2UA24302Q8	HP	6300	DESKTOP	
MXL3390ZQL	HP	4300	DESKTOP	
2UA8410T9L	HP	dc5800	DESKTOP	
2UA8410T9K	HP	dc5800	DESKTOP	
2UA93705N2	HP	dc5800	DESKTOP	
MXL3390ZP6	HP	4300	DESKTOP	
2UA8230HPF	HP	dc5800	DESKTOP	
2UA5331B83	HP	800 G1	DESKTOP	6612
2UA1420T8S	HP	6200	DESKTOP	
2UA5331B74	HP	800 G1	DESKTOP	6624
2UA5331B7B	HP	800 G1	DESKTOP	6617
2UA5331B6P	HP	800 G1	DESKTOP	6618
2UA5170NBX	HP	800 G1	DESKTOP	
2UA3391N3T	HP	8300	DESKTOP	
2UA5331BPP	HP	800 G1	DESKTOP	6608
2UA1061K9Q	HP	6000	DESKTOP	
2UA511111M	HP	800 G1	DESKTOP	
US15207696	HP	VECTRA VL420	DESKTOP	
BAR-YF-374442	BARRACUDA	WEBFILTER 610		6130
USE007N65X	HP	DL320	SERVER	
620P5X1	DELL	POWEREDGE 720	SERVER	
CNCCG1M03B	HP	M602	PRINTER	
USQB017239	HP	4050	PRINTER	3244
XXRC09185174	ZEBRA	RW420	PRINTER	
6NB7H16CXL	HP	M521	PRINTER	6467
Serial #	Manufacturer	Model	Type	Asset Tag #
NRB452275	XEROX	PHASER 3300 MFP	PRINTER	
N/A	XEROX	PHASER 6500	PRINTER	
N/A	XEROX	PHASER 6500	PRINTER	
VNB3372854	HP	P2035	PRINTER	
U63274D5J932377	BROTHER	INTELLIFAX 2840	FAX	
Q5EZ881352	EPSON	DS-30	SCANNER	7560
CN81PA54R1	HP	SCANJET G3010	SCANNER	
		LABELWRITER		
1230021750110	DYMO	1750110	PRINTER	
XXRCJ110901059	ZEBRA	RW420	PRINTER	
CN3BC310YT	HP	PHOTOSMART 7960	PRINTER	
CNDX117499	HP	LASERJETP4014n	PRINTER	
	28971 FUJITSU	FI-6140	PRINTER	
3B1621X27641	APC	1500	BATTERY BACKUP	
3S1520X06150	APC	1500	BATTERY BACKUP	
4B1738P13726	APC	1500	BATTERY BACKUP	
MGA00025	PANASONIC	AG-CPD20P	MVR	
SHU0935411J1717	DELL	EQUALOGIC PS6000	SANS	
SHU0937898J1E60	DELL	EQUALOGIC PS4000	SANS	
SHU0937898J1E61	DELL	EQUALOGIC PS4000	SANS	
3CQ134BQHW	HP	LE1901	MONITOR	
CDC15A50520	PLANAR	PL1910M	MONITOR	

