

August 10, 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	- Present
Council President Geoghegan	- Present

**APPROVAL OF MINUTES**

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach and Council President Geoghegan voting yes, and with Council Member Maruca abstaining, to approve the **Regular Meeting of July 27, 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 Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes, to make the following honoring proclamations a part of the Minutes.

The proclamation will be presented at a later day by Mayor Hill to Rabbi William Gershon.

*Township of Toms River*

# Proclamation

## *Installation of Rabbi William Gershon ~ Congregation B'nai Israel*

*August 22, 2021*

*Whereas, Congregation B'nai Israel's (CBI's) history goes back over a century in Toms River, first established in the 1920's as the Toms River Community of Jewish Farmers, using as a base the Community House, built by the members with their own hands, then formally established in 1950 as Congregation B'nai Israel, consisting of 120 families. Having outgrown the Community House, a new building was constructed across the street and was dedicated on December 25, 1959, with a new addition dedicated on October 9, 1983; and*

*Whereas, following a distinguished line of religious clergy, Rabbi William Gershon joined CBI in 2018 as an interim and was elevated to a permanent position, along with Cantor Jacob Greenberg, in 2020 after serving under extreme conditions while seamlessly taking the congregants into a warm and welcome virtual sanctuary during the Covid-19 pandemic; and*

*Whereas, recently elected CBI's Senior Rabbi, Rabbi Gershon is a past President of the Rabbinical Assembly, the international organization of Conservative Rabbis. He has served on the boards of directors or advisory leadership committees of many major national Jewish organizations including the National Council of AIPAC, The Jewish Theological Seminary, Council of Presidents of Major Jewish Organizations, Mercaz USA and the Chancellor's Rabbinic Cabinet of the Jewish Theological Seminary; and*

*Whereas, Rabbi Gershon is a Senior Rabbinic Fellow at the Shalom Hartman Institute in Jerusalem and has been honored by Israel Bonds with The Israel Freedom Award for his tireless efforts and impassioned support of the State of Israel. He received the UJA Rabbinic Cabinet Leadership award for his visionary and outstanding leadership in the rabbinate; and*

*Whereas, Since joining CBI, Rabbi Gershon has made an indelible impact on the congregants of CBI through his warm outreach to their members, his inspiring sermons, dynamic teaching and creative leadership.*

*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 Rabbi William Gershon on his official installation as Senior Rabbi of the Congregation B'nai Israel.*

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**Mayor Maurice B. "Mo" Hill, Jr.**

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**Kevin M. Geoghegan  
Council President**

\_\_\_\_\_  
**Maria Maruca**

\_\_\_\_\_  
**Laurie A. Huryk**

\_\_\_\_\_  
**Joshua D. Kopp**

\_\_\_\_\_  
**Matthew W. Lotano**

\_\_\_\_\_  
**Daniel T. Rodrick**

\_\_\_\_\_  
**Terrance L. Turnbach**

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

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

**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 5<sup>th</sup> 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

August 10, 2021 5

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 5<sup>th</sup> 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); 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.

**CERTIFICATE OF MUNICIPAL CLERK  
EXTRACT OF MINUTES  
SHOWING PUBLIC HEARING  
AND FINAL ADOPTION OF ORDINANCE**

I, ALISON CARLISLE, Municipal Clerk of the Township of Toms River, in the County of Ocean, State of New Jersey, HEREBY CERTIFY that the annexed extract from the minutes of a meeting of the governing body of said Township, duly called and held on July 27, 2021, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said governing body and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relates to Bond Ordinance No. \_\_\_\_\_ and the subject matter referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Township, this 10<sup>th</sup> day of August, 2021.

TOWNSHIP OF TOMS RIVER, IN THE

COUNTY OF OCEAN, NEW JERSEY

August 10, 2021 6

(SEAL)

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

Council Member Maruca 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	Yes
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
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 Lotano, and carried that an Ordinance entitled:

**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"), 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

8.

**CERTIFICATE AS TO CAPITAL BUDGET**

I, ALEXANDER P. DAVIDSON, Chief Financial Officer of the Township of Toms River, in the County of Ocean, State of New Jersey, HEREBY CERTIFY that attached hereto is a true and complete copy of the 2021 Capital Budget of the Township or a Capital Budget Amendment adopted August 10, 2021, which Capital Budget or Capital Budget Amendment shows the improvements authorized by Bond Ordinance No. \_\_\_\_\_.

IN WITNESS WHEREOF I hereby set my hand this 10<sup>th</sup> day of August, 2021.

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

\_\_\_\_\_  
Chief Financial Officer

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 Maruca, seconded by Council Member Huryk and carried, the public hearing was closed.

August 10, 2021 8

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	Yes
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
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 Maruca, seconded by Council Member Lotano, and carried that an Ordinance entitled:

**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 5<sup>th</sup> 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

**NOTICE OF ADOPTION OF ORDINANCE**

PUBLIC NOTICE IS HEREBY GIVEN that the ordinance published herewith has been finally adopted by the Township Council of the Township of Toms River, in the County of Ocean, New Jersey on August 10, 2021, and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this notice.

\_\_\_\_\_  
Alison Carlisle, Township Clerk

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 Turnbach and carried, the public hearing was closed.

Council Member Maruca 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	Yes
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes

August 10, 2021 10

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

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

**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**

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 Maruca 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	Yes
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

Council Member Maruca 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, AMENDING AND SUPPLEMENTING SECTION 8.26 (SIGNS) OF CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE TOWNSHIP CODE TO REVISE THE GENERAL DESIGN GUIDELINES FOR ALL SIGNAGE IN THE TOWNSHIP**

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

1. Section 348-8.26 A – N (Signs) shall be deleted in its entirety and replaced with the following Section 348-8.26 A-N (Signs) to read as follows:

**\*§348-8.26. Signs**

*For an explanation of the asterisk (\*), see the definition of "variance" in § 348-2.3*

**A. General design guidelines for all signage are as follows:**

- (1) Signs should strengthen the architectural diversity of the municipality's buildings. Signs which obscure or ignore a building's architecture should be avoided. Signs should be integrated with a building's architecture in terms of form, materials, color, and size.
- (2) Signs should be appropriate for the era in which the building was constructed.
- (3) Signs should not alter the way in which a building functions.
- (4) Designers should strive for creativity in the form and variety of signage within the size limitations set forth herein.
- (5) Designers are strongly encouraged to include symbols, images, and other graphic objects to convey the type of establishment using the sign.
- (6) The typeface used to represent words should convey the character of the establishment and the era of the building.
- (7) Contrast. The contrast of a sign's lettering and symbols with its background should be disparate to convey legibility.
- (8) Outside of the Downtown Toms River Business Improvement District (BID), back lighted individual letter channel signs to convey text, mounted on masonry, is preferred. See Subsection J for design standards specific to the BID.
- (9) The background of internally illuminated signs should not be lighted but only the individual letters, logos, or symbols that convey the sign's message.

**B. Awning Sign Requirements.** For the purposes of this Section, “awnings” and “canopies” shall be synonymous as referenced in the definition of “sign” in 348-2.3. Awning signs, where permitted, shall comply with the following provisions and any more specific regulations in this section:

- (1) An awning shall only be permitted in lieu of an allowed wall sign, except as permitted in subparagraph 5, below.
- (2) Sign letters shall be aligned with the lower edge of the awning and shall not extend higher than the vertical flap or one-fifth of the arc of the curve, whichever may be the case, but in no event shall the lettering height exceed 9 inches.
- (3) Company logos or symbols may be placed on the sloped portion or upper curved area of the awning.
- (4) For the purposes of this subsection, the sign area shall be the total of the lettering and logo or symbol, computed separately, in accordance with §535.H.
- (5) An awning sign that is part of an entrance canopy, where the long axis of the canopy is perpendicular to the face of the building, may be used in conjunction with a wall sign. The sides of the canopy may be lettered as permitted in subparagraph - 2, above, except that any lettering shall be no higher than 6 inches. The end of a canopy that is parallel with the facade of the building shall be permitted a sign or symbol not exceeding 20 sf. in area.

**C. Changeable Copy Sign Requirements.** Changeable copy signs, where permitted, shall comply with the following provisions and any more specific regulations in this section:

- (1) Changeable copy signs shall be allowed only as an integral part of a ground or wall sign, except as may otherwise be allowed in this Section. The area of a changeable copy sign shall be included in the sign area calculation for the ground or wall sign and shall not exceed 30% of the total sign area, excepting movie theater marquee and variable message signs.
- (2) Changeable copy signs shall not be permitted on temporary or portable signage.
- (3) Copy shall not be changed more than once every 24 hours, excepting advisable data displays. Changeable copy signs that are changed more frequently shall be considered animated signs and are prohibited.

