

August 11, 2020

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

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

A moment of silence held for Denise Rudnicki of the Police Department, who passed away recently.

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

OPEN PUBLIC MEETINGS ACT
STATEMENT

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

Roll Call:

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

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

APPROVAL OF MINUTES

A motion was made by Council Member Turnbach, seconded by Council Member Kopp, and carried with Council Members Geoghegan, Kopp, Lotano, Rodrick, Turnbach, and Council President Maruca voting yes, and with Council Member Huryk absent, to approve the **Regular Meeting of July 28, 2020**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS - NONE

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

A motion was made by Council Member Kopp, 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, REPLACING SECTION 8.4 (BUFFER AREAS,
SCREENING, LANDSCAPING AND SHADE TREES) AND REPLACING IT WITH A NEW
SECTION 8.4 (LANDSCAPE AND BUFFER STANDARDS) OF CHAPTER 348
(LAND USE AND DEVELOPMENT REGULATIONS) OF THE TOWNSHIP CODE**

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

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

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

Council Member Turnbach 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 368-3
(NUISANCE ACTS) OF CHAPTER 368 (NUISANCES) OF THE TOWNSHIP CODE
TO ADD A NEW SECTION 368-3.1 (LIGHT TRESPASS IN
RESIDENTIAL AREAS)**

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. Chapter 368 (Nuisances) of the Township Code is amended and supplemented to add Section 368-3.1, to read as follows:

Section 368-3.1. Light trespass in residential areas.

The following acts, among others, are declared to be a nuisance in violation of this chapter:

- A. Placing or maintaining spotlights or other types of artificial lighting that provide a concentrated beam of light extending beyond any property lines.

B. Placing or maintaining spotlights or other types of artificial lighting extending beyond the vertical plane of the face of any building or structure that causes a beam of light to be reflected upon any adjoining property or public street.

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on August 11, 2020 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on August 25, 2020 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:
KENNETH B. FITZSIMMONS
TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, August 14, 2020.

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

CONSENT AGENDA

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

A motion was made by Council Member Geoghegan,, seconded by Council Member Kopp, and carried with Council Members Geoghegan, Kopp, Lotano, Rodrick, Turnbach, and Council President Maruca voting yes, and with Council Member Huryk

absent, to approve all the following items listed on the Consent Agenda, except item H, which was done separately.

**RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS
FOR 2020 SAFE AND SECURE COMMUNITIES GRANT PROGRAM**

AUGUST 11, 2020

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

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

WHEREAS, the Township has received a grant from the Safe and Secure Communities Grant Program and wishes to amend its 2020 Budget to include a portion of this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, County of Ocean, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2020 Budget the sum of \$60,000.00 which is now available as revenue from:

Miscellaneous Revenues -

Special Items of General Revenue Anticipated with Prior Written Consent of the

Director of Local Government Services -Public and Private Revenues
Offset with

Appropriations:

Safe and Secure Communities Grant Program.....\$60,000.00
pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$60,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

Safe and Secure Communities Grant Program.....\$60,000.00

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

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

Approved as to Content:

**RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS
FOR FFY19 ODMAP GRANT**

AUGUST 11, 2020

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

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

WHEREAS, the Township has received a grant from the State of New Jersey, Department of Law and Public Safety, Office of the Attorney General, FFY19 ODMAP Grant and wishes to amend its 2020 Budget to include a portion of this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, County of Ocean, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2020 Budget the sum of \$135,910.00 which is now available as revenue from:

Miscellaneous Revenues -

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

FFY19 ODMAP Grant..... \$135,910.00
pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$135,910.00 is and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

FFY19 ODMAP Grant..... \$135,910.00

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

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

Approved as to Content:

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN OPEN-ENDED
CONTRACT TO CONCEPT PRINT, WHO MEETS ALL THE BID SPECIFICATIONS, FOR
THE SUPPLY OF WORK, SPORT AND LIFEGUARD CLOTHING REBID**

AUGUST 11, 2020

WHEREAS, bids were invited on July 23, 2020 for the Supply of Work, Sport and Lifeguard Clothing rebid; and

WHEREAS, bids were received, as follows:

Concept Print
40 Lydecker Street
Nyack, NY 10960

Keyport Army Navy
PO Box 985
Brick, NJ 08723

WHEREAS, the bids have been reviewed by the Division of Purchasing, and recommendation has been made to award a contract, as follows:

Concept Print – Items Nos. 3, 27, 56, 85-89, and 130.

