

August 13, 2019

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

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

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

OPEN PUBLIC MEETINGS ACT
STATEMENT

This meeting is convened in accordance with the provisions of the Open Public Meetings Act of New Jersey. Let the official Minutes reflect that adequate notice of this meeting has been provided by publishing a notice in the Asbury Park Press on Tuesday, January 8, 2019 and also forwarded to the Toms River Times, Toms River Patch and WOBN News on Wednesday, January 3, 2019, and thereafter posting same on the Town Hall bulletin board for such notices, and filing same with the Township Clerk, pursuant to a resolution adopted by the Township Council on January 3, 2019. The Notice was also posted on the Township web page.

Roll Call:

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

APPROVAL OF MINUTES

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and with Council Members Hill, Huryk, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Member Kubiel abstaining as he was not at the July 9, 2019 Regular Meeting, to approve the **Regular Meeting of July 23, 2019**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS

A motion was made by Council Member Kubiel, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, to make the following honoring proclamations a part of the Minutes.

Councilman Hill introduced and presented proclamations to the Donovan Catholic Girls Softball Team. Girls Softball Player of the Year was Karina Gaskins.

Township of Toms River Proclamation

WHEREAS, the 2019 **Donovan Catholic Girls' Softball Team** compiled a record of 30-2 and won the Shore Conference "B" South Division title losing to Saint John Vianney Girls' Softball Team in the finals of the Shore Conference Tournament ; and

WHEREAS, **Donovan Catholic** avenged that loss by beating Saint John Vianney 3-2 in 10 innings to win the South Jersey Parochial A Sectional Title and then beating Mount Saint Dominic 11-1 in 5 innings to win the overall Parochial A State Championship ; and

WHEREAS, **Donovan Catholic** beat Immaculate Conception 6-1 in the semifinals of the Tournament of Champions and defeated Cedar Grove 10-0 in 5 innings to win the Tournament of Champions ; and

WHEREAS, **Karina Gaskins** was named 2019 Gatorade Player of the Year for the State of New Jersey and was also named NJ.com and APP.com Player of the Year. 5 Donovan Catholic players were named to the 1st Team All Shore Team- **Lindsay Nelson, Lindsey Hay, Karina Gaskins, Kayla Roncin and Jayda Kearney**. 4 players- **Lindsay Nelson, Karina Gaskins, Kayla Roncin and Jayda Kearney** were named to the 1st Team All-State Team and **Lindsey Hay** was named to the 2nd Team All-State Team ; and

WHEREAS, **The Donovan Catholic Girls' Softball Team** was awarded the Sportsmanship Award from the Shore Umpire's Association and were rated the #1 team in New Jersey and ranked in the top 20 teams in the nation.

NOW, THEREFORE, We, **Mayor THOMAS F. KELAHER**, and **Council President GEORGE E. WITTMANN Jr.** of the Township of Toms River, on behalf of us, the Township Council, and the residents of the Township of Toms River, do hereby recognize the **OUTSTANDING** achievements of the **Donovan Catholic Girls' Softball Team** and wish them all, success in their future endeavors.

Mayor Thomas F. Kelaher

George E. Wittmann, Jr.
Council President

Brian S. Kubiel

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River

Proclamation

Player of the year

WHEREAS, Donovan Catholic Girls' Softball Team player Karina Gaskins was named the 2019 Gatorade Player of the Year for the state of NJ; and

WHEREAS, Donovan Catholic Girls' Softball player Karina Gaskins was named the NJ.COM Player of the Year; and

WHEREAS, Donovan Catholic Girls' Softball player Karina Gaskins was named a first team All Shore player; and

WHEREAS, Donovan Catholic Girls' Softball player Karina Gaskins was named a first team All-State player.

NOW, THEREFORE, We, Mayor THOMAS F. KELAHER, and Council President GEORGE E. WITTMANN Jr. of the Township of Toms River, on behalf of us, the Township Council, and the residents of the Township of Toms River, do hereby recognize the OUTSTANDING achievements of Karina Gaskins and wish her great, success in all her future endeavors.

Mayor Thomas F. Kelaher

*George E. Wittmann, Jr.
Council President*

Brian S. Kubiel

Maria L. Maruca

Maurice B. Hill, Jr.

Laurie A. Huryk

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 Kubiel, seconded by Council Member Huryk, and carried that an Ordinance entitled:

AN ORDINANCE OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS

AND RELATED EXPENSES IN AND FOR THE TOWNSHIP OF TOMS RIVER AND APPROPRIATING \$3,413,500 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$3,242,825 IN BONDS OR NOTES OF THE TOWNSHIP OF TOMS RIVER TO FINANCE THE SAME.

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

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Toms River, in the County of Ocean, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums amounting in the aggregate to \$3,413,500 and including the aggregate sum of \$170,675 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,242,825 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The several improvements hereby authorized and the several Purposes for which the bonds are to be issued, the estimated cost of each improvement and the Appropriation therefor, the maximum amount of bonds or notes to be issued for each improvement and period of usefulness of each improvement are as follows:

- (1) Purpose: Improvements to Bey Lea Playground, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$390,000
<u>Amount of Bonds or Notes:</u>	\$370,500
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 19,500

- (2) Purpose: Construction of a Township Skate Park, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$350,000
<u>Amount of Bonds or Notes:</u>	\$332,500
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 17,500

- (3) Purpose: Ortley Beach and Main Street streetscape projects, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$185,000
<u>Amount of Bonds or Notes:</u>	\$175,750
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 9,250

- (4) Purpose: Town Hall curb and sidewalk upgrades, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$355,000
<u>Amount of Bonds or Notes:</u>	\$337,250
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 17,750

- (5) Purpose: Various Town Hall improvements, including, but not limited to flooring, common area furnishings and Clerk's office renovations, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$875,000
<u>Amount of Bonds or Notes:</u>	\$831,250
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 43,750

- (6) Purpose: Town Hall Phase II exterior upgrades, including, but not limited to storefronts and lobby facias and soffits, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$1,120,000
<u>Amount of Bonds or Notes:</u>	\$1,064,000
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 56,000

- (7) Purpose: Complete resurfacing and installation of lane lines to the Township main swimming pool, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$96,000
<u>Amount of Bonds or Notes:</u>	\$91,200
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 4,800

- (8) Purpose: Bey Lea Golf Course improvements, including, but not limited to, siding upgrade and restroom renovations at holes 6 and 15, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$42,500
<u>Amount of Bonds or Notes:</u>	\$40,375
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 2,125

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the

extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 12.92735 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,242,825 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$593,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

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

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

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

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

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

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

NOTICE OF PENDING BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the Township Council of the

Township of Toms River, in the County of Ocean, New Jersey, held on July 23, 2019. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Council to be held in the Municipal Offices, 33 Washington Street, Toms River, New Jersey on August 13, 2019 at 6:00 p.m., and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the Township Clerk's office in the Municipal Offices to the members of the general public who shall request the same.

Alison Carlisle, Township Clerk

NOTICE OF ADOPTION OF BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the bond 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 9, 2019 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such bond 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 Wittmann 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 Kubiel, seconded by Council Member Huryk and carried, the public hearing was closed.

Council Member Kubiel offered the following ordinance and moved its adoption, Council Member Huryk 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	Present
Council Member Kubiel	Present
Council Member Maruca	Present
Council Member Rodrick	Present
Council Member Turnbach	Present
Council Vice-President Hill	Present
Council President Wittmann	Present

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

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING

SCHEDULE "H" - CONFIDENTIAL EMPLOYEES, OF SECTION 147-1 (SALARY RANGES) OF CHAPTER 147 (SALARIES AND COMPENSATION) 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 Wittmann 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 Kubiell, seconded by Council Member Turnbach and carried, the public hearing was closed.

A motion was made by Council Member Huryk, seconded by Council Member Kubiell, and carried that the **Ordinance was table until further discussion.**

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

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, REGULATING DISCHARGES OF FATS, OILS, AND GREASE INTO THE SANITARY SEWER SYSTEM

WHEREAS, the Toms River Municipal Utilities Authority ("TRMUA") owns and maintains 435 miles of sanitary sewer pipe and twenty pumping stations; and

WHEREAS, the TRMUA services approximately 43,000 sewer accounts and the region generates approximately 2 ½ to 3 billion gallons of wastewater per year;

WHEREAS, the TRMUA has the responsibility to collect and transport sanitary sewage within Toms River Township and its collection system also handles sewage received from portions of Brick Township, Jackson Township, Manchester Township, Island Heights Borough, and Lavallette Borough; and

WHEREAS, when Fats, Oils and Greases ("FOG") are disposed of directly into the sewer, the FOG solidifies and combines with other materials in the sewer lines, typically adhering and accumulating within the pipes' interior, and consequently restricting flow; and

WHEREAS, in many cases, a flow restriction can result in a blockage; and

WHEREAS, blockages within the sanitary sewer system can lead to significant overtime in man-hours for correction of the problems; and

WHEREAS, blockages can also often result in sanitary sewer overflows, which are in violation of the federal Clean Water Act of 1972; and

WHEREAS, sanitary sewer overflows of untreated sewage can cause significant environmental damage to waterways, roadways, properties, and building interiors; and

WHEREAS, FOG often contributes to odor problems, and can interfere with the normal operations of pumping station components and controls; and

WHEREAS, the Toms River Township Council has determined it is in the best interest of the public to administer controls to reduce FOG; and

NOW, THEREFORE, 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:

SECTION I

1. Purpose.

This ordinance is intended to aid in the prevention of sanitary sewer blockages and obstructions caused by the discharge and contribution of Fats, Oils, and Greases ("FOG") into

the Toms River Municipal Utilities Authority's ("TRMUA") wastewater collection system, as generated by commercial, industrial, institutional and all other non-residential activities.

This ordinance shall describe the required installation, operation, and maintenance of grease traps, grease interceptors, and Grease Removal Devices ("GRD"), as well as the inspection and enforcement thereof.

A GRD shall be utilized to capture FOG from kitchen wastewater, thus preventing it from entering the sanitary sewer system. This shall be done by trapping the FOG, via a system of baffles situated within the GRD, after the FOG floats to the water surface. FOG is less dense and lighter than water and does not mix with water. When a significant layer of FOG has accumulated and is trapped on the surface, the GRD shall be cleaned out and the FOG shall be properly disposed.