- (4) The maximum number of lines of changeable copy shall be 4 lines, except for variable message signs.
- (5) The minimum height of changeable copy letters shall be 4 inches.
- (6) No changeable copy sign, excepting advisory data signs, variable message signs and fuel pricing signs, shall be changed by electronic or electro-mechanical means.
- (7) Changeable copy signs that are variable message signs shall adhere to the following standards and any other standards specific to the zoning district in which they are permitted:
  - (a) The variable message sign shall be equipped with a dimmer control and a photocell which automatically adjusts the intensity of the display in response to natural ambient light conditions;
  - (b) The displayed message shall not change more frequently than once per 8 seconds. The sign shall only display static messages and shall be changed instantaneously from one message to the next;
  - (c) The sign shall be equipped with a default mode of operation that turns the sign message entirely to black should a malfunction in static image display, dimmer control and/or photocell occur.
- (8) Changeable copy signs that are for fuel pricing shall adhere to the following additional standards and any other standards specific to the zoning district in which they are permitted.
  - (a) The fuel pricing sign shall be equipped with a dimmer control and a photocell which automatically adjusts the intensity of the display in response to natural ambient light conditions
  - (b) The sign shall be equipped with a default mode of operation that turns the sign message entirely to black should a malfunction in static image display, dimmer control and/or photocell occur.

**D. Directional Sign Requirements.** Directional signs shall comply with the following requirements:

- (1) Directional signs for indicating the path of pedestrian or vehicular traffic from a public street shall meet the following regulations:
  - (a) Such signs may contain more than one commercial message and may be illuminated.
  - (b) The size of each sign shall not exceed 4 square feet and exceed 2½ feet in height.
  - (c) The number of signs shall be limited to the number of driveway or pedestrian walkway intersections with a public street or public sidewalk, respectively.
- (2) Directional signs for indicating the path of pedestrian or vehicular traffic internal to a site shall meet the following regulations:
  - (a) The sign shall not be located within 20 feet of the tract perimeter.
  - (b) The sign shall be Ground, unless otherwise provided in this Section.
  - (c) Such signs may contain more than one commercial message and may be illuminated.
  - (d) Any such sign shall not exceed 16 square feet in area or 6 feet in height.
  - (e) Such signs are intended for large retail, office park, research and development, and institutional complexes but may be appropriate in other circumstances as approved by the Board of Jurisdiction.

**E. Directory Sign Requirements.** Directory signs shall comply with the following requirements:

- (1) The sign shall be located within the site or complex so as to allow motorists to leave the flow of traffic and safely read the directory; or, shall be placed at the main entrance to a building.
- (2) The sign shall contain a site map or floor plan diagram, as the case may be, indicating the location of the buildings or offices listed on the directory.
- (3) Any such sign shall not exceed 12 square feet in sign area for building mounted signs and 16 square feet in area for Ground signs, unless otherwise provided in this Section.
- (4) A ground directory sign shall not exceed 6 feet in height.
- (5) Directory signs may contain more than one commercial message.

**F. Wall Sign Requirements.** Wall signs, where permitted, shall comply with the following provisions and the more specific regulations in this Section:

- (1) **Size Limitation.** Unless otherwise modified herein, no wall sign shall exceed 20% of the total facade area to which it is attached, not to exceed 100 square feet. Additional limitations may apply in specific zoning district.
- (2) One wall sign per building, or ground level store in a shopping center, shall be permitted. Where the building is located on a corner lot, a second wall sign shall be permitted provided:
  - (a) The message is the same on both signs;
  - (b) The facade of the building to which the sign would be attached does not face a residential use across the intervening street;
  - (c) The sign does not contain more than seven items of information.
- (3) **Location on buildings.** Wall signs shall be located in the following places:
  - (a) Above the first floor windows;
  - (b) Below a parapet, mansard roof, or pent roof;
  - (c) Beside the main entrance.
- (4) **Bonus for individual letter sign types.** The sign area limitations may be increased by 10% when the message consists of individual letters or symbols and by 20% when the message consists of individual back lighted letters or symbols.
- (5) **Construction of signs flat against buildings.** Any sign attached flat against the surface of a building shall be constructed of durable material and attached securely to the building with rust-proof metal hardware. When a sign is to be installed on a masonry building, holes shall be drilled in the masonry, and proper rust-proof expansion bolts shall be used. The use of wood or fiber plugs is prohibited.
- (6) **Menu sign.** Restaurants or other eating establishments may erect one additional wall sign for the placement of a menu or other bill of fare at the main entrance, provided the sign does not exceed 6 sf. in area.
- (7) **Murals** are permitted on building walls of buildings located in the RC, RHB, HB, GB, and GB-MF zones, but shall not be considered wall signs for the purpose of limiting the permitted area of the mural. In order to qualify for consideration as a mural, it must not contain advertising and it shall not identify the name of a business. Murals shall be subject to the prior approval of the TR Community Arts Project, Inc. (CAP) and Toms River Planning Board, and shall have a civic theme.

**G. Ground Sign Requirements.** Ground signs, where permitted, shall comply with the following provisions and any more specific regulations herein:

- (1) Unless otherwise modified, the following sign area limitations and requirements shall apply to all ground signs (minimum letter height shall apply to the primary message on the sign):

**Table 1**  
**Ground Sign Area.**

No. of Travel Lanes	Posted Speed Limit (MPH)	Maximum Sign Area		Minimum Letter Height
		No Residential Use Abutting Side Yard or Across the Street	Residential Use Abutting Side Yard or Across the Street	
2	0-25	15 sf.	10 sf.	5 in.
	26-45	35 sf.	20 sf.	8 in.
	46+	75 sf.	50 sf.	12 in.
4	0-25	20 sf.	15 sf.	6 in.
	26-45	50 sf.	35 sf.	10 in.
	46+	100 sf.	80 sf.	15 in.
6	26-45	65 sf.	40 sf.	11 in.
	46+	100 sf.	90 sf.	16 in.

- (2) **Bonus for individual letter sign types.** The sign area limitations in Table 1 may be increased by 10% when the message consists of individual letters or symbols and by 20% when the message consists of individual back lighted letters or symbols.

- (3) No ground sign shall be permitted if the building line is less than 30 feet from the street line, except that a ground identification sign may be erected in lieu of a wall-mounted identification sign on an establishment fronting Route 35 even if the building or structure is set back less than 30 feet from the street right-of-way, provided that the sign is not located within a sight triangle.
- (4) No ground sign shall block the view of any existing signs. All signs shall be placed in a location which will allow sufficient reaction time for drivers on the adjacent road(s) to safely exit the street into the entrance to the site of the business or commercial use.
- (5) Ground signs shall be permitted only in the front yard.
- (6) No ground sign, excepting viewpoint expression (political) and real estate signs, shall be directed towards a street from which the property does not have direct access.
- (7) Ground signs shall not exceed a height of 10 feet unless otherwise specified in this Section.
- (8) Ground signs with pylons, where permitted, shall be skirted to enclose the supporting pole or pylon of the sign, except for signs otherwise regulated under subsection J below. The skirting shall extend the full dimensions of the sign at its lower edge from ground to sign. The skirting shall not be included in the sign size calculation unless it displays a message.
- (9) The base of the ground sign shall be liberally landscaped with a combination of shrubs, ground cover, flowers, or other plant material.

**H. Projecting Sign Requirements.** Projecting signs, where permitted, shall comply with the following provisions and any more specific regulations herein:

- (1) One projecting sign per frontage is permitted, provided that the following conditions are met. All such signs must:
  - (a) Clear the grade or sidewalk by at least eight feet.
  - (b) Project no more than four feet from the building wall or 1/3 the width of the sidewalk, whichever is less.
  - (c) Be clear of the wall to which it is attached by a minimum of six inches.
  - (d) Be attached to a building which is at least 20 feet in width and be no closer than 40 feet to another, then existing, projecting sign unless either sign consists only of a logo, a symbol or a store identification.
  - (e) Project only at right angles to a wall.

**I. Off-Premise Sign Requirements.** Off-premise signs, where permitted, shall comply with the size and locational limitations for Ground signs, unless otherwise modified.

**J. Downtown Business Improvement District Signs.** Signs within areas zoned VO, VB, DS and VS and lying south of Route 37, east of the Garden State Parkway, north of the Toms River and west of Lexington Avenue and otherwise included within the Downtown Toms River Business Improvement District, shall comply with the requirements of this subsection, notwithstanding the zoning district in which the property is located. The majority of the background area of ground, wall and projecting signs, exclusive of any letters, words or symbols, shall be earth tones or dark color. Earth tone is a muted or flat color scheme that draws from a color palette of browns, tans, grays, greens, whites and some reds, emulating natural colors found in soil, moss, trees and rocks.

**Table 2**

Ground Sign	Height	Projecting Sign	Wall Sign Percentage of Signable Area
32 square feet	10 feet	6 square feet	40% but not to exceed 60 square feet

(1) Wall signs:

- (a) Super graphic designs and wall signs, including “ghost signs” painted on a building Wall are permitted. Murals are permitted, but shall not be considered wall signs for the purpose of limiting the permitted area of the mural. In order to qualify for consideration as a mural, it must not contain advertising and it shall not identify the name of a business. Murals shall be subject to the prior approval of the TR BID and Toms River Planning Board, and shall have a historic or civic theme.



Figure 1: Example of a "ghost" sign, which is designed to be antiqued and painted directly on brick or masonry walls.