CNC147P6KK	HP	S1933	MONITOR	
AJ751F24115	PLANAR	PL2010M	MONITOR	
TK591335LT152C00622	PLANAR	PT2245PW	MONITOR	
TK561212AT151C00056	PLANAR	LA2250RTPW	MONITOR	
TK591335LT152C00621	PLANAR	PT2245PW	MONITOR	
TK591335LT152C00618	PLANAR	PT2245PW	MONITOR	
TK591335LT152C00619	PLANAR	PT2245PW	MONITOR	
BD738F47341	PLANAR	PL1910M	MONITOR	
CNK9480S6M	HP	EM890A	MONITOR	
PL250HS600406	PLANAR	LE42BW	MONITOR	
BD828A96967	PLANAR	PL1910M	MONITOR	
AJ746F22549	PLANAR	PL2010M	MONITOR	
CNC147P65X	HP	S1933	MONITOR	
CNCB32PXLZ	HP	W2072A	MONITOR	
CNC147P6F1	HP	S1933	MONITOR	
CNC133QLYJ	HP	S1933	MONITOR	
CDC15A50550	PLANAR	PL1910M	MONITOR	
AJ751F24130	PLANAR	PL2010M	MONITOR	
TK591335LT152C00626	PLANAR	PT2245PW	MONITOR	
CNC332PXP4	HP	W2072A	MONITOR	
PAJRAAJA01508	PLANAR	PL1900BK	MONITOR	8088
PAJRAAJA00249	PLANAR	PL1900BK	MONITOR	8089
TK651212AT	PLANAR	LA2250RTPW	MONITOR	
TK151C00060	PLANAR	LA2250RTPW	MONITOR	
Z2ZC3CAB700155J	SAMSUNG	UN46D6000SFXZA	46" TV	
Z1MB3CEZ602755R	SAMSUNG	LN40C550J1F	42" TV	
6PVPV81	DELL	LATITUDE D610	LAPTOP	
4KTYA44333	PANASONIC	CF-31WBM83LM	LAPTOP	6382
0FKYA06755	PANASONIC	CF-31AGAEA1M	LAPTOP	
5AKYA10692	PANASONIC	CF-31WBM83LM	LAPTOP	
5AKYA10597	PANASONIC	CF-31WBM83LM	LAPTOP	6476
0HKYA16704	PANASONIC	CF-31AGAEA1M	LAPTOP	

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) IT Department

**RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS
FOR SFY21 BODY-WORN CAMERA GRANT PROGRAM**

JULY 27, 2021

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

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

WHEREAS, the Township has received a grant from the State of New Jersey, Department of Law and Public Safety, Office of the Attorney General, SFY21 Body-worn Camera Grant Program and wishes to amend its 2021 Budget to include a portion of this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, County of Ocean, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2021 Budget the sum of \$313,852.00 which is now available as revenue from:

Miscellaneous Revenues -

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

SFY21 Body-Worn Camera Grant Program\$313,852.00
pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$313,852.00 is and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

SFY21 Body-Worn Camera Grant Program\$313,852.00

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

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

Approved as to Content:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS CHASE BANK, BLOCK 404, LOT 58.01. (2 Route 37 West)

July 27, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Chase Bank, Block 404, Lot 58.01.

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

- 1) Maintenance Cash Bond in the amount of \$5,420.00 currently on deposit in account # 1-14- -902-101 is hereby released with applicable interest;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Gemstar Construction Corp.
83 Jewett Avenue
Staten Island, NY 10302

LNU (Last Name Unknown), spoke on loop road and how it will not help traffic flow, we are a town, not a city.

Art Anderson asked if this the engineering of the loop, is the planning done?

Councilman Turnbach asked Township Engineer Chankalian to explain the original grant to public.

Councilman Lotano spoke to Art Anderson and Councilman Turnbach, and said engineering will address.

A motion was made by Council Member Huryk, seconded by Council Member Kopp, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and Council Member Rodrick voting no, 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 THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES WITH URBAN ENGINEERS, INC. FOR PRELIMINARY ENGINEERING REQUIRED FOR THE BUILD-18 GRANT AGREEMENT WITH THE FEDERAL HIGHWAY ADMINISTRATION OF THE USDOT FOR THE PROJECT KNOWN AS THE TOMS RIVER DOWNTOWN LOOP ROAD

JULY 27, 2021

WHEREAS, there exists a need for Professional Engineering Services for Local Preliminary Engineering, Final Design and Plans, Specifications and Estimates for the project known as the Toms River Downtown Loop Road in Toms River Township; and

WHEREAS, the project is funded by the BUILD-18 Grant pursuant to a Grant Agreement between the Township and the Federal Highway Administration (FHWA) executed on September 18, 2020; and