This ordinance shall apply to all facilities, excluding single-family dwellings, generating FOG as a result of food manufacturing, processing, preparation, etc. These facilities include, but are not limited to restaurants, cafeterias, food manufacturers, food processors, delicatessens, hospitals, hotels, motels, prisons, club houses, nursing homes, schools and any other facility preparing, or otherwise making any food items available for consumption.

2. Definitions.

ACCESS MANHOLE. An opening with a detachable cover that gives access to a GRD. The access is to have a minimum diameter of twenty-four (24) inches, and shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, cleaning and removal of retained FOG and sample collection.

ACCESSIBLE. Obtaining access to a GRD or other devices without the use of vertical assistance, such as a ladder, step stool, boxes, for inspection and/or clean-up services.

BAFFLES. Components of a grease trap designed to restrict and capture FOG while allowing water to pass through the grease trap.

CLEAN WATER ACT. Legislation, 33 U.S.C. § 1251 et seq., enacted in 1972 to protect our health and environment by reducing the pollution in streams, lakes, rivers, wetlands and other waterways

COLLECTION SYSTEM. A system designed to collect and transport wastewater to a wastewater treatment facility.

EMULSIFIED. Combination or mixture of fats, oils, and greases.

ENZYMES. Any biological or chemical product and/or additive marketed as a method of cleaning a grease trap or interceptor by breaking down the grease and discharging it to the collection system.

EPA. Environmental Protection Agency

FACILITY. Any food processing establishment, food sales establishment, or food service establishments.

FATS, OILS, AND GREASE. Organic compounds derived from animal and/or plant sources that contain multiple carbon triglyceride molecules. These substances are detectable and measurable using analytical procedures established in Title 40 of the Code of Federal Regulations Part 136 (40 CFR 136).

FOG: Acronym for "Fats, Oils, and Greases," which cause coagulation in sanitary sewer systems.

GRAVIMETRIC SEPARATION. The separation of liquids and/or suspended solids by gravity.

GREASE REMOVAL DEVICE (GRD). A device (grease trap or grease interceptor) designed to separate fats, oils, and grease from liquid waste prior to the wastewater entering the sanitary sewer system.

GREASE INTERCEPTOR. An interceptor of at least 750-gallon capacity whose rated flow exceeds fifty gallons per minute (50 gpm) to serve one or more fixtures and which is remotely located underground and outside of a food service facility. It is designed to collect, contain or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste ("gray water") to discharge to the wastewater collection system by gravity.

GREASE TRAP. A device located inside a food service facility designed to retain grease from one (1) to a maximum of four (4) fixtures whose rated flow is fifty gallons per minute (50 gpm) or less. It is designed to collect, contain, or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity or mechanical means.

HYDRAULIC RETENTION TIME. Time the wastewater takes to pass through a sanitary sewer system.

INVERT. The bottom of the sewer pipe

MINIMUM DESIGN CAPABILITY. The design features of a grease interceptor and its ability to remove a volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the sanitary sewer system.

NATIONAL STANDARD PLUMBING CODE. A standard designed to provide consumers with safe and sanitary plumbing systems while, at the same time, allowing latitude for innovation and new technologies.

N.J.A.C. New Jersey Administrative Code

POTABLE. Water cleaned to a degree that is considered drinkable

PLUMBING SUBCODE OFFICIAL. An official designated by the Township of Toms River to oversee and inspect the installation of Plumbing apparatus.

PUMPAGE. Wastewater removed via pumping.

PUMPING STATION. Mechanical infrastructure designed to pump sewerage through pipes.

RENDERING/DISPOSAL COMPANY. A company contracted to remove and discard FOG

SANITARY TEE. A section of sewer pipe shaped in the form of a "T" which permits the connections of another section of a sewer pipe entering at a 90° angle

SEDIMENTATION. Solid particulate matter that settles out of solution

SIZING CALCULATIONS. Calculations utilized to determine adequate capacity for a grease interceptor or trap.

UNIFORM PLUMBING CODE (UPC): Governs the requirements for the installation, alteration, removal, replacement, repair, or construction of all plumbing.

WASTEWATER. Any water that has been adversely affected in quality by anthropogenic influence.

3. Requirements.

A. Capturing FOG

Facilities which generate FOG shall install, operate, and maintain properly sized GRDs to prevent FOG from entering into the sanitary sewer system. Facilities may be required to modify existing GRDs, install new or additional GRDs, or take other measurements to properly address FOG generation.

All food establishments, prior to conducting business, shall request a determination from TRMUA if a GRD will be required. The TRMUA will make a determination based on the type of activities the business will perform (i.e. food preparation or dishwashing). Final determination of where and whether a facility will require a GRD, or a modification/upgrade shall ultimately be made by the Plumbing Sub code Official, in accordance with N.J.A.C. 5:23 – 3.3.

GRDs should be accessible for sample collection, inspection, cleaning, and/or removal of retained FOG.

Each facility shall be solely responsible for the costs for the installation, modification, cleaning, and/or maintenance of GRDs. Maintenance shall include proper FOG disposal and also shall include acceptable record keeping, as described in Section I, Item 5 of this Ordinance, pertaining to cleaning schedules.

1. Grease Traps Requirements.

Grease traps shall meet the following requirements:

- a. Grease traps are used in lower volume facilities, such as fast food or take-out restaurants with limited menus, minimal dishwashing, small seating capacity, etc.
- b. Grease traps are typically located inside a facility and/or under a sink.
- c. Grease trap should be accessible and visible from ground level.
- d. FOG retention capacity less than 100 pounds.
- e. Hydraulic Retention Time of twenty-four (24) minutes.
- f. Volume of less than 750 gallons.
- g. Rated flow is greater than 20, but less than 55 gallons per minute (20 - 55 gpm).
- h. Less than five (5) kitchen fixtures connected. Any fixtures connected to the grease trap shall be labeled appropriately.
- i. Equipped with flow regulatory device, air intake vent, baffling system and sampling access point

2. Grease Interceptors.

Grease interceptors shall meet the following requirements:

- a. Grease interceptors are used in high volume facilities, such as full service restaurants, hotels, hospitals, factories, school kitchens, etc.
- b. Grease interceptors are located underground and outside of the facility.
- c. FOG retention capacity greater than 100 pounds.
- d. Hydraulic Retention Time of twenty-four (24) minutes.
- e. Volume capacity of greater than 750 gallons.
- f. Rated flow greater than fifty gallons per minute (>50 gpm).
- g. Equipped with flow regulatory device, air intake vent, inspection tees, access manholes, baffling system and sampling access point.
- h. Minimum of two (2) compartments with fittings designed for FOG retention

B. Sizes of GRDs.

GRD sizing and installation shall be done using standard engineering principles for sedimentation and flotation in gravity separators. GRDs shall also conform to the requirements contained in the current edition of the UPC, National Standard Plumbing Code, N.J.A.C. 7:9A-8.1, or other criteria, if necessary. Other criteria shall be determined on a case-by-case basis by reviewing relevant information, including, but not limited to, GRD performance, waste stream characteristics, facility location, maintenance needs, inspection needs, etc. Sizing shall be in compliance with NJAC 7:9A-8.1

At a minimum, the GRD must be sized such that it provides:

- a. Enough retention time for emulsified FOG to separate and rise to the water surface within the GRD;
- b. A rate of flow which does not exceed the manufacturer's rated capacity recommended in gallons per minute for the GRD;
- c. Enough volume so the wastewater will cool, enabling liquid FOG to solidify;
- d. Turbulence-control measures; and
- e. Adequate storage capacity for FOG and solids.

C. Cleaning.

1. Frequency.

GRDs must be serviced and emptied of accumulated waste content as required in order to maintain a minimum design capability or effective volume. The GRD shall be cleaned when any of the following criteria apply:

- a. When the bottom settled solids layer exceeds the invert of the outlet pipe;
- b. When the total volume of captured FOG and settled solid material displaces more than twenty-five percent (25%) of the capacity of the GRD; and/or
- c. When the GRD is not retaining or capturing FOG

The cleaning frequency will vary based upon volume and rate of FOG production and/ or discharge (Grease trap, Grease interceptor). Cleaning frequencies should be evaluated and documented by the establishment upon initial operation and anytime conditions change. Typically, a trap will need cleaning daily or weekly. An interceptor may only need cleaning and/or pumping once every month. If a facility determines that cleaning is needed too often, a larger GRD may need to be considered.

If the GRD is not cleaned out at proper intervals, the FOG will turn septic and harmful acids will form. These acids are destructive and over time will cause baffles, piping, and tank walls to lose structural integrity.

2. Procedure

The GRD shall be emptied of all FOG, water, and solids. This includes debris on the GRD's screens, baffles, floors, walls, and piping. Upon completion of the removal of FOG, water, and solids, the GRD shall be refilled with cold potable water and then tested for proper flow. The removed waste shall be properly disposed. Above-ground GRDs shall also have the exterior cleaned and deodorized.

3. Enzymes and Bacterial Agents

The direct addition of enzymes, chemicals, or other agents (with the intention of emulsifying FOG) into the building plumbing or GRD is strictly prohibited. GRD design and sizing criteria are based upon gravimetric separation for FOG and solids removal. The addition of enzymes or chemical emulsion agents impedes the gravimetric separation and defeats the purpose of the GRD. Chemical emulsion agents merely soften the FOG and transfer the problem downstream.

D. FOG Disposal.

The owner and/or proprietor of the facility shall be responsible for the proper removal and disposal of the FOG.

Facility owners are required to ensure that all FOG and solids removed from grease traps and interceptors are disposed of in a manner which complies with all federal, state, and local statutes, rules, regulations, policies, and ordinances.

Facility personnel may dispose of FOG and solids from grease traps themselves, if the waste matter is deposited in a watertight container prior to disposal in their own dumpster or garbage bin.

Any removal and disposal of FOG not performed by facility personnel shall be performed by pumping by currently licensed waste disposal firms.

Facilities with grease interceptors are required to have and maintain a pumping contract with a licensed waste disposal firm or grease pumping company and submit proof of the contract to the TRMUA annually. The firm or company shall remove FOG and solids from the interceptor on a regular schedule without notification from the facility. All FOG removed from grease interceptors shall be disposed of at a location approved to accept such waste. A copy of the disposal manifest shall be filed with the location contracting the service. In no case shall FOG pumpage be discharged to any sanitary sewer system or storm water system.