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

1. It hereby awards the contract for the Supply of Work, Sport and Lifeguard Clothing rebid, as follows:

Concept Print – Items Nos. 3, 27, 56, 85-89, and 130.

Term of contract shall commence retroactive effective from April 24, 2020 through April 23, 2021. This contract will be open-ended with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all terms and conditions of the bid specifications.

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

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

CERTIFICATION

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

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: August 11, 2020

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, REJECTING BIDS RECEIVED FOR IMPROVEMENTS TO THE TOMS RIVER EAST LITTLE LEAGUE FIELDS, AND AUTHORIZING REBID OF THIS PROJECT

AUGUST 11, 2020

WHEREAS, bids were invited on July 28, 2020 for Improvements to the Toms River East Little League Fields; and

WHEREAS, bids were received, as follows:

TC Landscaping Construction Group, Inc. 1104 Biondo Street Toms River NJ 08753	\$116,010.00
Down To Earth Landscaping, Inc. 705 Wright Debow Road Jackson, NJ 08527	\$130,200.00
The Landtek Group, Inc. 235 County Line Road Amityville, NY 11701	\$146,100.00
Giacorp Contracting Inc. 11 Bradhurst Avenue Hawthorne, NY 10532	\$183,497.58
George Koustas Painting, LLC 79 Beachwood Avenue West Long Branch, NJ 07764	\$216,850.00

WHEREAS, the bids have been reviewed by the Purchasing Division and the Engineering Division, and recommendation has been made to reject all bids received, as they substantially exceed the estimated budget for this project;

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:11-13.2(a), it hereby rejects the above-mentioned bids, as they substantially exceed the estimated budget for this project.
2. It hereby authorizes the appropriate Township Officials to advertise for rebid of this project.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Engineering Division
- e) All Aforementioned bidders

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF EQUIPMENT FOR POLICE VEHICLES FROM VENDORS WITH STATE CONTRACTS, MOTOROLA SOLUTIONS, INC. C/O WIRELESS C&E, CONTRACT #83909, IN THE AMOUNT NOT TO EXCEED \$80,195.60, WIRELESS C&E, CONTRACT #83980, IN THE AMOUNT NOT TO EXCEED \$51,791.76, CDW-G INC., CONTRACT #ESCNJ 18/19-03, IN THE AMOUNT NOT TO EXCEED \$6,499.61, CDW-G INC., CONTRACT #89980, IN THE AMOUNT NOT TO EXCEED \$67,110.00, AND FROM EMERGENCY ACCESSORIES & INSTALLATIONS, CONTRACT #17-FLEET-00761, IN THE AMOUNT NOT TO EXCEED \$32,357.02, FOR A TOTAL COMBINED MAXIMUM AMOUNT NOT TO EXCEED \$237,953.99

AUGUST 11, 2020

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

1. In accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State contract are hereby approved.

2. State Contract #83909, for the Purchase of Equipment for Police Vehicles for the Department of Police, from Motorola Solutions, Inc., c/o Wireless C&E, for a total contract purchase amount not to exceed \$80,195.60. See Schedule "A" attached hereto and made a part hereof.

3. State Contract #83980, for the Purchase of Equipment for Police Vehicles for the Department of Police, from Wireless C&E, for a total contract purchase amount not to exceed \$51,791.76. See Schedule "A" attached hereto and made a part hereof.

4. Contract #ESCNJ 18/19-03, for the Purchase of Equipment for Police Vehicles for the Department of Police, from CDW-G, for a total contract purchase amount not to exceed \$6,499.61. See Schedule "A" attached hereto and made a part hereof.

5. Contract #89980, for the Purchase of Equipment for Police Vehicles for the Department of Police, from CDW-G, for a total contract purchase amount not to exceed \$67,110.00. See Schedule "A" attached hereto and made a part hereof.

6. Contract #17-Fleet-00761, for the Purchase of Equipment for Police Vehicles for the Department of Police, from Emergency Accessories & Installations, for a total contract purchase amount not to exceed \$32,357.02. See Schedule "A" attached hereto and made a part hereof.