WHEREAS, the Ocean Township Engineer has solicited proposals for Professional Engineering Services; and

WHEREAS, on June 8, 2021 the Township of Toms River received four proposals for the Downtown Toms River Loop Project through the competitive contracting process in accordance with the NJSA 40A:11-4.1a which allows for price and other factors; and

WHEREAS, said proposals have been received and reviewed by the Purchasing Agent and the Consultant Selection Review Committee consisting of the Township Planner, Assistant Township Engineer and Assistant Township Planner, and 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 NJSA 40A:9-22.1 et seq; and

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

	Total Score
Colliers Engineering & Design	221
331 Newman Springs Rd, Suite 203	
Red Bank, NJ 07701	

French & Parello Assoc 242
1800 Route 34, Suite 101
Wall, NJ 07719

Traffic Planning & Design Inc 237
303 West Main St, Suite 330
Freehold, NJ 07728

Urban Engineers 267
220 Lake Dr East, Suite 300
Cherry Hill, NJ 08002

WHEREAS, the scores were based upon the following observations:

Colliers Engineering & Design did not provide project schedule or hours, referenced no roundabout project experience, leads are municipal engineers rather than transportation engineers, included PS&E scope in proposal, reliant on NV5 for agency requirements and NEPA compliance, reference requirements for DOT approvals not applicable with Township as a direct recipient of FHWA funds, NV5 – BE, PCA (DBE), project experience focus on road widenings.

French & Parello Assoc. did not provide project schedule or hours, ROW acquisition deferred to FD, project profiles include only one Ocean County project and one Toms River street elevation, later completion date provided little cushion for completion of construction by FHWA grant deadline, (No DBE), BVE, GPI - (GSP EXIT 80-83 project experience)

Traffic Planning & Design, Inc. provided project schedule, but not estimate of hours, focused on LPE only, strong roundabout design and project experience, most of the firm’s experience is outside the area, DBE / ESBE, GEOD survey, ACT Eng, (Stantec) PCA, proposed completion of LPE in November 2022.

Urban Engineers proposed earlier start to NEPA, strong roundabout design and project experience, (DBE/ ESBE), GEOD (survey), submitted concept, Provided project schedule, but no estimate of hours, included FD and PS&E scope, Proposed March 2022 LPE completion date, PCA (DBE); and

WHEREAS, the Committee unanimously chose Urban Engineers, Cherry Hill, New Jersey, for the following reasons:

1. Best understanding of the overall project schedule. Proposed completion of LPE phase by March of 2022.
2. Best background knowledge of project area and scope based on their development of the LCD and their analysis of detours for the Huddy Park/Rt 166 bridge replacement project over the past five years.
3. Demonstrated design experience with roundabouts.
4. Familiarity with County road transportation/traffic projects as the County’s on-call transportation/traffic engineer.

WHEREAS, the Consultant Selection Review Committee has recommended that an agreement for Professional Engineering Services be awarded to Urban Engineers, Inc. on the basis of the quality of their proposal, prior experience in the project area and the cost of the same as revised per negotiation; and

WHEREAS, the solicitation and review of these proposals have been done in accordance with “Brooks” Law; and

WHEREAS, Urban Engineers, Inc. had the Number One highest ranked technical proposal; and

WHEREAS, Urban Engineers, Inc.’s fee proposal, in the amount not to exceed \$544,702.98, was within the budget established for this project; and

WHEREAS, the award of this Agreement is contingent upon FHWA concurrence and authorization to incur costs; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that a notice be published of an award of an Agreement for professional services; and

WHEREAS, the Township reserves the right to cancel this contract at any time during the contract term if said funds are not appropriated; and

WHEREAS, this Agreement shall remain in effect for the duration of the project, including modifications as approved by the FHWA; and

WHEREAS, this Agreement is awarded in compliance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law and N.J.S.A. 19:44A-20.4 et seq., the New Jersey “Pay to Play” Law.