4. Inspections.

Inspection of facilities by any of the referenced entities may occur with or without prior notice. The overall condition of the GRDs shall be assessed and shall involve inspection of:

- a. Maintenance and cleaning records;
- b. Access to the GRD for physical inspection;
- c. Depth of FOG layer within the GRD, which shall not be greater than twenty-five percent (25%) of the total operating depth of the GRD;
- d. Depth of settled solids layer – not to exceed the invert of the outlet pipe;
- e. Water and wastewater temperatures, which shall not exceed a temperature of 140 ° F.

The facility owner will be required at any time to furnish the inspector with drawings of sufficient detail, which depict the plumbing layout of the facility.

5. Record Keeping.

A Facility's maintenance record of cleaning and servicing activities of their GRD shall be available at any time for inspection by personnel from the TRMUA. Maintenance records shall be up-to-date and maintained at the facility for a minimum of three (3) years, and filed with the TRMUA annually. Said Maintenance record forms will be provided by the TRMUA.

The Facility shall be responsible for maintaining GRD records as to:

- a. Dates (MM/DD/YY) of the facility's inspection of the GRD, including name(s) and signatures of facility personnel performing the inspection;
- b. Dates (MM/DD/YY) of the facility's cleaning and removal of FOG and solids from the GRD, including name(s) and signatures of facility personnel performing the cleaning and removal;
- c. Volume of FOG and solids evacuated from the GRD;
- d. Copies of service contracts and name of pumping/waste hauling company;
- e. End disposal site of the waste; and
- f. Manifests and/or receipts from pumping/waste hauling company

6. Violations and Enforcement.

Inability or refusal to allow inspection of either maintenance and cleaning records, or the GRD(s) at the time of the TRMUA inspection shall constitute non-compliance or a prohibitive act.

Facilities found to be in violation of the provisions of this Ordinance shall be subject to:

- Written warning for the first violation
If the facility's GRD is determined by the inspector, to be either, under-designed, substandard, or poorly operated, the facility owner shall be notified in writing of the required improvements and given a sixty-day compliance deadline. The facility owner will also be required to furnish drawings of sufficient detail to depict the plumbing layout of the facility
- \$500 fine for the 2nd violation
- \$1,000 fine for the 3rd violation

All violations will be copied to the Ocean County Health Department and the Township of Toms River. Prohibitive acts shall include but are not limited to following:

- Operating a grease trap without baffles, or as designed
- Bypassing the grease trap
- Use of enzymes or chemicals to clean the trap
- Failure to properly clean the trap
- Failure to dispose of FOG properly
- Failure to maintain records

SECTION II

All ordinances or parts of ordinances inconsistent with the provision of this Ordinance are hereby repealed.

SECTION III

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION IV

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.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced and passed on first reading of the Township Council of Toms River, in the County of Ocean, State of New Jersey, held on August 13, 2019, at 6:00 p.m., and will come on for a second reading, public hearing and final passage at a regular meeting of said Township Council to be held on August 27, 2019, at Township Council's Chambers, 33 Washington Street, Toms River, New Jersey, at 6:00 P.M., or as soon thereafter as the matter can be reached, at which last mentioned date, hour and place any person desiring to be heard either for or against the adoption of the within ordinance will be given an opportunity to be so heard.

INTRODUCED:

ADOPTED:

ALISON CARLISLE
Municipal Clerk

THOMAS F. KELAHER
Mayor

A motion was made by Council Member Kubiell, seconded by Council Member Huryk and carried, with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and with Council President Wittmann 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 13, 2019 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on August 27, 2019 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE
TOWNSHIP CLERK

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Saturday, August 17, 2019.

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

CONSENT AGENDA

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

A motion was made by Council Kubiell, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes to approve all the following items listed on the Consent Agenda, except item **K, N, Q, T and DD**, which were done separately.

R E S O L U T I O N

AUGUST 13, 2019

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO AN OVERBILL ON THE PROPERTY, AND;

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
<i>NJ INSTITUTE FOR DISABILITIES</i>	<i>1079.02</i>	<i>1.01</i>	<i>2019/4</i>	<i>\$ 1,232.32</i>
			<i>2019/3</i>	<i>1,232.32</i>
<i>TOTALS:</i>				<i>2,464.64</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:

R E S O L U T I O N

AUGUST 13, 2019

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO AN OCEAN COUNTY BOARD TAX APPEAL AND;

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
<i>GEORGES TEXACO INC.</i>	<i>657</i>	<i>11</i>	<i>2019/4</i>	<i>\$669.40</i>
			<i>2019/3</i>	<i>669.39</i>
<i>TOTAL:</i>				<i>\$1338.79</i>
<i>GISZACK, ELIZABETH</i>	<i>578</i>	<i>11</i>	<i>2019/4</i>	<i>\$ 804.14</i>
			<i>2019/3</i>	<i>804.14</i>
<i>TOTAL:</i>				<i>\$1608.28</i>
<i>TOTALS:</i>				<i>\$2947.07</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

AUGUST 13, 2019

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO A DUPLICATE/AND OR ERRONEOUS TAX PAYMENT,

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
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<i>WOLF, DONALD & LYNN TRUST</i>	<i>944.29</i>	<i>30</i>	<i>2019/2</i>	<i>\$2,200.02</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, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS' STATUS FOR THE OWNER OF BLOCK 247 LOT 6 , EFFECTIVE July 1st, 2019, AND PROVIDING THAT PROPERTY TAXES FOR 2019, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

AUGUST 13, 2019

WHEREAS, the owner of real property in the Township of Toms River known as Block 247 Lot 6, located at 175 Maine Street has been certified by the Tax Assessor as a 100% Disabled Veteran, effective July 1st, 2019, and

WHEREAS, property taxes for 2019, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

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

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

1. All 2019 real property taxes for Block 247 Lot 6 due on or after July 1st, 2019 shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 247 Lot 6 if any, shall be refunded on a pro-rated basis from July 1st, 2019.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor Thomas F. Kelaher
 - b) Donald Guardian, Business Administrator
 - c) Kenneth B. Fitzsimmons, Township Attorney
 - d) Sharon Smith, Chief Financial Officer
 - e) Richard Kenny, Township Tax Assessor
 - f) Carl Dileo, Township Tax Collector

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS' STATUS FOR THE OWNER OF BLOCK 618 LOT 6 , EFFECTIVE JANUARY 1st, 2019, AND PROVIDING THAT PROPERTY TAXES FOR 2019, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

AUGUST 13, 2019

WHEREAS, the owner of real property in the Township of Toms River known as Block 618 Lot 6, located at 10 Union Street, has been certified by the Tax Assessor as a 100% Disabled Veteran, effective January 1st, 2019, and

WHEREAS, property taxes for 2019, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

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

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

1. All 2019 real property taxes for Block 618 Lot 6 due on or after January 1st, 2019 shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 618 Lot 6 if any, shall be refunded on a pro-rated basis from January 1st, 2019.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor Thomas F. Kelaher
 - b) Donald Guardian, Business Administrator
 - c) Kenneth B. Fitzsimmons, Township Attorney
 - d) Sharon Smith, Chief Financial Officer
 - e) Richard Kenny, Township Tax Assessor
 - f) Carl Dileo, Township Tax Collector

**RESOLUTION
AUGUST 13, 2019**

RESOLUTION AUTHORIZING ASSIGNMENT

WHEREAS, N.J.S.A. 54:113 authorizes assignment by a municipality of tax sale certificates for the full amount of the certificate, including all subsequent municipal taxes and other municipal charges; and,

WHEREAS, Tystone Capital Assets, LLC has presented an offer to purchase, by assignment, the attached schedule. A list of tax sale certificates that were issued to the Township of Toms River, being the full amount of the certificate(s) including all subsequent municipal taxes and other municipal charges as of August 13, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Toms River hereby authorizes the Mayor and Municipal Clerk to execute the necessary assignment document to effect assignment of the above – referenced certificate of Sale(s).

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

Approved as to content:

Certificate# 17-00152 Sale Date – 10/11/2017 Block/lot 397.02/2

Property Address: 1854 Hooper Avenue Owner Name: daibes gas 14 LLC

Amount: \$37,942.29 Adv.Fee \$56.12 Total: \$37,998.41

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AWARDED A
CONTRACT TO TD BANK, NA, FOR GENERAL BANKING SERVICES**

AUGUST 13, 2019

WHEREAS, the Township of Toms River has a need to acquire general banking services pursuant to N.J.S. 40A:5-15; and

WHEREAS, the term for such services shall be commencing September 1, 2019 up to and including August 31, 2020; and

WHEREAS, the Township of Toms River solicited proposals for these services in accordance with the Fair and Open Process, pursuant to the provisions of *N.J.S.A. 19:44A-20.4 et. seq.*; and

WHEREAS, the following firms submitted a conforming proposal, which were publicly opened and read on June 26, 2019:

1. Investor's Bank, 101 JFK Parkway, Short Hills, N.J. 07078
2. TD Bank, NA, 6000 Atrium Way, Mount Laurel, NJ 08054
3. Sterling National Bank, 400 Rella Blvd., Montebello, NY 10901
4. Santander Bank, NA, 200 Park Ave., Suite 100, Florham Park NJ 07932; and

WHEREAS, TD Bank, NA submitted the highest rate of interest based on the index to Federal Funds less 20 basis points on the Average Collected Balance; and

WHEREAS, TD Bank, NA is an official depository for the Township Manchester, Township of Howell, Township of Brick and is representing many governmental entities including but not limited to the Cities of Philadelphia, Paterson, Irvington, Passaic and Morristown; and

WHEREAS, TD Bank, NA has been an official depository for the Township of Toms River and find that their services were performed in a professional, competent manner:

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. It hereby retains TD Bank, NA, for general banking services for the Township of Toms River commencing September 1, 2019 up to and including August 31, 2020.
2. A notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.
3. The solicited proposals for these services in accordance with the Fair and Open Process, pursuant to the provisions of *N.J.S.A. 19:44A-20.4 et. seq.*
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing Division
 - b) Business Administrator
 - c) Chief Financial Officer
 - d) Township Attorney
 - e) TD Bank, NA
6000 Atrium Way
Mount Laurel, NJ 08054