7. Funds in the amount of \$237,953.99 are available in Account No. X-04-248-006.

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

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

:

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) Motorola Solutions, Inc.
c/o Wireless C&E
153 Cooper Rd.
West Berlin, NJ 08091
- f) Wireless C&E
153 Cooper Rd.
West Berlin, NJ 08091

- g) CDW-G
200 N. Milwaukee Avenue
Vernon Hills, IL 60061
- h) Emergency Accessories & Installations
250 Haddonfield-Berlin Rd.
Cherry Hill, NJ 08034

SCHEDULE "A"

SEE ATTACHMENTS

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contracts for vendors with State contracts, Motorola Solutions, Inc. c/o Wireless C & E, in the total amount not to exceed \$80,195.60, Wireless C&E, in the total amount not to exceed \$51,791.76, CDW-G Inc., in the total amount not to exceed \$6,499.61, CDW-G Inc., in the total amount not to exceed \$67,110.00, and Emergency Accessories & Installations in the total amount not to exceed \$32,357.02, for a total combined amount not to exceed \$237,953.99, are available in Account No. X-04- -248-006.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: August 11, 2020

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP OF TOMS RIVER, TO
APPLY FOR, AND THE MAYOR, ACTING BUSINESS ADMINISTRATOR, CHIEF
FINANCIAL OFFICER , AND CAROL BENEVY, ALLIANCE CHAIRPERSON, TO
EXECUTE AN APPLICATION FOR FUNDING FOR A MUNICIPAL ALLIANCE GRANT
FOR STATE FISCAL YEAR 2021
(OCTOBER 01, 2020 THROUGHH JUNE 30, 2021)**

**(GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE
FISCAL GRANT CYCLE JULY 2020 - JUNE 2025)**

AUGUST 11, 2020

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Township Council of the Township of Toms River, County of Ocean, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Ocean;

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, hereby recognizes the following:

1. The Township Council of the Township of Toms River does hereby authorize submission of a Strategic Plan for the Governor's Council on Alcoholism and Drug Abuse Municipal Alliance grant for fiscal year 2021 (October 01, 2020 through June 30, 2021), for the Township of Toms River, in the amount of:

A) Alliance DEDR Allocation:	\$ 22,828.15
B) Cash Match (25% of DEDR Alloc.):	\$ 5,707.04
C) In-Kind Match: (75% of DEDR Alloc.):	\$ 17,121.11
TOTAL ALLIANCE BUDGET:	\$ 45,656.30

2. The Township Council of the Township of Toms River acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

3. The Mayor, Acting Business Administrator, Chief Financial Officer, and Carol Benevy, Alliance Chairperson, are hereby authorized to execute a Strategic Plan for Funding Municipal Alliances to obtain a Municipal Alliance Grant for Calendar Year 2020, as stated above. Cash Match Funds in the amount of \$5,707.04, will be available contingent upon adoption of the respective municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Acting Business Administrator
- c) Township Attorney
- d) Chief Financial Officer
- e) Carol Benevy, Alliance Chairperson
- f) Police Department, Attn: Chief Mitchell Little
- g) Grant Coordinator
- h) Helen McGovern, Toms River Municipal Alliance
- i) Joann Benson, Director, Human Services
- j) Ocean County Health Department
175 Sunset Avenue
PO Box 2191
Toms River, NJ 08754
Attn: Daniel E. Regenye, MHA
Public Health Coordinator/Health Officer

APPROVED: _____

MAURICE B. HILL, JR.
MAYOR

CERTIFICATION

I, Alison Carlisle, Township Clerk of the Township of Toms River, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council of the Township of Toms River on this 11th day of August, 2020.

ALISON CARLISLE
MUNICIPAL CLERK

**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 COUNTY OF OCEAN FOR LEAF
AND VEGETATIVE WASTE COMPOSTING PROGRAM**

AUGUST 11, 2020

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to a Shared Services Agreement between the Township of Toms River and the County of Ocean for the Ocean County Leaf and Vegetative Waste Composting Program, which will authorize participation in the Ocean County Composting Program for leaf and brush disposal. Contract term – commencing September 17, 2020 and terminating December 31, 2024.