NOW, THEREFORE, BE IT RESOLVED by the TOWNSHIP COUNCIL of the TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, as follows:

1. It hereby awards a contract to Urban Engineers, Inc. for the preliminary engineering required for the Build-18 Grant Agreement with the Federal Highway Administration of the USDOT for the project known as The Toms River Downtown Loop Road, in the total adjusted contract price of \$544,702.98.

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. The Mayor is hereby authorized to enter into and execute an Agreement attached hereto as Exhibit A, with **Urban Engineers, Inc.**, 220 Lake Drive, Suite 300, Cherry Hill, New Jersey 08002 for Professional Engineering Services, as more specifically set forth in that Agreement.

5. The award of this Contract is contingent upon and subject to FHWA approval. Should this approval not be granted, this Contract shall be null and void.

6. This Agreement is awarded as a professional service in accordance with N.J.S.A. 40A:11-5, as the services required in connection with this Agreement shall be provided by licensed New Jersey Professional Engineers, Land Surveyors and Planners, as defined therein.

7. Funds in the amount not to exceed \$544,702.98 are available in the following accounts:

Account No. X-99- -907-796	\$250,000.00
Account No. X-04-46-832-002	<u>\$294,702.98</u>

Total: \$544,702.98

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

8. The contract number must be placed on all papers, documents, invoices and vouchers pertaining to said contract.

9. Copies of this Resolution, together with a copy of the Agreement, shall be maintained on file and available for public inspection in the Office of the Township Clerk during normal business hours.

10. A notice of this action shall be published once as required by law.

11. A certified copy of this Resolution shall be forwarded to Urban Engineers, Inc., and made available to the following:

- a) Mayor Maurice B. Hill, Jr.
- b) Township Administrator
- c) Township Deputy CFO
- d) Township Purchasing Agent
- e) Director of Law
- f) Assistant Township Attorney
- g) Township Engineer
- h) Township Planner

EXHIBIT A

PROFESSIONAL SERVICES CONTRACT

THIS CONTRACT, made this 27 day of July, 2021, between the TOWNSHIP OF TOMS RIVER, a municipal corporation of the State of New Jersey, having its principal office and place of business at the 33 Washington Street, Toms River, New Jersey 08753, hereinafter referred to as the Party of the First Part, and **URBAN ENGINEERS, INC.**, having its principal office and place of business at 220 Lake Drive East, Suite 300, Cherry Hill, New Jersey 08002, hereinafter referred to as the Party of the Second Part, it is mutually agreed between the parties hereto as follows:

1. That the Party of the Second Part herein agrees to provide Professional Engineering Services for Local Preliminary Engineering for the Toms River Downtown Loop Road project, Toms River Township, in accordance with the revised Technical Proposal and Cost Proposal dated July 22, 2021, which is attached hereto and made a part hereof.

2. That all work will be performed under the direct supervision of a licensed New Jersey Professional Engineer and/or Land Surveyor, engaged by the Party of the Second Part.

3. That the Contract shall remain in effect for the duration of the project, as modified by the Township to include additional scope and fee for the Final Design and Plans Specifications & Estimates phases, subject to the approval of the Federal Highway Administration (FHWA) of the USDOT.

4. The Party of the Second Part, in the performance of the services, agrees to abide by State Public Law 1975, C.127 (N.J.A.C. 17:27) as described in the attached "Exhibit A", Mandatory Affirmative Action Language.

5. That the Party of the Second Part shall have attached hereto two Certificates of Insurance, one Certificate showing Commercial General Liability, of not less than \$1,000,000.00 combined single limit for bodily injury and property damage; automobile insurance not less than \$500,000.00 combined single limit; Statutory Workers Compensation Insurance; and the other Certificate showing Professional Liability Insurance coverage for claims resulting from negligent errors or omissions shall be not less than \$1,000,000.00. The certificate shall name the Township of Toms River as additional insured on the Commercial General Liability Insurance Policy.