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE FROM ESCNJ CONTRACT #18/19-03 AND STATE CONTRACT #M0483 WSCA COMPUTER CONTRACT FOR THE PURCHASE OF TECHNOLOGY SUPPLIES FROM COOPERATIVE CONTRACTS FOR THE IT DEPARTMENT, IN THE TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$48,000.80

AUGUST 13, 2019

WHEREAS, the Township of Toms River is a member of the Educational Services Commission of New Jersey #18/19-03 (ESCNJ), in accordance with N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.4; and

WHEREAS, pursuant to bids received, a contract was awarded to CDW-G Inc. by the Educational Services Commission of New Jersey, (ESCNJ), of which Toms River Township is an active participant, in accordance with N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.4; and

WHEREAS, the Purchasing Division is requesting authorization to Purchase Technology Supplies for the IT Department from the Educational Services Commission of New Jersey, Contract #18/19-03, using the following vendor:

CDW-G INC.
230 North Milwaukee Avenue
Vernon Hills, IL 60061

State Contract M0483/89974	<u>Quantity</u>	<u>Item#</u>	<u>Unit Price</u>	<u>Extended</u>
HP SmartBuy EliteDesk 800 G5 SFF Core i5-8500 16 GB RAM 1TB Win 10 Pro	50	5143642	\$830.00	\$41,500.00
HP ESP Only HP e-Care Pack Next Business Day Hardware Support	50	585482	\$ 50.00	\$ 2,500.00
ESCNJ Contract 18/19-03				
Acer V246HL – LED monitor – Full HD (1080p) – 24"	30	2978301	\$133.36	\$ 4,000.80
Total Purchase				\$48,000.80

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

1. It hereby authorizes the Purchase of Technology Supplies for the IT Department from CDW-G Inc., in the total amount not to exceed \$48,000.80 using ESCNJ Contract #18/19-03 for Technology Supplies and from State Contract #M0483 WSCA Computer Contract.

2. Funds in the amount of \$48,000.80 are available in Account No. X-04- -238-009. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) IT Department
- e) CDW-G Inc.
230 North Milwaukee Avenue
Vernon Hills, IL 60061

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of Technology Supplies from CDW-G Inc. in the total amount not to exceed \$48,000.80, are available in Account No. X-04- -238-009.

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: August 13, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF GROUNDS EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS UTILIZING ESCNJ COOPERATIVE CONTRACT #18/19-25, FROM JESCO, INC., IN THE TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$68,935.02

AUGUST 13, 2019

WHEREAS, the Township of Toms River is a member of the Educational Services Commission of New Jersey #18/19-25 (ESCNJ), in accordance with N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.4; and

WHEREAS, pursuant to bids received, a contract was awarded to Jesco, Inc. by the Educational Services Commission of New Jersey, (ESCNJ), of which Toms River Township is an active participant, in accordance with N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.4; and

WHEREAS, the Purchasing Division is requesting authorization to Purchase Grounds Equipment for the Department of Public Works, utilizing ESCNJ Cooperative Contract #18/19-25, from Jesco, Inc., 118 Saint Nicholas Avenue, South Plainfield, NJ, 07080, as follows:

One – New Hamm HD14iVV Asphalt Compactor

Including all standard equipment plus some selected options:

- Kubota Tier 4 Final diesel engine
- 54" wide drums
- 2" offset drum capability
- Centrifugal force up to 14,400 lbs.
- Folding ROPS canopy
- Multi-function control lever
- Emergency stop button
- Back up alarm
- Front and Rear work lights
- 12 months or 1,000 hours, whichever comes first, full factory warranty

Selling price:		\$79,143.00
Selected options:	Work lights on ROPS, 2-fold, halogen	\$ 443.00
	Rotating beacon on ROPS, halogen	\$ 571.00
Net Amount:		\$80,157.00
Less 14% ESCNJ		(\$11,221.98)
Total Selling Price plus sales tax if applicable		\$68,935.02

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:

4. It hereby authorizes the Purchase of Grounds Equipment for the Department of Public Works utilizing ESCNJ Cooperative Contract #18/19-25 from Jesco, Inc., in the total amount not to exceed \$68,935.02.

5. Funds in the amount of \$68,935.02 are available in Account No. X-04- -237-004. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Department of Public Works
- e) Jesco, Inc.
118 Saint Nicholas Avenue
South Plainfield, NJ 07080

CERTIFICATION

THIS IS TO CERTIFY that the funds for the Purchase of Grounds Equipment for the Department of Public Works from Jesco, Inc. in the total amount not to exceed \$68,935.02, are available in Account No. X-04- -237-004.

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: August 13, 2019

RESOLUTION CHANGING CUSTODIAN OF THE DEPARTMENT OF ANIMAL CONTROL PETTY CASH FUND

AUGUST 13, 2019

WHEREAS, James Bowen and/or Richard Barbosa are the custodians of the Department of Animal Control's Petty Cash Fund; and

WHEREAS, in accordance with N.J.S.A. 40A:5-21 the Township Council of the Township of Toms River is changing the custodians of the Department of Animal Control's Petty Cash Fund from James Bowen and/or Richard Barbosa to Joann Benson and/or Richard Barbosa; and,

WHEREFORE, Joann Benson and Richard Barbosa are bonded in the amount of \$50,000.00 y virtue of a surety bond.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, in the County of Ocean and State of New Jersey, hereby authorizes such action and two copies of this Resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

BE IT FURTHER RESOLVED that certified copies of this Resolution be provided by the Office of the Township Clerk to each of the following:

- a) Director, Division of Local Government Services
- b) Business Administrator
- c) Township Attorney
- d) Township Auditor
- e) Director of Finance/CFO
- f) Affected Department Head

Approved as to Content:

RESOLUTION AUTHORIZING THE SALE OF ABANDONED AND/OR UNCLAIMED MOTOR VEHICLES PURSUANT TO N.J.S.A. 39:10A-1 ET SEQ.

August 13, 2019

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

1. It hereby authorizes the sale at public auction of the following abandoned and/or unclaimed motor vehicles pursuant to the provisions of N.J.S.A. 39:10A-1 et seq., on Wednesday, August 21, 2019 at 10:00 a.m. at Accurate Automotive and 11:00 a.m. at Freedom Towing:

Vehicles for Auction with Titles:

Request to hold abandoned vehicle auctions on Wednesday, August 21, 2019 at the following locations and times:

Accurate Automotive, 14 James St., Toms River, NJ at 10:00 a.m.

YEAR	MAKE	VIN#
2007	Chrysler	1C3LC56K67N56416
2006	Pontiac	2CKDL63F066027574

Freedom Towing, 1725 Lakewood Road, Unit 1, Toms River, NJ at 11:00 a.m.

YEAR	MAKE	VIN#
2011	Nissan	3N1BC1AP9BL410628
2010	Hyundai	KMHDU4AD6AU920641
1997	Toyota	4T1BF12B9VU182787
1996	Lincoln	1LNLM81W0TY690157
1998	Ford	1FAFP66L7WK307999
2008	Chrysler	1C3LC45K08N572825
1999	Honda	2HGEJ6610XH571520

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

- a) Attorney
- b) Chief of Police Mitch Little
- c) Chief Financial Officer
- d) Accurate Automotive
14 James St.
Toms River, NJ 08753
- e) Freedom Towing
1725 Lakewood Road, Unit 1,
Toms River, NJ

**LEGAL NOTICE
TOWNSHIP OF TOMS RIVER
PUBLIC SALE**

TAKE NOTICE that the undersigned shall expose for sale in accordance with R.S. 39:10A-1, at public auction on **WEDNESDAY, August 21, 2019 at 10:00 a.m. at Accurate Automotive, 11:00 a.m. at Freedom Towing** the below described motor vehicle(s) which came into the possession of the Township of Toms River Police Department through abandonment or failure to claim same within 30 days. The public auction will take place at the above indicated date, time and location(s). The motor vehicle(s) may be examined at the indicated location(s) Monday through Friday, 9:00 a.m. to 5:00 p.m.

All vehicle(s) listed have clear title. Failure to inspect said vehicle(s) will not be considered as cause for any claim for adjustment whatsoever. **ALL SALES WILL BE FINAL.** Cash or check will be required at the time of the sale when the sale is completed. Vehicle(s) must be removed from the premises at the purchaser's expense within 48 hours of sale date. Opening bids start at tow expense.

Vehicles For Auction with Titles:

Accurate Automotive, 14 James St., Toms River, NJ at 10:00 a.m.

YEAR	MAKE	VIN#
2007	Chrysler	1C3LC56K67N56416
2006	Pontiac	2CKDL63F066027574

Freedom Towing, 1725 Lakewood Road, Unit 1, Toms River, NJ at 12 noon

YEAR	MAKE	VIN#
2011	Nissan	3N1BC1AP9BL410628
2010	Hyundai	KMHDU4AD6AU920641
1997	Toyota	4T1BF12B9VU182787
1996	Lincoln	1LNLM81W0TY690157
1998	Ford	1FAFP66L7WK307999
2008	Chrysler	1C3LC45K08N572825
1999	Honda	2HGEJ6610XH571520

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CONTRACT TO VENDOR WITH STATE CONTRACT NO. M7000, VENDOR NO. 87720, FROM CDW-G, INC., FOR DATA COMMUNICATIONS EQUIPMENT, IN THE TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$66,105.00

AUGUST 13, 2019

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

1. In accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.4, and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State contract are hereby approved.
2. Contract for Data Communications Equipment from CDW-G, Inc., State Contract No. M7000, Vendor No. 87720, in the total maximum amount not to exceed \$66,105.00, as follows:

	Quantity	Account	Unit Price	
Cisco Umbrella Insights – license – one user 60 months (5 years)	522	X-99- -907-498	\$102.50	\$53,505.00
Cisco Umbrella Gold – technical Support for Cisco Umbrella 60 months (5 years)	1	X-99- -907-498	\$10,913.55	\$10,913.55
	1	9-01- -A17-510	\$ 1,686.45	\$ 1,686.45
TOTAL PURCHASE:				\$66,105.00

Contract with: CDW-G, Inc.
230 North Milwaukee Avenue
Vernon Hill, IL 60061

State Contract No. M7000

Vendor No. 87720

Account No. X-99- -907-498 - \$64,418.55
Account No. 9-01- -A17-510 - \$ 1,686.45

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

4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing Division
 - b) Chief Financial Officer
 - c) Business Administrator
 - d) Township Attorney
 - e) IT Services
 - f) CDW-G, Inc.
230 North Milwaukee Avenue
Vernon Hills, IL 60061

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract for vendor with State contract, CDW-G, Inc., in the total maximum contract amount not to exceed \$65,105.00, are available in Account No. X-99- -907-498 - \$64,418.55 and Account No. 9-01- -A17-510 - \$1,686.45.