- (b) External illumination is permitted.
  - (c) Internally illuminated signs are prohibited. However, individual letters of raceway-type signs may be internally illuminated, provided the internally illuminated portion of the sign is limited to the business name and logo.
  - (d) Raceways must be painted or constructed so as to match the building color or construction.
  - (e) No wall sign may extend above the roofline.
  - (f) Wall signs shall not exceed 18 feet in height and shall not extend above the height of the facade to which it is attached.
  - (g) Each establishment is limited to one wall sign on each side of the building that is located on and faces a street, parking area and/or vehicle circulation aisle.
  - (h) The maximum area devoted to wall signs shall be separately applied to each facade to which they are applied.
  - (i) In multitenant buildings, the wall sign shall not extend beyond the tenant's wall.
- (2) Ground signs:
- (a) Signs shall be placed on private property at least 15 feet from the street curb and five feet from the sidewalk.
  - (b) External illumination is permitted.
  - (c) There shall be no internal illumination.
  - (d) In order for a ground sign to be placed between a building and the street, the building must be set back at least 20 feet from the street right-of-way line it faces.
  - (e) The sign must be at least 25 feet from a ground sign on an adjacent property.
  - (f) Notwithstanding other sight triangle provisions in this code to the contrary, signs located within 20 feet of a street curblin, and for a distance 100 feet from an intersecting street curblin, shall not occupy the space between 30 inches and 7.5 feet above the ground. This prohibition does not apply to sign supports one foot or less in diameter.
- (3) Window signs:
- (a) Lettering and logos, consisting of individual silk-screened, vinyl, foil or painted lettering, may be applied directly to windows and shall not exceed 25% of each such window area or 10 square feet, whichever is less.

- (b) Business name, logo, credit card decals, and hours of operation may be applied to the glass area of a door and shall not exceed 25% of such glass area or five square feet, whichever is less.
  - (c) Temporary signage for sales or promotions related to business use are permitted to be placed in the window area as long as the total signage in the window area does not exceed the standards set forth in Paragraph a) of this subsection. For the purposes of this subsection, signage shall be considered temporary if it is easily removable and is displayed for a maximum of 14 days for any particular promotion. Temporary signs shall not be electronic or internally illuminated.
  - (d) In multitenant buildings, window signs may only be used for the tenant with the window frontage. Nonresidential tenants located above the first floor may place a sign in one of their windows on each Wall of the building indicating only the name of the nonresidential use, subject to the sign not exceeding 25% of the window area or four square feet, whichever is less.
  - (e) For the purpose of this code subsection only, window area shall include the total area of all frame(s), sashes, and glass located in the wall of a building. Glass area in a door shall not be considered window area.
- (4) Prohibited signs:
- (a) Reader boards, changeable-letter signs, electronic displays and similar devices.
  - (b) Backlighted plastic or translucent signs.
  - (c) Internally illuminated signs.
  - (d) Neon light signs, outlines or borders.
  - (e) Bare bulb illumination.
  - (f) Revolving, blinking, flashing, or sequential lighting.
  - (g) Roof signs.
  - (h) Pennants, pennant banners, streamers or balloons except as provided under, "Special Events."
  - (i) Signs using items of information such as "Stop," "Slow," "Warning," or "Danger" except as may customarily be called for in the public domain or as may otherwise be required by the approving authority as a part of site plan review.
  - (j) Fabric signs with the exception of awning, special event, and temporary window signs.
- (5) Projecting signs:
- (a) External illumination is permitted.
  - (b) Illumination by any other means is prohibited.
  - (c) May project a maximum of three feet from the building wall.
  - (d) Are subject to Subsection H.
  - (e) Notwithstanding other codes to the contrary, no sign shall be closer than 15 feet to another projecting sign.
- (6) Hanging signs:
- (a) Signs that hang below canopies may not exceed four square feet in size.
  - (b) Are subject to Subsection H.
  - (c) May extend from the building front to the outer edge of the canopy less one foot at either end.
- (7) Awnings and awning signs:
- (a) Awnings shall not be supported from the ground.
  - (b) Items of information on the vertical awning face parallel to the street frontage is limited to lettering and one logo occupying no more than 2/3 of the height of the awning vertical surface.
  - (c) Items of information may also occupy up to 1/4 of slanted awning surface.
  - (d) Awnings may project up to six feet from the first floor wall and have a maximum vertical height of four feet.\*

- (e) Awnings projecting into a public right-of-way must have prior approval from the appropriate public entity.
  - (f) Above the first floor, awnings are limited to cover the individual window areas only.
  - (g) Items of information such as lettering and logos may not exceed the wall sign height limitation.
  - (h) Internal illumination is prohibited.
- (8) Special signs for retail, restaurant and service businesses only:
- (a) One cafe or restaurant menu as used on the table may be mounted on the building neatly in a wood or metal frame covered by glass, or applied to the inside of the window.
  - (b) One chalkboard menu or sandwich board sign may be used by each tenant at sites that do not have ground signs. The chalkboard or sandwich board sign may be placed on the ground or sidewalk adjacent to the building in front of the tenant space, but it shall not obstruct pedestrians. Said sign must be framed black, white or green chalkboards with the establishment name or logo permanently affixed and have a maximum size of 24 inches by 36 inches, they are to be used only during the establishment's business hours and stored indoors after hours. Signs can only advertise or relate to the business on the premises.
  - (c) Temporary signs for sidewalk sales and other promotions not covered elsewhere herein shall be subject to the issuance of permits for special events.
  - (d) Removable window or door signs for operational information, e.g., "Open," "Closed," "On Vacation," must be typed or professionally lettered and no larger than one square foot in size.
- (9) Exempted signs. The following signs do not need a permit:
- (a) Building tenant directory wall signs up to a maximum size of 18 inches by 24 inches that do not project more than six inches from the wall surface.
  - (b) One real estate sign, limited in size to 12 square feet and four feet in height in all nonresidential zones within the TR BID. Said sign shall not be placed within the sight triangle area set forth in Paragraph (2)(f) of this subsection regulating the location of ground signs.
  - (c) Temporary window signs.
  - (d) Special signs as set forth in Subsection (8) herein.
- (10) Additional provisions:
- (a) Lettering style shall be limited to serif style, "Souvenir Bold," "Caslon," "Korinna," nonserif, "Copperplate," "Helvetica," or other style approved by the special review board for the village area appointed by resolution of Township Council.
  - (b) Signs shall be removed within three months after the business has ceased.
- (11) The Design Committee of the Downtown Toms River Business Improvement District shall have the authority to review and approve or disapprove signs. Approval shall only be given for signs that fully conform to the provisions set forth herein. Variances or other deviations from the provisions herein shall be heard by the Planning Board except in the case of signs proposed in connection with a special reasons variance, in which case any variances or deviations from these provisions shall be heard by the Zoning Board of Adjustment.

**K. Signs Permitted in the Village Office District.** Signs erected in the Village Office Zone, other than as regulated in Subsection J herein, shall comply with the following provisions:

**Table 3**

Ground Sign	Height	Projecting Sign	Wall Sign Percentage of Signable Area
28 square feet	6 feet	Not allowed	Not allowed

- (1) No neon signs permitted.

- (2) No window signs permitted with the exception of small signs on doors labeling the name of the business and informing pedestrians of business hours.
- (3) Indirect lighting and back-lighted signs permitted. Direct lighting permitted, provided that fixtures are ground-mounted with adequate shielding and/or landscaping.
- (4) No reader boards, changeable-letter signs, electronic display signage nor similar type devices will be permitted.
- (5) A two-square-foot shingle shall be permitted on each wall of the building.
- (6) Letter style, color, material and general design shall be in keeping with the residential professional office neighborhood character.

**L. Additional standards for the signs permitted in the HB, RHB, LI, I, and RC Zones.**

- (1) Awning signs are permitted per Subsection B.
- (2) An establishment having frontage on more than one street may display signs on each frontage as if it had no other frontage.
- (3) Shopping centers and multiple use or joint occupancy of a site or building.
  - (a) If a site or building is shared by distinctly separate proprietorships as in the case of a shopping center, each such establishment shall be treated separately as to items of information and other factors. This exception shall not apply to ground signs. Those premises having in excess of 600 feet of frontage on a street shall be allowed an additional ground sign for each 500 feet in excess of 100 feet, provided that such signs are located at least 300 feet apart. Each ground sign so provided for may contain up to seven items of information.
  - (b) A shopping center of over 15 acres is permitted, per frontage, one ground sign which exceeds by 50% the basic design element height and area limitations at that location, provided that the items of information on the sign are limited to the name of the center and the names of attractions at theaters within the center, if any.
  - (c) Wall signs shall conform to Subsection F and shall not exceed 100 square feet, whichever is less, excepting regional shopping malls.
  - (d) Wall signs for regional shopping malls shall conform to Subsection F and the following requirements:
    1. Where a principal use occupying at least 750 square feet of segregated area has direct access from the outside, a Wall sign not exceeding three percent (3%) of the total wall area or 80 square feet in area, whichever is less, shall be permitted.
    2. Where a principal use in a regional shopping mall exceeds 50,000 square feet of gross leasable area, the area of the wall sign shall not exceed 5% of the total wall area or 400 square feet, whichever is less. Such signs shall be permitted on up to three elevations which face the parking lots of the regional shopping mall.
  - (e) Changeable copy signage pursuant to Subsection C shall be permitted to be integrated into a Ground sign otherwise permitted under subparagraph b) above for a theatre or live entertainment use in a regional shopping mall. Notwithstanding any other provision to the contrary, movie theatres shall be permitted the following:
    1. Such signs may display messages directed to the general public for health, safety and welfare purposes.
    2. The number of lines of copy may equal the number of screens.
    3. The Ground sign may include the theatre's name and the changeable copy portion may occupy up to 80% of the sign area.
  - (f) Directional signs pursuant to Subsection D, except that ground directory signs internal to a regional shopping mall site may be up to 50 square feet in area and may be 8 feet in height and may contain commercial messages for business with 50,000 sf. or more of gross leasable area.
  - (g) Directory signs pursuant to Subsection E, except that at an enclosed entrance to a common access point in a regional shopping mall, the directory sign may be 50 square

feet in area, either wall-mounted or ground, if such sign is located with 50 feet of such enclosed entrance.