2. A copy of this agreement is attached to this resolution as Schedule “A”, and made a part hereof, and will be kept on file in the Office of the Township Clerk upon execution.

3. 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) Township Engineer
- c) Chief Financial Officer
- d) Public Works Department
- e) Purchasing Division
- f) Ocean County Board of Freeholders
P.O. Box 2191
Toms River, N.J. 08754-2191
Attn: Clerk of the Board
- g) Ocean County Department of Solid Waste
Management
129 Hooper Avenue
P.O. Box 2191
Toms River, N.J. 08754-2191
Attn: Anthony M. Agliata, Director

SCHEDULE “A”

SEE ATTACHMENTS

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

AUGUST 11, 2020

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

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

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

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

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

2) The Tax Collector is authorized and directed to collect the costs listed on the Certification of Costs. The amount shown on the Certification of Costs shall be charged, become, and form part of the real estate taxes next to be assessed and levied upon such property, and shall bear interest at the same rate as real property taxes, and shall be collected and enforced in the same manner as provided for in the collection of real property taxes.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Asst. Business Administrator
- c) Chief Financial Officer
- d) Tax Collector
- e) Township Attorney
- f) Housing & Property Maintenance
- g) Code Enforcement
- h) Director, Parks, Buildings & Grounds
- i) Creveling, Catherine
2237 Mt. Hood Lane
Toms River, NJ 08753
- j) Woolsey, Ellen F. Jeseseke
260 Fourth Street
Saddle Brook, NJ 07663

SCHEDULE "A"

CERTIFICATION OF COSTS

	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TOTAL</u>
1.	192.26	26	2237 Mt. Hood Lane	\$ 453.91
2.	724.93	4	408 Hightstown Lane	\$1,056.62

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO AND ACCEPT A DEED OF DRAINAGE EASEMENT FROM JOSEPH J. POVEROMO AND HOPE R. POVEROMO TO THE TOWNSHIP OF TOMS RIVER, REGARDING BLOCK 1087, LOT 42, 226 SILVER BEACH ROAD, IN THE AMOUNT OF \$14,500.00

AUGUST 11, 2020

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

1. It hereby authorizes the Township of Toms River to accept a Deed of Drainage Easement from Joseph J. Poveromo and Hope R. Poveromo to the Township of Toms River, regarding Block 1087, Lot 42, 226 Silver Beach Road, Toms River, New Jersey. The purpose of the drainage easement is to convey to the Township of Toms River and its successors in title a permanent drainage easement across, over, under, through and on top of the easement for use by the Township to construct a drainage system within the easement area and to repair, maintain, or replace such drainage system.

2. It hereby authorizes the Mayor to execute and the Township Clerk to attest to a Deed of Drainage Easement from Joseph J. Poveromo and Hope R. Poveromo to the Township of Toms River, regarding Block 1087, Lot 42, 226 Silver Beach Road, Toms River, New Jersey, in the amount of \$14,500.00. Funds for this drainage easement are available in the following accounts:

Account No. X-04- -205-001 - \$13,530.73
Account No. X-04- -220-002 - \$ 969.27

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

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

- a) Mayor Maurice B. Hill, Jr.
- b) Chief Financial Officer
- c) Township Attorney
- d) Engineering Department
- e) Paul R. Rizzo, Esq.
DiFrancesco, Bateman, Kunzman,
Davis, Lehrer & Flaum, P.C.
15 Mountain Boulevard
Warren, NJ 07059
- f) Mr. and Mrs. Joseph J. Poveromo
1992 Easthill Drive
Bethlehem, PA 18017-2709

CERTIFICATION

THIS IS TO CERTIFY that the funds for the Deed of Drainage Easement from Joseph J. Poveromo and Hope R. Poveromo to the Township of Toms River regarding Block 1087, Lot 42, 226 Silver Beach Road, Toms River, New Jersey, in the amount of \$14,500.00 are available in the following accounts:

Account No. X-04- -205-001 - \$13,530.73
Account No. X-04- -220-002 - \$ 969.27

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

Alexander Davidson
Chief Financial Officer

Dated: August 11, 2020

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS OCEAN COUNTY POWERSPORTS, BLOCK 813, LOTS 15 THROUGH 19 AND 35 THROUGH 39 (2130 Route 37 East)

August 11, 2020

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Ocean County Powersports, Block 813, Lots 15-19 & 35-39.