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: August 13, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF
OPEN-ENDED CONTRACTS FOR THE SUPPLY OF MOTOR OILS, ANTIFREEZES,
GREASES AND LUBRICANTS TO LUBENET, LLC AND PETRO CHOICE LLC, AS
LOWEST, RESPONSIBLE BIDDERS MEETING ALL OF THE BID
SPECIFICATIONS, AND AUTHORIZING THE PURCHASING DIVISION TO
ADVERTISE FOR THE REBID OF THOSE ITEMS WHICH WERE REJECTED, NON-
RESPONSIVE AND RECEIVED NO BIDS**

AUGUST 13, 2019

WHEREAS, bids were invited on June 26, 2019 for the Supply of Motor Oils, Antifreezes, Greases and Lubricants; and

WHEREAS, bids were received, as follows:

Lubenet, LLC
136 Morgan Ave.
Brooklyn, NY 11237

Petro Choice, LLC
837 Cherry St.
Avoca, PA 18641

Prime Lube, Inc.
800 Roosevelt Ave
Carteret, NJ 07008

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

Lubenet, LLC – Item Nos. 2a, 3a, 8a, 9a, 9b, 9c, 11a, 12a, 12b, 13b, & 14a.

Petro Choice, LLC - Item Nos.: 1a, 2b, 3b, 4a, 5a, 5b, 5c, 5d, 6b, 6c, 6d, 6e, 10a, 13a, 14b, 15a, 15b, 17a, 18a, 20b, 21a, 21b, 21c, 22a, 22b, 24a, 24b, 24c, 25a, 25b, 26a, 26b, 27a, 28a, and 28b.

Item 6a is rejected because the specification was not met. This item will be rebid. The following items received no bids and will be rebid: 7a, 16a, 17b, 19a, 20a, and 23a.

The entire bid received from Prime Lube, Inc. is rejected due to incomplete paperwork. The Acknowledgement of Revisions & Notices form is blank, therefore, rendering them non-responsive.

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 open-ended contracts for the Supply of Motor Oils, Antifreezes, Greases and Lubricants, to the following vendors:

Lubenet, LLC – Item Nos. 2a, 3a, 8a, 9a, 9b, 9c, 11a, 12a, 12b, 13b, & 14a.

Petro Choice, LLC - Item Nos.: 1a, 2b, 3b, 4a, 5a, 5b, 5c, 5d, 6b, 6c, 6d, 6e, 10a, 13a, 14b, 15a, 15b, 17a, 18a, 20b, 21a, 21b, 21c, 22a, 22b, 24a, 24b, 24c, 25a, 25b, 26a, 26b, 27a, 28a, and 28b.

Item 6a is rejected because the specification was not met. This item will be rebid. The following items received no bids and will be rebid: 7a, 16a, 17b, 19a, 20a, and 23a.

The entire bid received from Prime Lube, Inc. is rejected due to incomplete paperwork. The Acknowledgement of Revisions & Notices form is blank, therefore, rendering them non-responsive.

2. Term of Contract: August 22, 2019 through August 21, 2020. These will be open-ended contracts with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of these contracts is subject to all terms and conditions of the bid specifications.

3. It hereby authorizes the appropriate Township Official to advertise for rebid of those items that were rejected, non-responsive and received no bids.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Public Works Department
- e) Parks, Buildings & Grounds
- f) Bey Lea Golf Course
- g) Lubenet, LLC
136 Morgan Ave.
Brooklyn, NY 11237
- h) Petro Choice, LLC
837 Cherry St.
Avoca, PA 18641
- i) Prime Lube, Inc.
800 Roosevelt Ave
Carteret, NJ 07008

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contracts awarded to Lubenet, LLC and Petro Choise LLC, are contingent upon the availability of funds in the appropriate municipal budget year.

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: August 13, 2019

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

AMENDMENT I

TO AMEND THE TERM OF THE ORIGINAL EXISTING CONTRACT COMMENCING RETROACTIVE TO AUGUST 1, 2019 THROUGH JULY 31, 2022, DUE TO DELAY OF THE ORIGINAL AWARD BY NEGOTIATION

AUGUST 13, 2019

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

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

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

WHEREAS, proposals were then solicited from the following vendors:

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

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

WHEREAS, resolution of the Township Council dated July 9, 2019 awarded a contract to Ebroadburl Realty Corporation t/a Power Equipment Company, for a three (3) year term commencing retroactive to April 12, 2019 through April 11, 2022; and

WHEREAS, due to the delay of the original award by negotiation, the Department of Parks, Buildings and Grounds is requesting Amendment I, which will change the

term of the contract to commence retroactive to August 1, 2019 through July 31, 2022; and

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

Gentracker Monitoring:

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

PEECO Monitoring & Maintenance:

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

Preventative Maintenance:

Three Year Total: \$ 16,200.00

Additional Repairs, Parts & Service:

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

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

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

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

Preventative Maintenance	Generator Quarterly Price	Total for 2019
Onan Generator (Diesel) ATS, Controls & Gentracker Monitoring, 33 Washington Street:	\$ 400.00	\$ 800.00
Onan # 1 Generator (Diesel), Shared ATS's, Controls & Gentracker Monitoring, 255 Oak Ave.	\$ 400,00	\$ 800.00
Onan # 2 Generator (Nat. Gas), Shared ATS's, Controls & Gentracker Monitoring, 255 Oak Ave.	\$ 275.00	\$ 550.00
Onan # 3 Generator (Nat. Gas), Shared ATS's, Controls & Gentracker Monitoring, 255 Oak Ave.	\$ 275.00	\$ 550.00
Gentracker Monitoring: One Time \$250.00/each Generator fee for vendor switching account.		\$1,000.00

PEECO Bi-Annual Price

Philadelphia Electrical Equipment Co.
 (PEECO) Master Control Panel (MCP),

Batteries and Storage Battery System (SBS):	\$5,397.60	\$5,397.60

GRAND TOTAL FOR MAINTENANCE AND MONITORING FOR 2019:		\$9,097.60

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

2. Pursuant to N.J.S.A. 40A:11-15(7), the new term of the contract shall be effective for three (3) years, retroactive to August 1, 2019 through July 31, 2022.

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Parks, Buildings & Grounds
- e) Atlantic Switch & Generator
4108 Sylon Blvd.
Hainesport, NJ 08036
- f) Ebroadburl Realty Corporation
t/a Power Equipment Company
1259 N. Church St., Bldg. 2
Moorestown, NJ 08057

CERTIFICATION

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

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: August 13, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF STEEL FOR CONTAINER REPAIRS FOR THE DEPARTMENT OF PUBLIC WORKS FROM ARNOLD STEEL COMPANY, INC., WHO PROVIDED THE LOWEST QUOTE, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$10,246.44, MAKING THE TOTAL PURCHASES FROM THIS VENDOR EXCEED \$17,500.00 OVER THE LAST TWELVE MONTHS

AUGUST 13, 2019

WHEREAS, the Purchasing Division has requested the Township to authorize the Purchase of Steel for Container Repairs for the Department of Public Works; and

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

WHEREAS, the Township Council of the Township of Toms River has determined that it is the best interest of the Township of Toms River to authorize this 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 authorizes the Purchase of Steel for Container Repairs for the Department of Public Works from Arnold Steel Company, Inc., 79 Randolph Road, Howell, New Jersey, 07731, who provided the lowest quote. The total for this project will be \$10,246.44 making the total purchases from this vendor exceed \$17,500.00 over the last twelve months.

2. Funds for this purchase are available in Account No. 9-01- -W66-511. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Division of Purchasing
- b) Chief Financial Officer
- c) Department of Public Works
- d) Township Attorney
- e) Arnold Steel Company, Inc.
79 Randolph Road
Howell, NJ 07731

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of Steel for Container Repairs for the Department of Public Works with Arnold Steel Company, Inc., in the total contract amount not to exceed \$10,246.44, is available in Account No. 9-01- -W66-511, making the total purchases from this vendor exceed \$17,500.00 over the last twelve months.

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: August 13, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF BOSCH 5000i SERIES SECURITY CAMERAS FOR THE YOUTH CENTER FROM PINNACLE INTEGRATED SYSTEMS, INC., (P2 CONTROLS), IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$18,064.39

AUGUST 13, 2019

WHEREAS, the Purchasing Division has requested the Township to authorize the Purchase of Bosch 5000i Series Security Cameras for the Youth Center from Pinnacle Integrated Systems, Inc. (P2 Controls); and

WHEREAS, Pinnacle Integrated Systems, Inc. (P2 Controls) has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure Form, which certifies that the company has not made any contributions in contravention of New Jersey's Pay to Play Law, N.J.S.A. 19:44A-20.4 et seq., which are on file in the Municipal Clerk's Office; and

WHEREAS, the Township Council of the Township of Toms River has determined that it is the best interest of the Township of Toms River to authorize this 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 authorizes the Purchase of Bosch 5000i Series Security Cameras for the Youth Center from Pinnacle Integrated Systems, Inc. (P2 Controls), in the total contract amount not to exceed \$18,064.39.

2. Funds for this purchase are available in Account No. X-04- -238-009. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Division of Purchasing
- b) Chief Financial Officer
- c) Department of Engineering
- d) Township Attorney
- e) IT
- f) Youth Services
- g) Pinnacle Integrated Systems, Inc.
600 Swedesford Road
Malvern, PA 19355

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of Bosch 5000i Series Security Cameras for the Youth Center from Pinnacle Integrated Systems, Inc. (P2 Controls) in the total contract amount not to exceed \$18,064.39, are available in Account No. X-04- -238-009.