(h) One off-premise sign with a non-commercial message in lieu of a ground sign.

(4) Ground signs shall be set back from all property lines a minimum distance of 15 feet.

(5) New car and truck nationally franchised dealerships with at least 400 feet of contiguous street frontage shall be permitted one additional ground sign, pursuant to the size limitations of Table 1. The additional sign may be attached to the primary ground sign or located on a second support structure.

(6) Service stations shall also be permitted a changeable copy sign on each fuel dispensing pump not to exceed 3 square feet in area and on each ground sign not to exceed 18 square feet.

(7) Fast food restaurants with a drive-thru facility shall be permitted two menu signs. Any such sign shall not be legible from the public right-of-way. The sign shall not exceed 60 square feet in area and 7 feet in height.

(8) An A-frame sign for a tenant at a shopping center conform to the following:

(a) The sign may be displayed only during business hours.

(b) Each side of the sign may not exceed 6 square feet or 5 feet in height.

(c) The sign shall be located on the sidewalk in front of the store to which it relates.

(d) The design, materials and color of the sign and supporting frame shall complement the building design and shall be consistent with that of other A-frame signs at the shopping center, if applicable.

(e) The location of the sign shall not interfere with pedestrian, vehicular traffic or clear sight distance requirements.

(f) Pursuant to §535.E.6, no A-frame sign shall be placed within a public right-of-way. Signs placed in such locations shall be subject to removal and confiscation by the municipality.

(9) **Parking Structures.** Where there are multiple parking structures, each structure may have one sign attached to each side, but not to exceed 4 such signs on any one structure. Such sign shall be located on a spandrel or stair tower and shall be limited to a single letter or number, not exceeding ten square feet in area. Directional signs internal to the parking structure shall be permitted without limitation. Each entrance and exit to a parking garage shall be marked with an incidental sign attached to the facade of the structure. Each vehicular entrance shall be marked with an incidental sign indicating the maximum height of vehicles permitted to enter the structure. In the event that a fee is charged for parking within the structure each vehicular entrance shall be marked with a bill of fare, no less than 6 or more than 10 square feet in area, indicating at a minimum the hours and rates applying thereto, the maximum charge, the operator of the facility and an active telephone number in the event of a dispute between the user and the operator.

**M. Exempted signs.** The following described signs shall be exempted from licensing and control if they contain seven or fewer items of information and meet the specific requirements set forth below and the setback requirements noted above in § 348-8.26A(3)(c). If the criteria are met, no application need be made or license need to be obtained to allow the erection of such signs. All signs which are not located or designed to be seen from the right-of-way of a street or highway or any vehicular circulation area shall also be exempt from the provisions of this section. All signs which are located or designed to be seen from the right-of-way of a street or highway and which are considered exempted signs shall not exceed the sign area limitations for the specified portion of the Township in which the sign is located.

(1) **Construction signs.** One non-illuminated sign, not exceeding 40 square feet in area or eight feet in height, denoting the architect, engineer, contractors or other participants in construction and owners and future occupants, may be placed upon the property where the work is under construction.

- (2) Directional signs. Signs not exceeding four square feet, containing lettering not exceeding six inches in height and designed to direct and inform the public as to entry, exit, service areas, loading or special parking instructions or similar information, whether internally lighted or not, are exempt. Moving directional lights are allowed where required for safety reasons. Any such signs must be not less than 10 feet from the street right-of-way and may not exceed 30 inches in height within 25 feet of any access drive.
- (3) Government flags and historic markers. Any flag of the United States of America, the State of New Jersey, the Township of Toms River, any other governmental entity or any other religious, social, civic or fraternal organization or group, and memorial or historic tablets, information as to the name of a building, date of erection, special description or other material of historic interest, when cut into a masonry surface or constructed of bronze or other similar material and not exceeding six square feet, shall be exempt.
- (4) Nameplates. One nameplate sign, as defined above, is allowed per frontage, provided that it does not exceed two square feet in size and is not illuminated by a total of more than 25 watts.
- (5) Political signs. Political signs shall be exempt for a period commencing 30 days prior to the election and five days subsequent to the election. All such political signs shall be subject to the requirements of § 427-3D(5), (6) and (7) and 427-5 of the Code of the Township of Toms River, New Jersey.
- (6) Real estate signs. One non-illuminated sign per frontage shall be exempt, provided that the same does not exceed 12 square feet and four feet in height in residential areas, nor 32 square feet and eight feet in height in all other zones. In residential areas, all real estate signs must be removed no later than seven days after the closing of the sale of the subject property.
- (7) Outdoor holiday decorations. Outdoor holiday decorations are exempt, provided that they do not advertise a product or establishment.
- (8) Special events signs. Special events signs are exempt, provided that the event advertised has been approved by the Zoning Officer, and provided that the sign is not erected for a period longer than 30 days prior to the event. Special events signs must be removed no later than seven days after the advertised event.
- (9) Subdivision sign. One non-illuminated sign advertising premises under development shall be exempt, provided that the same does not exceed 40 square feet in area nor eight feet in height.
- (10) Temporary window signs. Any window sign meeting the definition of a temporary sign is exempt.
- (11) Traffic or other municipal signs. Any sign erected by the Township of Toms River, County of Ocean or State of New Jersey or required to be erected by law; and no-trespassing or no-hunting signs, provided that the same do not exceed two square feet in area, are exempt.
- (12) Signs painted on or attached to motor vehicles or trailers or other portable devices. Signs painted on or attached to motor vehicles or trailers or other portable devices are exempt, provided that such signs pertain to the function of the vehicle or to the business of its owner.

The parking or storing of these motor vehicles, trailers or portable devices is prohibited, except:

- (a) Sites containing only residential uses may have one motor vehicle with a gross weight of four tons or less if the occupant of the residence owns the motor vehicle.
- (b) In all other sites, the parking or storing of these motor vehicles, trailers or portable devices may be located:
  1. In the side yard or rear yard as established by the zoning designation where the subject property is located.
  2. In the front yard as established by the zoning designation where the subject property is located, if parking spaces are approved for such uses by the Toms River Township Planning Board or Zoning Board.

**N. Prohibited signs.** No sign shall be constructed, reconstructed, erected or maintained which:

- (1) Is located in the public right-of-way.
- (2) Offends public morals or decency.
- (3) Is an imitation of or resembles an official traffic sign.
- (4) By reason of its size, location, movement, content, coloring or manner of illumination may be confused with or hide a traffic control device.
- (5) Advertises or publicizes an activity, business, product or service which is itself not available on the site upon which the sign is located. The only exception to this prohibition shall be those signs which are provided for under Subsection C(7), Motorist information signs, Subsection C(9), Off-site subdivision signs, and § 348-9.23, Billboards, of Chapter 348, Land Use and Development Regulations.
- (6) Consists of streamers, propellers, pennants or other wind-activated devices.
- (7) Is animated.
- (8) Is a snipe sign, a sandwich or a portable sign.
- (9) Obstructs motorist's view on ingress or egress.
- (10) Is unsafe in construction according to applicable structural and electrical codes.
- (11) Is illuminated in such a manner that it produces glare sufficient to be a safety hazard.
- (12) Violates the purpose, intent and specific regulations of this section.
- (13) Is an air-supported or inflated sign.

2. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 348 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

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

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

A motion was made by Council Member Maruca, seconded by Council Member Kopp and carried, with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick Turnbach, and with Council President Geoghegan voting yes, that the foregoing Ordinance be adopted on first reading with publication notice as follows:

#### NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on August 10, 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 24, 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

August 10, 2021 22

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, August 13, 2021.

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

Presentation by Dave Roberts, and Robert Chankalian.

A motion was made by Council Member Turnbach, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes, to **TABLE** the following Resolution to **AUGUST 24:**

**RESOLUTION OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY, DESIGNATING A REDEVELOPER FOR THE PROPERTY COMMONLY KNOWN AS BLOCK 569, LOTS 3, 4, 5, 5.01, 10 AND 11.01 ON THE TAX MAP OF THE TOWNSHIP, AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT AND PURCHASE AND SALE AGREEMENT**

Council President Geoghegan granted permission to the public to ask their questions after a audience member raised their hand for this resolution.