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) Cash Bond in the amount of \$9,254.80 currently on deposit in account # 0-14- -902-101 is hereby released with applicable interest;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Rudolph F. Rinderer, Jr.
PO Box 324
Pine Beach, NJ 08740

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING REDUCED PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS, BLOCK 571.64, LOT 60 (90 Bey Lea Road)

August 11, 2020

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 571.64, Lot 60.

WHEREAS, Reduced Performance Bonds have been posted as follows:

1) Reduced Cash Bond in the amount of \$14,730.00 will remain on account # 0-14- -902-101, to represent the 30% Performance Guarantee reduction.

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 Bey Lea Office Complex, LLC., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.
- 3) Cash Bond in the amount of \$34,370.00 to be released from original amount of \$49,100.00 currently on account # 0-14- -902-101;

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

- a. Township Engineer
- b. Chief Financial Officer

c. Township Attorney
d. Bey Lea Office Complex, LLC
1107 Somerset Avenue
Lakewood, NJ 08701

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, DOVER SHOPPING CENTER, BLOCK 410, LOT 25 (1515/1533Lakewood Road)

August 11, 2020

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Dover Shopping Center, Block 410, Lot 25.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #2306228 in the amount of \$691,717.50 which represents the ninety percent portion of the performance guarantee amount & the Safety and Stabilization Bond.
- 2) Check in the amount of \$74,510.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$31,325.80 which represents the escrow amount.

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 Dover Shopping Center Associates, 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. Dover Shopping Center Associates, LLC
222 Haddon Avenue, Suite 100
Haddon Township, NJ 08108

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS MCDONALDS, BLOCK 394 LOT 49.02 (1786 Hooper Avenue)

August 11, 2020

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as McDonald's, Block 394, Lot 49.02

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) Previously posted Cash Bond in the amount of \$5,000.00, in account # 0-14- -902-101, is hereby released with applicable interest if any;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. McDonald's Real Estate Company
PO Box 182571
Columbus, OH 43218-2571

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 646.01, LOT 10 (200 Route 37 East)

August 11, 2020

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, Maintenance Bonds have been posted as follows:

1) Maintenance Surety Bond # 48948 in the amount \$1,200.00 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 \$800.00 currently on account # X-19- -601-824, is hereby released with applicable interest if any;
- 2) Performance Surety Bond # 43627, in the amount of \$7,200.00 is hereby released;
- 3) Maintenance Surety Bond # 48948 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. Platinum General Contruction Services, Inc.
1462 Roosevelt Avenue
Carteret, NJ 07008

Discussion of item H preceded any votes between Council Member Matt Lotano who opened up with explanation of the idea that Township should/could get more dollars possibly, then Council Member Rodrick interrupted with a barrage of questions of Council Member Lotano dealings with Max Spann before who drafted all. Then discussion between Council Member Rodrick and Township Attorney Fitzsimmons.

Council Member Lotano spoke regarding to the sale of this property and expressed concern it was not sold at its potential value due to highest bidder defaulting.

Council Member Rodrick questioned who authorized the sale of this property, and stated he researched it back to a questionable source..

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO ACCEPT A \$247,500.00 BID FOR THE SALE OF LOT 42.08, BLOCK 394.25 (1870 HINDS ROAD), CONSISTING OF APPROXIMATELY 1.22 ACRES

AUGUST 11, 2020

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

WHEREAS, the only bid received was from 1810 Hinds LLC; and

WHEREAS, the Township Council, after due consideration, determined it to be in the public interest to accept the bid of 1810 Hinds LLC, the sole conforming bidder:

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

1. It hereby authorizes the sale of Lot 42.08, Block 394.25 and it accepts the following bid:

<u>BIDDER/PURCHASER</u>	<u>DESCRIPTION</u>	<u>BID/PURCHASE PRICE</u>
1810 Hinds LLC	Lot 42.08, Block 394.25, Approximately 1.22 Acres	\$247,500.00

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

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Township Attorney
- d) Tax Collector
- e) Tax Assessor
- f) Chief Financial Officer
- g) 1810 Hinds LLC
2360 Lakewood Road, #3110
Toms River, NJ 08755

REPORTS

NONE

APPROVAL OF BILLS

Council President Maruca asked for a report on the bills.