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: August 13, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AWARDED A PROFESSIONAL SERVICES CONTRACT TO NV5, FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED \$188,348.32, TO PREPARE PRELIMINARY DESIGN, FINAL DESIGN AND CONSTRUCTION SERVICE

**ASSISTANCE FOR THE TRANSPORTATION ALTERNATIVES DESIGN ASSISTANCE
GRANT TO ASSIST TO IMPLEMENT THE 2016 TRANSPORTATION ALTERNATIVES
ORTLEY BEACH STREETScape GRANT, AND AUTHORIZING THE MAYOR TO
EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO AN AGREEMENT WITH NV5**

AUGUST 13, 2019

WHEREAS, the Township received a grant from the New Jersey Department of Transportation for the 2016 Transportation Alternatives Grant for the Ortley Beach Streetscape Grant Project; and

WHEREAS, the proposed streetscape improvements are anticipated to include pedestrian scale lighting, gateway enhancements, and recommendations for streetscape elements such as street furniture, etc. to enhance the experience within Ortley Beach and promote economic revitalization; and

WHEREAS, the Township sought additional funding from NJDOT for Design Assistance for implementation of the Transportation Alternatives Ortley Beach Streetscape Grant; and

WHEREAS, on July 23, 2019 Township Council amended budget revenues and appropriations to include the additional line item for the TAP Design Assistance Grant; and

WHEREAS, NV5 was selected from a pool of NJDOT approved consultants based on their experience with Ortley Beach and experience working on NJDOT streetscape projects; and

WHEREAS, NV5 has submitted a proposal for the work to include preliminary design, final design and construction services task items for a total amount not to exceed \$188,348.32 for the TAP Design Assistance Grant funding; and

WHEREAS, NJDOT has reviewed the proposal and found it to be in compliance with their requirements; and

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

1. It hereby awards a contract to NV5, for the above-mentioned project, in an amount not to exceed \$188,348.32, contingent on project authorization and fully executed agreement between NJDOT and Toms River Township for Preliminary and Final Design and Construction Support as part of the TAP Design Assistance grant for the implementation of the Ortley Beach Streetscape Project. Funds in the amount not to exceed \$188,348.32, are available in Account Number X-99- -907-745. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

2. The Mayor is authorized to execute and the Township Clerk to attest to an agreement with NV5.

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) Township Engineer
- e) David Roberts, Township Planner
- f) Erika Stahl, Township Assistant Planner
- g) Richard Nusser, NJDOT Project Manager
- h) NV5
7 Campus Drive
Suite 300
Parsippany, NJ 07054
Attn: Denice daCunha, P.E.
Project Manager

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to NV5, in the total maximum amount not to exceed \$188,348.32, are available in Account No. X-99- -907-745.

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: August 13, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING RENEWAL OF THE TOMS RIVER INTER-AGENCY COOPERATIVE PRICING SYSTEM (TRACPS) AND AUTHORIZING THE TOWNSHIP OF TOMS RIVER, AS LEAD AGENCY

AUGUST 13, 2019

WHEREAS, by Ordinance No. 3029-94, the Toms River Inter-Agency Cooperative Pricing System (T.R.I.A.C.P.S.) was established with the Township of Dover as Lead Agency, with the Toms River Regional Board of Education and the Dover Municipal Utilities Authority, for the purchase of work, materials and supplies, in accordance with the provisions of N.J.S.A. 40A:11-11(5); and

WHEREAS, the Township of Toms River (formerly Dover Township) wishes to renew the Toms River Inter-Agency Cooperative Pricing System, for the purchase of work, materials and supplies, for a new term to commence June 5, 2019 and expiring on June 4, 2024;

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 Township of Toms River (formerly Dover Township) to renew the Toms River Inter-Agency Cooperative Pricing System (Identifier Number: 49-TRACPS), for the purchase of work, materials and supplies, for a new term to commence on June 5, 2019 and expiring on June 4, 2024. Current active membership list in the Toms River Inter-Agency Cooperative Pricing System: Township of Toms River (Lead Agency), Toms River Regional Board of Education and the Toms River Municipal Utilities Authority.

2. The Township of Toms River, as Lead Agency, shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), and all other provisions of the revised statutes of the State of New Jersey. The new term would commence June 5, 2019 and expire June 4, 2024.

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) Chief Financial Officer
- c) Purchasing Division
- d) Toms River Municipal Utilities Authority
340 West Water Street
Toms River, N.J. 08753
- e) Toms River Regional Board of Education
1144 Hooper Avenue
Toms River, N.J. 08753
- f) State of New Jersey

Division of Local Government Services
P.O. Box 803
Trenton, N.J. 08625-0803
Attn: Branchelle Keaton
g) State of New Jersey
Director, Department of Community Affairs
101 South Broad Street
P.O. Box 800
Trenton, N.J. 08625-0803

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 13, 2019

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 Thomas F. Kelaher
- b) Business Administrator
- c) Chief Financial Officer
- d) Tax Collector
- e) Township Attorney
- f) Housing & Property Maintenance
- g) Code Enforcement
- h) Director, Parks, Buildings & Grounds
- i) PHH Mortgage Corp.
1 Mortgage Way
Mount Laurel, NJ 08054
- j) Jankim Properties LLC
501 Manchester Avenue
Toms River, NJ 08755
- k) Murray, Edward C.
1838 Compass Ct.
Toms River, NJ 08753

- l) Schlesinger, Jonathan
1858 Dino Boulevard
Toms River, NJ 08755
- m) Specialized Loan Servicing
8742 Lucent Blvd., Suite 300
Highlands Ranch, CO 80129
- n) Martone, John N. & Sandra
1931 Whitesville Road
Toms River, NJ 08753

SCHEDULE "A"

CERTIFICATION OF COSTS

	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TOTAL</u>
1.	1093.04	16	203 Flack Street	\$2036.84
2.	410	8	1209 Church Road	\$462.09
3.	1462.15	22	1838 Compass Court	\$1059.16
4.	390	9.07	1834 Regina Court	\$701.66
5.	411.36	1	26 Forest Valley Drive	\$701.66
6.	192.31	37	1658 Mt. Everest Lane	\$448.03

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

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

AMENDMENT TO RESOLUTION DATED NOVEMBER 13, 2018, WHICH AUTHORIZED THE AWARD OF A CONTRACT FOR PROFESSIONAL SPECIAL LEGAL SERVICES WITH THE LAW FIRM OF MCMANIMON, SCOTLAND & BAUMANN, LLC, TO ADVISE, CONSULT, AND REPRESENT THE TOWNSHIP OF TOMS RIVER IN REDEVELOPMENT MATTERS, FOR A TOTAL MAXMIUM CONTRACT AMOUNT NOT TO EXCEED \$20,000.00, IN ORDER TO AMEND THE CONTRACT AMOUNT BY AN ADDITIONAL AMOUNT OF \$50,000.00, FOR A NEW TOTAL AMENDED CONTRACT AMOUNT NOT TO EXCEED \$70,000.00

AUGUST 13, 2019

WHEREAS, resolution of the Township Council dated November 13, 2018 authorized a professional service contract with the law firm of McManimon, Scotland & Baumann, LLC, to advise, consult, and represent the Township of Toms River in Redevelopment matters, in the contract amount not to exceed \$20,000.00, commencing November 15, 2018, for a period of twelve (12) months; and

WHEREAS, due to the continuing litigation in this matter, it is necessary to amend the resolution of November 13, 2018 with McManimon, Scotland & Baumann, LLC, to increase the contract by an additional amount of \$50,000.00, for a total maximum contract amount not to exceed \$70,000.00;

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

1. It hereby authorizes an amendment to the resolution dated November 13, 2018 and contract with the law firm of McManimon, Scotland & Baumann, LLC, to increase the amount of the contract by an additional amount of \$50,000.00, for a total amended contract amount not to exceed \$70,000.00, for the aforesaid purpose as outlined hereinabove,

2. Funds for the amended additional amount of \$50,000.00, are available in Account No. 9-01- -L21-534 - \$30,000.00, and Account No. X-19- -600-158 –

\$20,000.00. Total contract amount not to exceed \$70,000.00. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

3. All other terms and conditions of the resolution of November 13, 2018 and contract shall remain in effect.

4. A notice of this action shall be published within 10 days of the date of this resolution, in the Asbury Park Press.

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

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Business Administrator
- d) Chief Financial Officer
- e) Engineering Division
- f) Township Attorney
- g) Purchasing Division
- h) Township Planner
- i) McManimon, Scotland & Baumann, LLC
75 Livingston Avenue
Second Floor #201
Roseland, NJ 07068

CERTIFICATION

THIS IS TO CERTIFY that the funds for the amended contract with McManimon, Scotland & Baumann, LLC, in the amended amount of \$50,000.00, are available in Account No. 9-01- -L21-534 - \$30,000.00 and Account No X-19- -600-158 - \$20,000.00. Total contract amount not to exceed \$70,000.00 (original contract amount - \$20,000.00 by resolution dated November 13, 2018).

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: August 13, 2019

RESOLUTION APPOINTING MEMBERS OF THE ZONING BOARD OF ADJUSTMENT

August 13, 2019

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

1. The following persons be and they are hereby appointed as members of the Toms River Township Board of Adjustment, as follows:

Alternate Members

Anthony L. Colucci
Alternate No. 2

8/13/2018 – 12/31/2020

2. The Township Clerk shall send a certified copy of this resolution to each of the following:
 - a. Office of the Township Council
 - b. Office of the Mayor
 - c. Township Attorney
 - d. Board of Adjustment
 - e. Each appointee listed above, who shall present themselves before the Township Clerk and take the Oath of Office

RESOLUTION APPOINTING YOUTH ADVISORY COUNCIL MEMBERS

August 13, 2019

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

1. The following persons be and they are hereby appointed as members of the Youth Advisory Council pursuant to Chapter 76, Section 76-1 of the “Code of the Township of Toms River, New Jersey,” as follows:

Terms Effective August 13, 2019 to December 31, 2021. (Three year terms)

Joann Benson

Adam Silversmith

2. A certified copy of this resolution shall be provided by the Township Clerk to the following:
 - a. Office of the Township Council
 - b. Office of the Mayor
 - c. Human Resources
 - d. Law Department
 - e. Supervisor of Youth Services
 - f. Each appointee, who shall present himself before the Township Clerk to subscribe to the Oath of Office

**RESOLUTION AUTHORIZING THE RENEWAL OF
POCKET LIQUOR LICENSE 1507-33-001-008
ISSUED TO 37 EATS LLC
PURSUANT TO N.J.S.A 33:1-12.18**

August 13, 2019

WHEREAS, the liquor license holder listed below has made application for the renewal of his respective license and has paid the necessary fee for his renewal; and

WHEREAS, the aforesaid application and other proceedings relative to said application and license are in regular and proper form; and