Council Members also had questions after Dave Roberts and Joe Baumann's presentation.

Bob Trinnoli, 109 Messenger Street, is against the project.

Council Member Turnbach pointed out that five minutes is not sufficient time for communication with downtown residents if they are not clear on something and still need clarification.

Paul Williams had a lot of questions and asked for this item to be tabled.

Scott Thompson asked to table this resolution; residents need to know more information.

Anthony Serchio spoke regarding medical residents living in the complex; veteran's preference of units; laundry units and children occupants.

Susan Annreith opposed the Resolution.

Lisa Sefferetto supported the resolution.

Dave Ciccozzi supported the resolution.

Joe Harrison feels he needs more information and this should be tabled.

Donna Serchio opposed the Resolution. She misses open space in that used to exist downtown.

Marin Bailik, the BID Director, apologized for the original meeting's cancellation that was to focus on this redevelopment, suggested rescheduling the meeting, and have a resident committee.

Phil Brilliant, Vice-Chairman, Chamber of Commerce, asked if you have questions on traffic, height of the building; and job opportunities, where would you go?

Ralph Wolf, supported the resolution. In favor of jobs and enhanced businesses.

The following people that support the Resolution::

- Tom Forgione
- Dave (LNU) owner of Perfect Swing Golf
- Bob Watson
- Chris Mainshaw
- Anthony Palmucci - owner of Music Academy

Paul Williams said the general public needs to be more informed.

Michelle Williams questioned how long is the PILOT agreement for? Spoke regarding education of children.

Leslie Peters questioned where the dollars going to go from in Toms River; doesn't feel how apartments will do anything for downtown Toms River.

Dina Tramolin spoke regarding over population in schools.

Council Members spoke on the length of this project and requested to table the resolution.

On motion by Council Member Rodrick, seconded by Council Member Turnbach and carried **the Resolution was TABLED to August 24, 2021.**

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

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

**ORDINANCE OF THE TOWNSHIP OF TOMS RIVER, IN  
THE COUNTY OF OCEAN, NEW JERSEY, APPROVING  
APPLICATION FOR A LONG TERM TAX EXEMPTION  
AND AUTHORIZING THE EXECUTION OF A FINANCIAL  
AGREEMENT WITH MERIDIA TOMS RIVER 40 URBAN  
RENEWAL, LLC**

**WHEREAS**, the Township of Toms River, in the County of Ocean, New Jersey (the “**Township**”), a public body corporate and politic of the State of New Jersey is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), to determine whether certain parcels of land within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

**WHEREAS**, pursuant to the Redevelopment Law, improvements to property located within an area in need of rehabilitation or redevelopment may qualify for long term tax exemptions under the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the “**Exemption Law**”); and

**WHEREAS**, pursuant to the Redevelopment Law, by resolution duly adopted on January 27, 2009, the governing body of the Township (the “**Council**”), designated the properties identified on the tax map of the Township as Block 566.01; Block 566.02; Block 566.03; Block 567; Block 569, Block 570; Block 566.04, a portion of Lot 1; and Block 658, Lots 25, 47, 48 and 58 (the

“**Original Redevelopment Area**”) as an “area in need of redevelopment” pursuant to the Redevelopment Law; and

**WHEREAS**, in 2012, the Council adopted a resolution designating Block 658.01, as shown on the Tax Maps of the Township, as an area in need of redevelopment in accordance with the Redevelopment Law and adding said parcel to the Original Redevelopment Area (the “**Redevelopment Area**”); and

**WHEREAS**, pursuant to the Redevelopment Law, the Township caused a redevelopment plan for a portion of the Redevelopment Area identified on the Tax Maps of the Township as Block 566.01; Block 566.02, Lots 3, 7, 8, 9 and a portion of 5; Block 566.03; Block 567; Block 569, Lots 4, 5, 6, 7, 8, 9, 10 and 11; Block 658, Lots 25, 47, 48 and 58 and Block 658.01 (the “**Phase 1 Redevelopment Area**”) to be prepared, entitled the “Redevelopment Plan for Phase 1 Downtown Waterfront Redevelopment Area” (the “**Original Redevelopment Plan**”) dated November 16, 2017; and

**WHEREAS**, on December 26, 2017, the Council adopted an Ordinance adopting the Original Redevelopment Plan; and

**WHEREAS**, the Township prepared an amended redevelopment plan for the Phase 1 Redevelopment Area, entitled, “Amended Redevelopment Plan for Phase 1 Downtown Waterfront Redevelopment Area,” dated June 1, 2021 (the “**Redevelopment Plan**”); and

**WHEREAS**, on June 22, 2021, the Council referred the Redevelopment Plan to the Planning Board of the Township (the “**Planning Board**”) for comments and recommendations; and

**WHEREAS**, on July 7, 2021, the Planning Board held a public hearing and provided findings with respect to the proposed Redevelopment Plan; and

**WHEREAS**, on July 13, 2021, the Council finally adopted an ordinance adopting the Redevelopment Plan; and

**WHEREAS**, on May 3, 2019, the Township received a proposal (the “**Proposal**”) from Capodagli Property Company, LLC, (“**Capodagli**”) in response to a request for redevelopment proposals issued by the Township seeking a redeveloper for a portion of the Phase 1 Redevelopment Area identified on the Tax Maps of the Township as Block 658, Lot 25 and Block 569, Lots 3, 4, 10 and 11.01 (“the “**Property**”) ; and

**WHEREAS**, based upon the Township’s evaluation of the Proposal, on June 25, 2019, the Council adopted a resolution designating Capodagli, or an affiliated entity, as the conditional redeveloper of the Property for a period of one hundred eighty (180) days pending the negotiation and execution of, among other agreements, a redevelopment agreement with the Township; and

**WHEREAS**, on December 23, 2019, May 27, 2020, January 5, 2021 and June 9, 2021 the Council adopted resolutions continuing the designation of Capodagli as conditional redeveloper of the Property; and

**WHEREAS**, the Township is the owner of a portion of the Phase 1 Redevelopment Area identified on the tax map of the Township as Block 569, Lots 4, 5, 5.01 and 11.01 and described in that certain metes and bounds description attached hereto as Exhibit A (the “**Township Parcels**”); and

**WHEREAS**, the Parking Authority of the Township (the “**Parking Authority**”) is the owner of a portion of the Phase 1 Redevelopment Area identified on the tax map of the Township as Block 569, Lots 3 and 10 and described in that certain metes and bounds description attached hereto as Exhibit A (the “**PA Parcels**” and together with the Township Parcels, the “**Project Site**”); and

**WHEREAS**, the Township has determined to acquire the PA Parcels from the Parking Authority and the Redeveloper shall thereafter acquire the entire Project Site from the Township; and

**WHEREAS**, Meridia Toms River 40, Urban Renewal, LLC (the “**Redeveloper**” or “**Entity**”), a New Jersey corporation qualified to do business under the provisions of the Exemption Law with offices at 201 South Wood Avenue, Linden, New Jersey 07036, is an affiliate of Capodagli; and

**WHEREAS**, Redeveloper seeks to be designated as the "redeveloper" (as defined in the Redevelopment Law) of the Project Site so as to redevelop the Project Site by constructing thereon a mixed use development consisting of two occupied structures with a maximum of ten (10) stories consisting of (i) a minimum of 411 parking spaces (ii) a maximum of 285 rental residential units, (iii) a minimum of 16,000 sf of retail and commercial components; and (iv) appropriate amenities and related improvements (the “**Project**”) in accordance with the Redevelopment Plan and the Redevelopment Law; and

**WHEREAS**, on August 10, 2021, the Township adopted Resolution \_\_\_\_\_, designating the Redeveloper as “redeveloper” (as such term is defined in and permitted by the Exemption Law) of the Project Site and authorizing the execution of a redevelopment agreement; and

**WHEREAS**, the Township and the Redeveloper executed a redevelopment agreement, dated August 10, 2021, (as the same may be amended and supplemented from time to time, the “**Redevelopment Agreement**”), that set forth the terms and conditions upon which the Project Site is to be redeveloped; and

**WHEREAS**, the Project will conform to the Redevelopment Plan and the Redevelopment Agreement and all applicable municipal zoning ordinances to the extent it contains provisions that are relevant to the Project and will be in conformance with the master plan of the Township; and

**WHEREAS**, the provisions of the Exemption Law authorize the Township to accept, in lieu of real property taxes, an Annual Service Charge (as defined in the Exemption Law), to be paid by the Redeveloper to the Township in connection with the Project; and

**WHEREAS**, in order to enhance the economic viability of and opportunity for a successful project, the Entity submitted to the Mayor an application (the “**Application**”), which is on file with the Township Clerk, seeking tax exemption in connection with the Project pursuant to the Exemption Law in exchange for which the Entity proposes to make payments to the Township of Annual Service Charges in lieu of taxes; and

**WHEREAS**, the Entity also submitted to the Mayor a form of financial agreement attached to the Application, establishing the rights, responsibilities and obligations of the Entity; and

**WHEREAS**, the Mayor submitted the Application and the financial agreement attached hereto as Exhibit B (the “**Financial Agreement**”) to the Council with his recommendation for approval, a copy of which recommendation is on file with the Township Clerk; and

**WHEREAS**, upon review of the Application and the Mayor’s recommendation, the Council has made the following findings with respect to the Project pursuant to N.J.S.A. 40A:20-11:

1. The development and construction of the Project, as set forth in the Redevelopment Agreement and Redevelopment Plan, will be beneficial to the overall community; will provide additional quality affordable and market rate rental housing; will achieve the goals and objectives of the Redevelopment Plan; will help revitalize the Project Site; will improve the quality of life for the community; will attract additional visitors to the Project Site to shop at the proposed retail providing increased commerce to the Township in general; will serve as a catalyst for further private investment in areas surrounding the Project Site and will enhance the economic development of the Township.