6. The Party of the Second Part agrees to comply with applicable Federal, State and local laws, regulations and ordinances in effect as of the date of this contract, and further agrees to protect, defend and hold the Township harmless and indemnify it from any and all suits, claims, damages, or actions of any and every nature and description brought against it, for, or on account of injuries or damages received or sustained by any party or parties caused by the negligent acts of the Party of the Second Part or his employees during the performance by the party of the second part under this Contract, including any legal fees and costs incurred by the Township. The term "Township" is defined to mean the Township and its officials and employees, agents and representatives.

7. Before beginning the work, the Party of the Second Part shall submit for the Township's approval a schedule setting forth its plan for completing the work in accordance with the Agreement. Following approval by the Township, the Party of the Second Part shall complete all work in

July 27, 2021 37

accordance with the approved schedule. It shall coordinate and advance all work items in this Agreement and any Party of the Second Part Contract Modification efficiently and economically consonant with the scheduled completion date. If any phase of the work cannot be completed as scheduled, the Party of the Second Part shall submit a written request for a reasonable extension of time. All such requests shall include a statement as to the cause of the delay and be provided to the Township at the time that the need becomes apparent, but at least 15 days prior to the scheduled completion date of that particular phase of the work. A revised schedule shall also be submitted. The Party of the Second Part shall make regular submissions to the Township in accordance with the Township's scheduling and review procedures and at any other time requested by the Township.

8. The Township may terminate the Party of the Second Part's services before completion of the work pursuant to this Agreement, upon thirty days written notice in which event the Party of the Second Part shall be remunerated for work performed through the date notice of termination becomes effective. The Party of the Second Part shall have no right to, nor shall it make any claim for, damages or additional compensation of any type whatsoever by reason of said termination. All documents begun or completed as the result of this Agreement shall be immediately turned over to the Township upon termination.

9. When the Party of the Second Part intends to subcontract any work under this Agreement, the subcontract must be consented to by the Township prior to the Party of the Second Part entering into the subcontract. It is understood, however, that consent of the Township for the subcontracting of any work under this Agreement in no way relieves the Party of the Second Part from its full obligations under the Agreement. The Party of the Second Part shall at all times give personal attention to the fulfillment of this Agreement and shall keep the work under its control. Consent to the subcontracting of any part of the work shall not be construed to be an approval of said subcontract or of any of its terms, but shall operate only as an approval of the Party of the Second Part's request for the making of a subcontract between the Party of the Second Part and its chosen subcontractor. The Party of the Second Part shall be responsible for all work performed by the subcontractor, which shall conform to the provisions of this Agreement.

The subcontractor shall look only to the Party of the Second Part for payment of any claims of any nature whatsoever arising out of said subcontract, and the subcontractor agrees, as a condition of the Township's consent to the making of said subcontract, that it will make no claims whatsoever against the Township or its agents or employees for any work performed or thing done by reason of said subcontract, or for any other cause whatsoever that may arise by reason of the relationship created between the Party of the Second Part and subcontractors by the subcontract.

10. For Federal Aid Contracts, the Party of the Second Part agrees to comply with the Federal Acquisition Regulations (FAR), 48 CFR Part 31, regarding allocable and allowable costs for reimbursement and agrees to comply with all applicable Federal Regulations pertaining to Federal audit of records and bookkeeping procedures. Payments will be made on a cost plus fixed fee basis as provided in the fee schedule for this cost basis contract.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their proper respective officials and representatives and have affixed their respective corporate seals this _____ day of July, 2021.

TOWNSHIP OF TOMS RIVER,
A MUNICIPAL CORPORATION OF
THE STATE OF NEW JERSEY

BY _____
MAURICE B. HILL, JR., MAYOR
TOWNSHIP OF TOMS RIVER

ATTEST:

ALISON CARLISLE, CLERK
TOWNSHIP OF TOMS RIVER

URBAN ENGINEERS, INC.