WHEREAS, James B. Graziano, Acting Director, of the State of New Jersey Alcoholic Beverage Control, has authorized the Township of Toms River to consider

the renewal application for Plenary Retail Consumption License Number 1507-33-001-008 for the 2018-2019 license term, pursuant to the provisions of N.J.S.A. 33:1-12.18; 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. The Plenary Retail Consumption Liquor License is hereby granted to the following applicant, which is presently the holder of the license:

**1507-33-001-008
37 EATS LLC
952 Lakewood Rd
Toms River, NJ 08753
(POCKET)**

2. The license referred to in the preceding paragraphs shall be executed for and on behalf of this Municipality by the Clerk of the Township with an effective date of July 1, 2018.
3. The Township Clerk shall forthwith report to the Division of Alcoholic Beverage Control of the State of New Jersey, and to the State Tax Department, the issuance of this license as soon as this license is issued.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Department of Police
- b) Chief Financial Officer
- c) Attorney
- d) State of New Jersey
Division of Alcoholic Beverage Control
P. O. Box 087
Trenton, NJ 08625-0087
- e) State Tax Dept.
- f) 37 Eats LLC
952 Lakewood Rd
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS, BLOCK 364.04, LOT 87 (Sunset Avenue)

August 13, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 364.04, Lot 87.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Cash Bond in the amount of \$10,200.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$460.00 which represents the initial required escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Integrity Holdings Group, 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. Integrity Holdings Group
888 Somerset Avenue
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS DISNEY STREET, LLC, BLOCK 411, LOT 108 (Route 37 West)

August 13, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Disney Street, LLC, Block 411, Lot 108.

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

- 1) Maintenance Cash Bond in the amount of \$5,500.00 currently on deposit in account # 9-14- -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. Disney Street, LLC
869 Goose Creek Road
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS NEW JERSEY NATURAL GAS COMPANY, BLOCK 411, LOT 1.02. (1298 INDUSTRIAL WAY NORTH)

August 13, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as New Jersey Natural Gas, Block 411, Lot 1.02

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) Performance Cash Bond in the amount of \$7,020.00 currently on deposit in account # 9-14- -902-101 is hereby released with applicable interest of any;

- 2) Surety Bond # 106049909 in the amount of \$63,180.00 is hereby released;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. New Jersey Natural Gas Company
Attn: William E. Wells
1415Wyckoff Road
Wall, NJ 07719

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS BLOCK 653, LOTS 1.01 (236 Washington Avenue)

August 13, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 653, Lot 1.01.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount \$500.00, originally accepted by way of Resolution 'P' dated July 10, 2019, in the amount of \$5,000.00 which represents the 10% Maintenance Guarantee, is accepted and will remain on account to represent the Maintenance Cash Bond;

WHEREAS, the Township Engineer has made an inspection of said Major 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;

- 1) Previously posted Cash Bond in the amount of \$4,500.00 currently on account # 9-14- -902-101, is hereby released with applicable interest if any;
- 2) Maintenance Cash 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. Birdsall Associates
Attn: Paul Rhine, Harvey York & Don
Glendenning
6 Magnolia Lane
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND TR 2019 LLC, PURSUANT TO THE MUNICIPAL SERVICES ACT, N.J.S.A. 40:67-23.1 to -23.8

AUGUST 13, 2019

WHEREAS, TR 2029 LLC is a qualified private community under the Municipal Services Act (“MSA”), N.J.S.A. 40:67-23.1 to -23.8, managed and operated managing member; and

WHEREAS, under the MSA, the Township must either directly provide solid waste collection to qualified private communities or reimburse private communities for the expense of that service at a rate equal to the Township’s actual cost of providing solid waste collection to the general public; and

WHEREAS, the Township has determined that it is more efficient and cost-effective to directly provide solid waste collection to TR 2019 LLC; and

WHEREAS, TR 2019 LLC has requested and consented to Township-provided solid waste collection:

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to the agreement, attached as Schedule “A” to this resolution, between the Township and TR 2019 LLC for the collection of solid waste and recyclable materials.

2. A fully-executed copy of this agreement shall remain on file in the office of the Township Clerk.

3. The Township Clerk shall provide a certified copy of this resolution and a copy of the fully-executed agreement to the following parties:

- a. Business Administrator
- b. Chief Financial Officer
- c. Director of Public Works
- d. Township Attorney
- e. TR 2019 LLC
475 Oberlin Avenue South
Lakewood, NJ 08701

SCHEDULE “A”

“SEE ATTACHMENTS”

A motion was made by Council Member Huryk, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Rodrick, Turnbach, and with Council President Wittmann voting yes, **to be tabled till the next Council Meeting.**

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, AND STATE OF NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A MOBILE INTENSIVE CARE UNIT (“MICU”) INTERFACE AGREEMENT BY AND BETWEEN TOMS RIVER TOWNSHIP AND MONMOUTH OCEAN HOSPITAL SERVICE CORPORATION (“MONOC”)

AUGUST 13, 2019

A motion was made by Council Member Huryk, seconded by Council Member Kubiel, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Rodrick, Turnbach, and with Council President Wittmann voting yes, **to be tabled indefinitely, but then it was adopted after executive session.**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN
OPENED-ENDED CONTRACT TO USA GENERAL CONTRACTORS CORP., AS THE
OVERALL LOWEST RESPONSIVE, RESPONSIBLE BIDDER MEETING ALL THE BID
SPECIFICATIONS, FOR ROOFING/ROOF CONSULTATION SERVICES, FOR A
CONTRACT PRICE NOT TO EXCEED \$500,000.00 OVER TWO (2) YEARS**

AUGUST 13, 2019

Alizar Zorojew, Director, Business Improvement District, thanked the Planning Department for the following Resolution. He also thanked Township Planner Roberts.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL
OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY,
DESIGNATING BLOCK 668, LOTS 9 AND 13, COMMONLY KNOWN AS 1
ROBBINS PARKWAY (BOATWORKS BUILDING) AND ROBBINS PARKWAY
PARKING LOT, AS AN AREA IN NEED OF REDEVELOPMENT WITHIOUT
CONDEMNATION (NON-CONDEMNATION REDEVELOPMENT AREA)**

AUGUST 13, 2019

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; and

WHEREAS, in accordance with the *LRHL* the Mayor and Township Council of the Township of Toms River (the "**Township Council**") believes that the properties contained within the Township of Toms River (the "**Township**") in the County of Ocean (the "**Redevelopment Area**") and identified as **Block 668, Lots 9 and 13**, commonly known as 1 Robbins Parkway ("Boatworks") and Robbins Parkway parking lot, should be investigated to determine if it meets one or more of the criteria to be designated as an area in need of redevelopment and should be designated as an area in need of redevelopment **WITHOUT** condemnation; and

WHEREAS, *N.J.S.A. 40:12A-6* requires that the governing body direct the planning board to conduct a preliminary investigation and render a finding as to whether one or more of the properties within the study area identified above meets one or more of the criteria of *N.J.S.A. 40:12A-5* and a recommendation to the Township Council as to a designation of an area in need of redevelopment **WITHOUT** condemnation; and

WHEREAS, by resolution dated May 28, 2019, 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, as required by *N.J.S.A. 40A:12A-6*, the Planning Board held a public hearing on Wednesday, August 7, 2019 to determine whether all or part of the Study Area is an area in need of redevelopment in accordance with the Redevelopment Law; and

WHEREAS, the Board has considered a redevelopment study report for the Study Area prepared by David G. Roberts, AICP/PP, LLA, LEED AP ND, Township Planner, dated June 4, 2019 ("the Study"); and

WHEREAS, the Board has considered the presentation of David G. Roberts, AICP/PP, LLA, LEED AP ND, Township Planner, who prepared said Study and testified at said hearing, and has also considered the comments of other persons given at the public hearing; and

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

- a. The Study Area includes approximately 2.23 acres and consists of two tax lots, with Lot 13 under the ownership of a private property owner and Lot 9 being a Township-owned surface parking lot.
- b. The two lots were flooded during Superstorm Sandy and were never restored for occupancy.
- c. The Study Area was previously designated as part of a larger Rehabilitation Area in 2018 and are regulated under the Downtown Core Redevelopment Plan.
- d. The Board agrees with findings and recommendations in the Study including the following: Based on the analysis of ownership patterns and historic development of the area around the Study Area, conditions consistent with Criteria “a”, “b”, “d” and “e” exist that would qualify Lot 13 for designation.
- e. It is recommended that Lot 9 should be included in the designated redevelopment area under “Section 3” of the Local Redevelopment and Housing Law. This public surface parking lot is key to providing parking to rest of the Study Area. Section 3 allows the inclusion of property “*found necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part*”.
- f. Based on the findings above, the Planning Board of the Township of Toms River recommends to the Council of the Township of Toms River that the entire Study Area should be designated as an area in need of redevelopment without the potential for the use of Eminent Domain, otherwise referred to in the Local Redevelopment and Housing Law as a “Non-Condensation Redevelopment Area”.

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 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 all of the properties within the study area identified above as an Area In Need of Redevelopment pursuant to *N.J.S.A. 40:12A-5(a) (b) (d) and (e)*, as well as the inclusion of Lot 9 as being necessary for the effective redevelopment of the Study Area. Said Area in Need of Redevelopment 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.

Offered By:

Seconded By:

Council members: AYES NAYS ABSTAIN ABSENT

I, Alison Carlisle, Township Clerk of the Township of Toms River, Ocean County, New Jersey, do hereby certify the foregoing to be a true and exact copy of the resolution which was adopted by the Township Council at a meeting held on the 13TH day of August, 2019.

Alison Carlisle
Municipal Clerk

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A LEASE RENEWAL AND EXTENSION AGREEMENT WITH 27 WASHINGTON STREET ASSOCIATES, LLC, WHEREBY THE TOWNSHIP OF TOMS RIVER WILL LEASE BLOCK 662, LOT 5 (217 WASHINGTON STREET – VACANT LAND), FROM 27 WASHINGTON STREET ASSOCIATES, LLC, FOR THE PURPOSE OF MAINTAINING A TEMPORARY PUBLIC PARK

AUGUST 13, 2019

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

1. Pursuant to N.J.S.A. 40A:12-3(a), the Mayor is authorized to execute and the Township Clerk to attest to a Lease Renewal and Extension Agreement between the Township of Toms River (“Township”) and 27 Washington Street Associates, LLC, whereby the Township will lease Block 662, Lot 5 (217 Washington Street – vacant land) from 27 Washington Street Associates, LLC, for the purpose of maintaining a temporary public park on the property. The term of this lease will be on a month-to-month basis until cancelled by either party, in writing, on 30-days’ notice to the other. The Township will pay an annual rent of \$1.00 per year to 27 Washington Street Associates, LLC. A copy of the Lease Agreement is attached to this resolution as Schedule “A” and is made a part hereof. All other terms of the original Lease Agreement shall remain in full force and effect.