2. It is anticipated that the development of the Project will create approximately five hundred (500) construction jobs over the duration of the construction of the Project, as well as approximately seventy (70) permanent jobs in connection with the operation of the Project.

3. The benefits to the Township accruing as a result of the Project, including the provision of affordable housing, the generation of jobs, the revitalization of the Project Site,

outweigh any costs to the Township resulting from the long term tax exemption granted hereby and by the Financial Agreement.

4. The Council's approval of the long term tax exemption set forth in the Financial Agreement is essential to the success of the Project because:

i. The relative stability and predictability of the Annual Service Charge (as defined in the Financial Agreement) associated with the Project will make it more attractive to financial institutions whose participation is necessary in order to finance the Project.

ii. The relative stability and predictability of the Annual Service Charge will allow the Redeveloper to provide a high level of maintenance for the Project Site and will have a positive impact on the surrounding area and community.

iii. The financial benefit conferred by the long term tax exemption assists in the undertaking of public improvements associated with the Project as further described in the Redevelopment Agreement and the Redevelopment Plan.

iv. The financial benefit conferred by the long term tax exemption supports the inclusion of forty-three (43) affordable rental units on terms affordable to a mix of households with very low, low and moderate incomes.

**WHEREAS**, in accordance with the provisions of the Exemption Law, the Council desires to approve the Application and the Financial Agreement.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF TOMS RIVER, NEW JERSEY AS FOLLOWS:**

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Application submitted by the Redeveloper is hereby approved in accordance with Section 8 of the Exemption Law.

**Section 3.** The Mayor is hereby authorized and directed to execute the Financial Agreement substantially in the form attached as **Exhibit B** together with such additions, deletions and other modifications deemed necessary upon consultation with counsel to the Township, and prepare, amend or execute any other agreements necessary to effectuate this ordinance, subject to modification or revisions, as deemed necessary and appropriate.

**Section 4.** The Clerk of the Township is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Township upon such document.

**Section 5.** The Township Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Township in accordance with Section 12 of the Exemption Law.

**Section 6.** In accordance with Section 12 of the Exemption Law, within ten (10) calendar days following the later of the effective date of this Ordinance or the execution of the Financial Agreement by the Entity, the Township Clerk also shall transmit a certified copy of this Ordinance and the Financial Agreement to the chief financial officer of Ocean County and to the Ocean County Counsel for informational purposes.

**Section 7.** The Mayor and Township Clerk are hereby authorized to take such action and to execute such other documents, on behalf of the Township, in consultation with Township counsel, as is necessary to effectuate the terms of the Financial Agreement.

**Section 8.** If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

**Section 9.** This ordinance shall take effect in accordance with all applicable laws.

August 10, 2021 27

A motion was made by Council Member Maruca, seconded by Council Member Kopp and carried, with Council Members Huryk, Kopp, Lotano, Maruca, and Council President Geoghegan voting yes, and with Council Members Rodrick and Turnbach voting no, 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 August 10, 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 24, 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, August 13, 2021..

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

#### 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 Kopp, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes, to approve all the following items listed on the Consent Agenda except item **F and I** which were done separately.

#### RESOLUTION AUGUST 10, 2021

WHEREAS the following Property in the Township of Toms River, has an outstanding amount against their taxes for the year(s) indicated and;

WHEREAS, the 2021 tax list shows the property class as 1 and has billing due on 2021 3<sup>rd</sup> and 4<sup>th</sup> quarter.

AND;

WHEREAS, the assessor has corrected the 2022 tax list to reflect the correct property class of 15c. (exempted property)

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 outstanding balance for the tax year indicated on property Listed is as Followed,

Hereby cancelled;

NAME	BLOCK	LOT	YEAR	AMOUNT
TR TOWNSHIP	688.03	14.08	2021/3	\$12.53
			2021/4	\$12.52
TOTAL				\$25.05

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

*RESOLUTION*

*AUGUST 10, 2021*

*WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO HOME OWNER SOLD THE PROPERTY, AND HAD AN AUTOMATIC WITDRAWL, AND FAILED TO NOTIFY THE TAX COLLECTOR TO DISCONTINIUE THE DIRECT WITHDRAWL, NOW MONIES MUST BE REFUNDED TO THE PRIOR OWNER; AND;*

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
<i>HERBERT, DIANE</i>	<i>513.02</i>	<i>21</i>	<i>2021/1</i>	<i>\$1,231.27</i>

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

*Approved as to content:*

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE RENEWAL OF THE COMMODITY RESALE SYSTEM (99014-DTCRS) FOR GASOLINE, DIESEL FUEL AND SNOW REMOVAL CHEMICALS TO THE TOMS RIVER REGIONAL SCHOOLS AND THE TOMS RIVER TOWNSHIP BOARD OF FIRE COMMISSIONERS**

**AUGUST 10, 2021**

**WHEREAS**, N.J.S.A. 40A:11-1 et seq. and N.J.A.C. 5:34-7 authorizes contracting units to establish a Commodity Resale System; and

**WHEREAS**, by resolution dated October 8, 1996 Toms River Township (formerly known as the Township of Dover) established a Commodity Resale System for Gasoline, Diesel Fuels and Snow Removal Chemicals, whereby the Township of Toms River serves as lead agency with the Toms River Regional Schools and the Toms River Township Board of Fire Commissioners; and

**WHEREAS**, the Township of Toms River, wishes to renew the Commodity Resale System (99014-DTCRS) for gasoline, diesel fuel and snow removal chemicals to the Toms River Regional Schools and the Toms River Township Board of Fire Commissioners pursuant to NJSA 40A:11-1 et seq., and the NJAC 5:34-7, which authorize contracting units to establish a Commodity Resale System, for a new term to commence on October 29, 2021 and expires on October 28, 2026; 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 renewal of the Commodity Resale System (99014-DTCRS) for gasoline, diesel fuel and snow removal chemicals to the Toms River Regional Schools, and the Toms River Township Board of Fire Commissioners, pursuant to NJSA 40A:11-1 et seq., and the NJAC 5:34-7, which authorize contracting units to establish a Commodity Resale System, for a new term commencing on October 29, 2021 and expiring on October 28, 2026.

2. It hereby authorizes the appropriate Township Officials to execute the necessary paperwork to renew the Commodity Resale System.

3. A certified copy of this resolution together with the original, executed Cooperative Purchasing Form #CP-2060 (attached), which includes a list of current membership, shall be mailed to the Division of Local Government Services,

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

- a) Township Attorney
- b) Purchasing Division
- c) Chief Financial Officer
- d) Division of Local Government Services  
Attn: Branchelle Keaton  
PO Box 803  
Trenton, NJ 08625-0803
- e) Toms River Regional Schools

Attn: Bernadette Cutajar  
1144 Hooper Avenue  
Toms River, NJ 08753  
f) Toms River Township  
Board of Fire Commissioners  
45 West Water Street  
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SALE OF ONE (1) 2003 PETERBILT VACTOR TRUCK, VIN #2NPNHD8X54M81406, TO THE CITY OF WILDWOODS' SEWER UTILITY DEPARTMENT FOR \$15,000.00**

**AUGUST 10, 2021**

**WHEREAS**, the Purchasing Division is requesting authorization to sell one (1) 2003 Peterbilt Vactor Truck, VIN #2NPNHD8X5M81406, in accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-36(2), which states that the contract need not advertise for bids for the disposition of personal property to other government entities, to the City of Wildwood Sewer Utility Department, 4400 New Jersey Avenue, Wildwood, NJ, 08260, in the amount of \$15,000.00; and

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

1. Pursuant to N.J.S.A. 40A:11-36(2), it hereby authorizes the Purchasing Division to sell one (1) 2003 Peterbilt Vactor Truck, VIN #2NPNHD8X5M81406, in accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-36(2), which states that the contract need not advertise for bids for the disposition of personal property to other government entities, to the City of Wildwood Sewer Utility Department, 4400 New Jersey Avenue, Wildwood, NJ, 08260, in the amount of \$15,000.00.