BY _____

ATTEST:

CERTIFICATION

This is to certify that the funds for the contract awarded to Urban Engineers, Inc., in the total contract amount not to exceed \$544,702.98, are available in the following accounts:

Account No. X-99- -907-796	\$250,000.00
Account No. X-04- 46-832-002	\$294,702.98
Total:	\$544,702.98

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.

DENISE WAHLERS
DEPUTY CHIEF FINANCIAL OFFICER

Dated: July 27, 2021

REPORTS - NONE

APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **July 22, 2021**, was approved on motion by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council President Geoghegan voting yes, and with Council Member Maruca absent. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 21-04036, payable to Silverton First Aid Squad, Inc., in the amount of \$54,261.93.

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

Purchase Order 21-03849, payable to Rutgers University in the amount of the \$2,259.00.

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

Purchase Order 21-03609, payable to Oceans Harbor House in the amount of \$1,500.00.

Purchase Order 21-03378, 21-03802, 21-03803 & 21-03804, payable to Owen Little & Associates in the amount of \$12,378.75.

Purchase Order 21-04036, payable to Silverton First Aid Squad, Inc., in the amount of \$54,261.93.

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

Purchase Order 21-02872, 21-03601 & 21-03936, payable to Holman Frenia Allison PC in the amount of \$12,885.00.

Council Member Rodrick abstaining on the following purchase order:

Purchase Order 21-00117, payable to Direct Development LLC in the amount of \$4,600.00.

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

Purchase Order 21-00653, 21-02622, 21-03798, & 21-03799, payable to Citta, Holzapfel, Zabarsky in the amount of \$9,068.75.

Purchase Order 21-03821, payable to Magistrate Salaries in the amount of \$6,937.41.

Purchase Order 21-03924, payable to Habitat for Humanity, Inc., in the amount of \$4,361.71.

ELECTED OFFICIALS COMMENTS

Councilman Rodrick questioned if we can appoint at a meeting, Anthony Merlino answered yes. Councilman Rodrick mentioned Antigay posts on social media by board member of MUA, would like an investigation.

Councilman Turnbach thanked Gene Mickle for story on Sum Green who is walking across America to raise money for transitional housing.

Councilman Lotano addressed letter received into record by Councilman Rodrick; spoke on the bid and activities downtown.

Councilwoman Huryk spoke on events downtown coming up in Toms River.

Councilman Kopp congratulated Philip Brilliant on appointment to the MUA.

Councilman Geoghegan had no comments.

Mayor Hill mentioned patrols over the Barrier Island; highlight of Code Enforcement; spoke on rental of private pools in Toms River; and Field of Dreams.

PUBLIC COMMENTS

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

Michael DiSalvo concerned about demolition in North Toms River, it is becoming “downtown Lakewood”. Councilman Turnbach suggested attending meeting for Planning Board.

Mark Orechio, Churchill Drive, questioned regarding filming permits ordinance.

Paul Jeffries, 1661 Bay Blvd, thanked Council for Open Space Ordinance.

Gerry Ambrosio, 938 Millstone Court, spoke about removal of Mr. Carmen Memoli from MUA committee.

Maryann Wallace, Ortley Beach, spoke regarding Surf Club.

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

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried to enter into a private Executive Session at 8:13 p.m.

A motion was made by Council Member Huryk, seconded by Council Member Turnbach 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: July 13, 2021 Regular Meeting
2. Personnel Issues
3. Attorney-Client Privileged Matters- Recreational Cannabis Legalization Issues

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 8:50 P.M., a motion was made by Council Member Huryk, seconded by Council Member Geoghegan, and carried with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council 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, Rodrick, Turnbach, and Council President Geoghegan voting yes, 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:

July 13, 2021 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 8:51 P. M., on motion with Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council President Geoghegan voting yes, and with Council Member Maruca absent.

KEVIN GEOGHEGAN, COUNCIL PRESIDENT

ALISON CARLISLE, TOWNSHIP CLERK