The Bill List, dated **August 5, 2020** was approved on motion by Council Member Turnbach, seconded by Council Member Kopp and carried with Council Members Geoghegan, Kopp, Lotano, Rodrick, Turnbach, and Council President Maruca voting yes, and with Council Member Huryk absent.. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 20-03962, payable to NJ MVC Lease Program in the amount of \$3,096.00.

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

Purchase Order 20-03658, 20-03659, 20-03661, & 20-03662, payable to Owen Little & Associates Inc., in the amount of \$8,652.50.

Purchase Order 20-03926, payable to Borough of Island Heights in the amount of \$3,486.93.

Purchase Order 20-03925, payable to Borough of South Toms River in the amount of \$1,561.99.

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

Purchase Order 20-0045, payable to Citta, Holzapfel and Zabarsky in the amount of \$7,100.00.

Purchase Order 20-03962, payable to Magistrate Salaries in the amount of \$7,499.70.

Council Member Rodrick abstained from all bills pertaining to Dasti, McGuckin firm.

Council Member Lotano and Council Vice-President Geoghegan had no abstentions and Councilwoman Huryk was absent.

ELECTED OFFICIALS COMMENTS

Mayor Hill spoke regarding the storm and residents without power.

Council Member Kopp had no comments.

Council Member Lotano spoke regarding support for local restaurants and businesses.

Council Member Rodrick spoke regarding sale of property.

Council Member Turnbach spoke on food distribution; "Just Believe" is opening August 12, at Community Thrift Store 734 Route 37; and September 15th Code Blue Planning, 6:00 p.m. at Riverwood Park.

Council President Maruca asked Township Attorney Fitzsimmons for is legal opinion on fraud by Council Member Rodrick; thanked Police Department and OEM for great job over the storm, and welcome new Business Improvement District Executive Director Maron.

PUBLIC COMMENTS

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

Art Anderson, 12 Park Street, asked about bill for fitness/veterans park. Council President Maruca explained and thanked everyone involved.

Debbie Martin, Ortleigh Beach, spoke regarding power out for over 30 hours. Not happy with Jersey Central Power and Lights performance. Council has asked for an after action meeting with Jersey Central Power and Lights, especially for medically dependent families who need power for their medical devices.

No further comments from the public appearing, a motion was made by Council Member Turnbach, seconded by Council Member Kopp, and carried to enter into a private Executive Session at 6:47 p.m.

A motion was made by Council Member Turnbach, 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: June 9, 2020 Regular Meeting and July 28, 2020
 - 2. Personnel Issues
 - 3. Review of status of all real property acquisitions (voluntary acquisitions and eminent domain actions)
 - 4. Possible vacation of Evans Avenue
- 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	- Absent
Council Member Kopp	- Yes
Council Member Lotano	- Yes
Council Member Rodrick	- Yes
Council Member Turnbach	- Yes
Council Vice-President Geoghegan	- Yes
Council President Maruca	- Yes

The Council **reconvened** the public portion at 7:14 P.M., a motion was made by Council Member Turnbach, seconded by Council Member Lotano and carried with

Council Members Geoghegan, Kopp, Lotano, Rodrick, Turnbach, and Council Present Maruca voting yes, and with Council Member Huryk absent.

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

**RESOLUTION APPROVING
EXECUTIVE SESSION MINUTES**

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

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

1. The following Executive Session Minutes are approved:

June 9, 2020 Regular Meeting

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

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

**RESOLUTION APPROVING
EXECUTIVE SESSION MINUTES**

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

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

2. The following Executive Session Minutes are approved:

July 28, 2020 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 7:14 P. M., on motion with Council Member Turnbach, seconded by Council Member Lotano, and carried with Council Members Geoghegan, Kopp, Lotano, Rodrick, Turnbach, and Council President Maruca voting yes, and with Council Member Huryk absent.

MARIA L. MARUCA, COUNCIL PRESIDENT

ALISON CARLISLE, TOWNSHIP CLERK