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) City of Wildwoods Sewer Utility Dept.  
4400 New Jersey Avenue  
Wildwood, NJ 08260

**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 MUNICIPAL ALLIANCE AGREEMENT FOR FY 2022 AND A GRANT, BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE OCEAN COUNTY BOARD OF HEALTH, IN THE AMOUNT OF \$26,033.00, WITH A TOWNSHIP MATCH OF \$6,508.25 (IN-KIND MATCH OF 75% OF DEDR ALLOC OF \$19,524.75), TO ESTABLISH AND MAINTAIN MUNICIPAL ALLIANCES**

**AUGUST 10, 2021**

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to a Municipal Alliance Agreement FY 2022 and a Grant, between the Township of Toms River and the Ocean County Board of Health, in the amount of \$26,033.00 with a

August 10, 2021 31

Township Match of \$6,508.25 (In-Kind Match of 75% of DEDR Alloc of \$19,524.75), to establish and maintain Municipal Alliances, for a term commencing retroactive to July 1, 2021 through June 30, 2022. A copy of this Agreement will be kept on file in the Office of the Township Clerk upon its execution.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Helen McGovern, Municipal Alliance
- g) Joann Benson, Health & Human Services
- h) Ocean County Board of Health  
Attn: Kimberly L. Reilly, MA, LPC  
County Alcohol and Drug Coordinator  
PO Box 2191  
Toms River, NJ 08754-2191

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A  
MINOR SITE PLAN AND MAJOR SUBDIVISION KNOWN AS, BLOCK 694.14,  
LOT 6 & 48 (633 Brookside Drive)**

**August 10, 2021**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan & Major Subdivision known as Block 694.14, Lots 6 & 48.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Letter of Credit # 1982 in the amount of \$863,809.65 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$95,978.85 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$19,457.00 which represents the escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Silver Oaks at Brookside, LLC., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Silver Oaks at Brookside, LLC

817 West Briar Avenue  
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND  
ACCEPTING MAINTENANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS  
BLOCK 444.01, LOT 20 (843 Fischer Blvd)**

**August 10, 2021**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 444.01, Lot 20.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Bond # 404245997 in the amount \$1,215.00 which represents the 15% Maintenance Guarantee, is accepted and will remain on account to represent the Maintenance Bond;

WHEREAS, the Township Engineer has made an inspection of said Minor Site Plan and finds that all improvements have been satisfactorily completed; and WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees and acceptance of Maintenance Guarantees;

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

- 1) Previously posted Cash Bond in the amount of \$810.00 currently on account # X-19- -601-847, is hereby released with applicable interest if any;
- 2) Previously posted Surety Bond in the amount of \$7,290.00 is hereby released;
- 3) Maintenance Bond listed in the preamble hereof be and the same is hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Bohler Engineering NJ, LLC  
30 Independence Blvd., Suite 200  
Warren, NJ 07059

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS  
RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE  
GUARANTEES FOR A MINOR SITE PLAN KNOWN AS, BLOCK 646.01, LOT 10  
(200 Route 37 East)**

**August 10, 2021**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 646.01, Lot 10

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #800121451 in the amount of \$4,500.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$500.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$500.00 which represents the escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by BNF Contractors, Inc., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. BNF Contractors, Inc.  
429 Old Town Road  
Port Jefferson Station, NY 11776

**RESOLUTION AUTHORIZING THE PERSON-TO-PERSON - PLACE-TO- PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE 1507-33-042-006 FROM SIMON PROPERTY GROUP, INC. TO P.F.CHANG'S CHINA BISTRO, INC.**

**AUGUST 10, 2021**

WHEREAS, an application has been filed for **PERSON-TO-PERSON PLACE TO PLACE TRANSFER** for Plenary Retail Consumption License Number **1507-33-042-006**, heretofore issued to P.F. Chang's Bistro, 1201 Hooper Ave Toms River, NJ 08753 and

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

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

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 does authorize the **Person-To-Person, Place- To- Place Transfer** of Plenary Retail Consumption Liquor License Number 1507-33-042-006 from **Simon Property Group Inc. To P.F. Chang's China**

**Bistro, Inc., with the address of 1201 Hooper Ave,  
Toms River, NJ 08753.**

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

- a) Police Department
- b) Chief Financial Officer
- c) Township Attorney
- d) State of New Jersey  
Division of Alcoholic Beverage Control  
140 E. Front Street  
P.O. Box 087  
5th Floor  
Trenton, N.J. 08625-0087
- e) P.F. Chang's China Bistro, Inc.  
8377 E. Hartford Drive Suite 200  
Scottsdale, AZ 85255

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE TOWNSHIP OF BARNEGAT FOR INFORMATION TECHNOLOGY SERVICES, COMMENCING SEPTEMBER 1, 2021 THROUGH AUGUST 31, 2023**

**AUGUST 10, 2021**

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to a Shared Services Agreement between the Township of Toms River and the Township of Barnegat for Information Technology Services attached hereto as Schedule A. Term of Agreement: commencing September 1, 2021 through August 31, 2023. A copy of this Agreement will be kept on file in the Office of the Township Clerk upon execution.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Police Department, Attn: Chief Mitchell Little
- f) Chief Financial Officer
- g) Division of Purchasing
- h) Ocean County Board of Freeholders  
P.O. Box 2191  
Toms River, N.J. 08754-2191
- i) Ocean County Prosecutor's Office  
119 Hooper Avenue  
P.O. Box 2191  
Toms River, N.J. 08754-2191
- j) Division of Local Government Services

**SCHEDULE A – see Attachments**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, DESIGNATING BLOCK 608, LOT 2.03; BLOCK 599, LOT 712; BLOCK 604, LOT 502; AND BLOCK 601, LOT 1, AS AN AREA IN NEED OF REDEVELOPMENT**

August 10, 2021 35

**WITHOUT CONDEMNATION, PURSUANT TO THE LOCAL  
REDEVELOPMENT AND HOUSING LAW**

**AUGUST 10, 2021**

**WHEREAS**, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “*LRHL*”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment, with or without the potential use of condemnation; and

**WHEREAS**, the Township Council previously designated the Hooper-Caudina Redevelopment Area, consisting of over 200 undersized lots and numerous paper streets, as an Area In Need of Redevelopment with Condemnation in 2018; and

**WHEREAS**, the County Of Ocean acquired Block 608, Lot 19.01 from the owners of the Dover Esplanade Office Park for purposes of redeveloping a new County Social Services office complex; and

**WHEREAS**, by resolution dated January 28, 2020, and pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), the Township Council of the Township of Toms River directed the Planning Board of the Township of Toms River to conduct a preliminary investigation and public hearing; and

**WHEREAS**, the Township Council adopted by resolution dated, March 10, 2020, the inclusion of Block 608, Lot 19.01 as part of the Hooper-Caudina Redevelopment Area; and

**WHEREAS**, on June 9, 2021 , and pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), the Township Council of the Township of Toms River directed, by resolution, the Planning Board of the Township of Toms River to conduct a preliminary investigation and public hearing regarding the inclusion, without condemnation, of Block 608, Lot 2.03; Block 599, Lot 712; Block 604, Lot 502 and Block 601, Lot 1, commonly known as the Seacourt Pavilion Shopping Center, in the Hooper-Caudina Redevelopment Area.

**WHEREAS**, as required by N.J.S.A. 40A:12A-6, the Planning Board held a public hearing on Wednesday, August 4, 2021 to determine whether all or part of the Block 608, Lot 2.03; Block 599, Lot 712; Block 604, Lot 502 and Block 601, Lot 1, commonly known as the Seacourt Pavilion Shopping Center (“Study Area”) is an area in need of redevelopment without condemnation (Noncondemnation Redevelopment Area) in accordance with the Local Redevelopment and Housing Law; and

**WHEREAS**, the Board has considered a redevelopment study report for the Study Area prepared by the Township Planner, David Glynn Roberts, AICP/PP, LLA, LEED AP ND, dated June 30, 2021 (“the Study”); and

**WHEREAS**, the Board has considered the presentation of Steven J. Simone, AICP/PP, Principal Planner, and Mark Villinger, AICP/PP, Supervising Planner, for the Ocean County Planning Board, who prepared said Study and testified at said hearing, and has also considered the comments of David G. Roberts, AICP/PP, LLA, LEED AP ND, Township/Board Planner and other persons given at the public hearing; and

**WHEREAS**, the Planning Board made the following findings and recommendations:

1. With regard to Block 608, Lot 2.03:

Because the steady economic decline of the shopping center on Lot 2.03 is partially due to an obsolete arrangement (two story retail) and the extent of the vacancy rate is now approaching two years for the former LA Fitness space and HomeSense spaces, we believe

that conditions consistent with Criteria “b” exist that would qualify Lot 2.03 for designation.

- “b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.”*

2. With regard to Block 599, Lot 712:

“While the parcel has remained vacant for more than 10 years, it is not lacking access nor is it remote or isolated from developed sections of town. Therefore the “c” Criterion cannot be applied to Lot 712. However, its frontage on Hooper Avenue provides an opportunity for additional access to Block 601, Lot 1 and Block 608, Lot 2.03. Therefore, Lot 712 should be included in the designated redevelopment area under ‘Section 3’ of the Local Redevelopment and Housing Law because it is too small to develop independently and necessary for the effective redevelopment of the rest of the Study Area.”

3. With regard to Block 604, Lot 502:

“While the parcel has remained vacant for more than 10 years, it is not lacking access nor is it remote or isolated from developed sections of town. Therefore the “c” Criterion cannot be applied to Lot 502. However, its frontage on Caudina Avenue provides an opportunity straightening the road access to Block 601, Lot 1 and Block 608, Lot 2.03, which is currently a substandard acute angle. Therefore, Lot 502 should be included in the designated redevelopment area under ‘Section 3’ of the Local Redevelopment and Housing Law because it is too small to develop independently and necessary for the effective redevelopment of the rest of the Study Area.”

4. With regard to Block 601, Lot 1:

“This parcel is an irregularly configured lot of 7 acres, of which 5 acres are vacant and contiguous and has frontage on Hooper Avenue. Yet, despite these advantages, the parcel has never been developed. While a five acre portion of Lot 1 with 247 feet of frontage on Hooper could be subdivided from the remainder of Lot 1, the lot configuration would not lend itself to retail development because there is almost twice as much lot depth than lot frontage, where retail exposure to Hooper Avenue would require the opposite. Additionally a portion of Lot 1 is constrained by a storm basin used for the shopping center, which creates an adverse topographic condition for the development of the rest of Lot 1. Therefore, Lot 1 should be included in the designated redevelopment area under Criterion “c”.”

- “c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to the adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.”*

5. “Taken as a whole, it is recommended that the entire Study Area also qualifies for designation based on Criterion “e” because a portion of the access road that connects Caudina Avenue to the rear of the shopping center and provides access to Lots 2.03 and Block 601, Lot 1, now is located on Lot 2.04, which is under separate ownership. While an access easement through Lot 2.04 was required as part of the subdivision and site plan approval, the situation is a condition of title that complicates any future development of the undeveloped portions of the Study Area. The discovery of the Ciba Geigy waste pipe that was broken during construction of the shopping center in 1988 could also be a deterrent to future development of the remaining vacant portions of the Study Area. Criterion ‘e’ reads:

- ‘e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for*

*contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.'*

6. "We also find that the emphasis of the Master Plan on the potential redevelopment of vacant and underutilized properties in the Study Area to be consistent with the designation of the Study Area under Criterion "h"."

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Toms River as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township Council hereby accepts the findings and recommendations of the Planning Board and designates Block 608, Lot 2.03; Block 599, Lot 712; Block 604, Lot 502 and Block 601, Lot 1, commonly known as the Seacourt Pavilion Shopping Center, as an Area In Need of Redevelopment pursuant to *N.J.S.A. 40:12A-5(b), (c), (e) and (h)*, as well being necessary for the effective redevelopment of the Hooper-Caudina Redevelopment Area and this Study Area shall not include the potential for the use of Eminent Domain, otherwise referred to in the Local Redevelopment and Housing Law as a "Non-Condensation Redevelopment Area".
3. A copy of this resolution shall be available for public inspection at the offices of the Township and be forwarded to the Commissioner of the New Jersey Department of Community Affairs.
4. This Resolution shall take effect immediately.
5. Notice of this determination shall be served, within 10 days of the adoption of this Resolution, upon all record owners of property located within the delineated area and upon any person who filed a written objection thereto and provided an address to which notice of determination may be sent.
6. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Mayor Maurice B. Hill, Jr.
  - b) Business Administrator
  - c) Township Council
  - d) Township Attorney
  - e) David G. Roberts, Township Planner
  - f) Engineering Division
  - g) Chief Financial Officer
  - h) Commissioner, NJ Department of Community Affairs  
101 South Broad Street  
PO Box 800  
Trenton, NJ 08625-0800

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS, BLOCK 578, LOT 10 & 19 (642 Bay Avenue)**

**August 10, 2021**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 578, Lot 10 & 19.

WHEREAS, Performance Bonds have been posted as follows:

1) Surety Bond #TXHNSU-0784876 in the amount of \$117,909.00 which represents the ninety percent portion of the performance guarantee amount.

2) Check in the amount of \$13,101.00 which represents the ten percent portion of the performance guarantee amount.

3) Check in the amount of \$11,462.88 which represents the escrow amount for inspection fees.

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

1) The bonds set forth in the preamble hereto are hereby approved.

2) Said bond approval is conditioned upon compliance by 578 Bay Ave, LLC., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. 578 Bay Ave, LLC  
27 Gladney Avenue  
Toms River NJ 08721

## REPORTS

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

	2021	2020
Bey Lea Golf Course – July	\$244,615.62	\$238,713.84
Bey Lea Golf Course – YTD through July	\$1,019,613.03	\$695,268.28
Winding River Ice Rink – July	\$37,382.49	\$-400.00
Winding River Ice Rink – YTD through July	\$452,045.23	\$329,434.50
Building Permits - July	\$216,823.00	\$302,831.00
Building Permits – YTD through July	\$1,924,108.00	\$1,517,567.00
Beach Badges – Week 5-9	\$651,438.00	\$555,899.00
Pool Badges – Week 10- 13	\$59,906.00	\$39,894.00

## APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **August 6, 2021**, was approved on motion by Council Member Turnbach, seconded by Council Member Lotano, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick absent. The following respective exceptions to their votes were noted as abstentions to this vote:

Council President Geoghegan had none.

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

Purchase Order 21-04117, payable to Motor Vehicle Commission in the amount of \$120.00

Purchase Order 21-04123, payable to NJ MVC Lease Program in the amount of \$3,397.00.

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

Purchase Order 20-00569, 21-04110, 21-04111, 21-04112, payable to Remington & Vernick Engineers in the amount of \$5,552.57.

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

Purchase Order 21-04116, payable to Owen Little & Associate Inc., in the amount of \$3,159.00.

Purchase Order 21-03856, payable to Borough of South Toms River in the amount of \$582.50.

Council Member Lotano had none.

Council Member Rodrick had none.

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

Purchase Order 21-04123, payable to Magistrate Salaries in the amount of \$6,937.41.

## **ELECTED OFFICIALS COMMENTS**

Mayor Hill spoke regarding VA Clinic; and Toms River East Little League play on Thursday, August 12, 2021 at 7:00 p.m.

Councilman Rodrick spoke regarding redevelopment plan.

Councilman Turnbach thanked Council Members for tabling redevelopment resolution; Congratulated Township Planner Roberts and Mayor Hill on the VA Clinic.

Councilman Lotano spoke regarding VA; TRELL on ESPN; and redevelopment development...

Councilwoman Maruca spoke regarding VA hospital; Surf Club; and TRELL.

Councilwoman Huryk spoke regarding VA hospital; TRELL; and redevelopment project.

Councilman Kopp had no comments.

Council President Geoghegan spoke regarding VA hospital; redevelopment project, and TRELL.

## **PUBLIC COMMENTS**

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

Bob Shea announced next meeting on August 19, 2021 for redevelopment residents.

Tom Smith, 520 Whitesville Road, his property butts up against a violating business that dump in woods – gave name to Administrator.

Art Anderson Thanked Council Members for tabling redevelopment project, and gazebo in need of repairs.

Leslie Peters, Meadowlands Court, questioned if they know what block and lots are in the redevelopment projects.

Elizabeth Puglisii can more information be put in township email and e-newsletter?

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

A motion was made by Council Member Maruca, seconded by Council Member Lotano and carried to enter into a private Executive Session at 10:23 p.m.

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

### **RESOLUTION**

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

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

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

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

Matters of Personnel  
Attorney Client Privilege  
Contract Negotiations

3. The following specific topics were announced.
  1. Executive Session Minutes: July 27, 2021 Regular Meeting
  2. Personnel Issues
  3. Review of status of all real property acquisitions. (voluntary acquisitions and
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	- No
Council Member Turnbach	- Yes
Council Vice-President Geoghegan	- Yes
Council President Maruca	- Abstain

The Council **reconvened** the public portion at 10:35 P.M., a motion was made by Council Member Maruca, seconded by Council Member Turnbach, and carried with Council

Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes.

A motion was made by Council Member Lotano, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Turnbach, and Council President Geoghegan voting yes, and Council Member Rodrick voting no, absent, and with Council Member Maruca abstaining, 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 27, 2021 Regular Meeting**

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

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CONSENTING  
TO THE APPOINTMENT OF JUDITH TUTELA AS CHIEF FINANCIAL OFFICER**

**AUGUST 10, 2021**

**WHEREAS**, there is a vacancy in the position of Chief Financial Officer, due to the resignation of the prior Chief Financial Officer; and

**WHEREAS**, Mayor Maurice B. Hill, Jr., has nominated Judith Tutela to serve as successor Chief Financial Officer; and

**WHEREAS**, the Township Council acknowledges that Ms. Tutela, by virtue of her education and experience, will effectively discharge the duties of Chief Financial Officer;

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

1. Pursuant to N.J.S.A. 40:69A-43(b); N.J.S.A. 40A:9-140.10; and Section 44-2B of the Township Code, the Township Council consents to the appointment of Judith Tutela, as Chief Financial Officer, for a four-year term commencing January 1, 2021, through December 31, 2024, at an annual salary of \$169,750.00.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Human Resources
- g) Payroll Department
- h) All Department Heads
- i) Judith Tutela

No other business appearing, the meeting was **adjourned** at 10:33 P. M., on motion with Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes.

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KEVIN GEOGHEGAN, COUNCIL PRESIDENT

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ALISON CARLISLE, TOWNSHIP CLERK