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

- a) Mayor Thomas F. Kelaher
- b) Business Administrator
- c) Chief Financial Officer
- d) Township Attorney
- e) Parks, Buildings & Grounds
- f) Robert W. Allen, Esq.
Gluck & Allen, LLC
217 Washington Street
Toms River, NJ 08753

SCHEDULE “A”

“SEE ATTACHMENTS”

A motion was made by Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, and Council

Member Turnbach voting yes, and with Council Member Wittmann abstaining, 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 MINOR SITE PLAN KNOWN AS, TOMS RIVER YACHT CLUB, BLOCK 712, LOTS 622, 622.01, 623, 625, 625.01, 628, 630, 630.01 AND 630.02 AND BLOCK 712.01, LOTS 652 AND 652.01 (1464 Riviera Road)

August 13, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Toms River Yacht Club, Block 712, Lots 622, 622.01, 623, 625, 625.01, 628, 630, 630.01 and 630.02 and Block 712.01, Lots 652 and 652.01

WHEREAS, Performance Bonds have been posted as follows:

- 1) Checks in the total amount of \$7,400.00 which represents the full percent portion of the performance guarantee amount.
- 2) Check in the amount of \$1,225.00 which represents the initial required escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Toms River Yacht Club, 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:

- e. Township Engineer
- f. Chief Financial Officer
- g. Township Attorney
- h. Toms River Yacht Club, Inc.
1464 Riviera
Toms River, NJ 08753

REPORTS

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

	2019	2018
Bey Lea Golf Course – July	\$196,728.48	\$214,512.64
Bey Lea Golf Course – YTD through July	\$709,139.80	\$691,805.58
Winding River Ice Rink – July	\$41,361.55	\$29,621.50
Winding River Ice Rink – YTD through July	\$501,804.72	\$498,695.09
Building Permits - July	\$176,479.00	\$215,581.00
Building Permits – YTD through July	\$1,618,091.00	\$1,352,463.00
Beach Badges – YTD through July	\$455,378.00	\$406,122.00
Pool Badges – YTD through July	\$79,445.00	\$58,845.00

APPROVAL OF BILLS

Council President Wittmann asked for a report on the bills.

The Bill List, dated **August 9, 2019** was approved on motion by Council Member Turnbach, seconded by Council Member Kubiell, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and with Council President Wittmann voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 19-04290, payable to Remington and Vernick (re ARYA only) in the amount of \$1040.52.

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

Purchase Order 19-04385, payable to Barnabas Health Corp. Care in the amount of \$125.00.

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

Purchase Order 19-00619, payable to Borough of Lavallette in the amount of \$1,795.79.

Purchase Order 19-01326, 19-00248, 19-04232 & 19-04290, payable to Remington and Vernick in the amount of \$7,023.97.

Purchase Order 19-042011 & 19-04359, payroll with recreation, payable to Toms River Township Payroll-regarding Recreation in the amount of \$8,519.25.

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

Purchase Order 19-04385, payable to Barnabas Health Corp. Care in the amount of \$125.00.

Purchase Order 19-04054, 19-04055 & 19-04056, payable to Toms River Bureau of Fire in the amount of \$53,370.50.

Purchase Order 19-02224, payable to velcor of Toms River LLC (Doctor Cimer) in the amount of \$120.00.

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

Purchase Order 19-03082 & 19-03083, payable to N.J. Motor Vehicle Commission in the amount of \$120.00.

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

Purchase Order 19-04359, payable to Magistrate salaries in the amount of \$7,635.44.

ELECTED OFFICIALS COMMENTS

Mayor Kelaher spoke regarding the dedication ceremony of the American Legion Victory Garden.

Councilman Hill spoke regarding Ocean Beach Voters and Taxpayers Association Beach Jam, and thanked Township Planner Roberts and Councilman Turnbach for their work on Resolution Q.

Councilman Rodrick spoke regarding liquor licenses and downtown redevelopment.

Councilman Kubiell had no comments.

Councilman Turnbach spoke regarding September 2nd Labor Day Festival – “Around the World in Toms River”.

Councilwoman Maruca spoke regarding the passing of Tim Ryan, and thanked the Councilman Hill and the Police Department for their first night at Shelter Cove Beach Jam.

Councilwoman Huryk spoke regarding Shakespeare Festival “Measure to Measure” – great turnout, and summer art festival.

Councilman Wittmann spoke regarding Anthony Colucci for Board of Adjustment Alternate Member

PUBLIC COMMENTS

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

Bill McPhail, Woodbine Avenue, request a resolution supporting Board of Freeholders instituting litigation against our State Attorney regarding ICE. He also wants an addressed envelope in with his tax bill and complained not information regarding Property Tax Rebate.

Paul Jefferies, 1661 Bay Blvd, thanked Township Planners Roberts and Erika Stahl for Beach Jam and thanked for the Kayak Ramp.

John Solonis, Waters Edge, requested a street light installed.

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

A motion was made by Council Member Kubiell, seconded by Council Member Maruca, and carried to enter into a private Executive Session at 6:48 PM.

A motion was made by Council Member Kubiell, seconded by Council Member Maruca, 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
Anticipated Litigation
Matters of Litigation
Land Acquisitions
Contract Negotiations

3. The following specific topics were announced.

1. Executive Session Minutes Review: July 23, 2019 Regular Meeting

2. Personnel Issues
3. Review of status of all real property acquisitions (voluntary acquisitions and eminent domain actions)
4. 1940 Route 9 LLC versus Township of Toms River
5. Update and discussion on possible acquisition of Surf Club property
6. Review of possible appointment of a Tax assessor, including all terms and conditions of employment

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

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

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

The Council **reconvened** the public portion at 8:50 P.M., a motion was made by Council Member Maruca, seconded by Council Member Rodrick, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes.

A motion was made by Council Member Maruca, seconded by Council Member Turnbach, and carried with Council Members Hill, Huryk, Maruca, Turnbach, and Council President Wittmann voting yes, and with Council Members Kubiel and Rodrick 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 23, 2019 Regular Meeting

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

Councilman Wittmann spoke in support of County buying Mobile Home Park as Open Space

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, URGING THE COUNTY OF OCEAN TO PURCHASE PROPERTY KNOWN AS THE TAS/KRUPNICK TRACT, WHICH IS IMMEDIATELY NORTH OF THE MAPLE AVENUE PAPER STREET AND THE ROBERTS MOBILE HOME PARK FOR OPEN SPACE PURPOSES

AUGUST 13, 2019

WHEREAS, the Mayor and Township Council of the Township of Toms River, support the County of Ocean purchasing property known as the TAS/KRUPNICK Tract, which is immediately north of the Maple Avenue Paper Street and the Roberts Mobile Home Park for open space purposes; and

WHEREAS, acquisition of real property for open space purposes serves the dual role of explicitly protecting valuable habitat and coastal features, and implicitly removing vulnerable land from the development market; and

WHEREAS, the Township Council has determined that acquisition of this property will augment the County of Ocean's open space inventory;

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 urges and supports the County of Ocean purchasing property known as the TAS/KRUPNICK Tract, which is immediately north of the Maple Avenue Paper Street and the Roberts Mobile Home Park, for open space purposes.

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

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Township Clerk
- f) Chief Financial Officer
- g) Township Planner
- h) Township Engineer
- i) Tax Assessor
- j) Tax Collector
- k) Ocean County Board of Freeholders
- l) Mark A. C. Villinger, PP, AICP, CFM
Supervising Planner
Ocean County Planning Department
129 Hooper Avenue
PO Box 2191
Toms River, NJ 08754-2191

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN OPENED-ENDED CONTRACT TO USA GENERAL CONTRACTORS CORP., AS THE OVERALL LOWEST RESPONSIVE, RESPONSIBLE BIDDER MEETING ALL THE BID SPECIFICATIONS, FOR ROOFING/ROOF CONSULTATION SERVICES, FOR A CONTRACT PRICE NOT TO EXCEED \$500,000.00 OVER TWO (2) YEARS

AUGUST 13, 2019

WHEREAS, bids were invited on April 25, 2019, for Roofing/Roof Consultation Services; and

WHEREAS, Resolution of the Township Council dated June 25, 2019, rejected the sole bid from Northeast Roof Maintenance, Inc., pursuant to NJSA 40A:11-13.2(a) and approved a rebid for this service; and

WHEREAS, bids were then invited on August 1, 2019, and were received from the following vendors, and reviewed by the Purchasing Division and Department of Parks, Buildings and Grounds:

USA General Contractors Corp.
980 Dehart Place
Elizabeth, NJ 07202

Northeast Roof Maintenance Inc.
649 Catherine Street
Perth Amboy, NJ 08861

Ameristar Contracting Group, Inc.
512 East Riviera Ave.
Ocean Gate, NJ 08740

Coffey Brothers, Inc.
2559 Route 9 North
Howell, NJ 07731

WHEREAS, the bids have been reviewed by the Purchasing Division and the Department of Parks, Buildings & Grounds, and they have recommended that the award of an open-ended contract be made to USA General Contractors Corp., as the overall lowest responsive, responsible bidder meeting all the specifications, for a total contract price not to exceed \$500,000.00 over two (2) years, as follows:

This contract will be awarded to USA General Contractors Corp. at the following rates:

First Year:	Hourly Rates Bid
Journeyman	<u> \$ 100.00</u>
Supervisor	<u> \$ 104.00</u>
Apprentice	<u> \$ 80.00</u>
Second Year:	Hourly Rates Bid
Journeyman	<u> \$ 100.00</u>
Supervisor	<u> \$ 104.00</u>
Apprentice	<u> \$ 80.00</u>
Percentage of Materials Markup Above Dealers Cost:	<u> 10%</u>
NJ State License Number:	<u> 13VHO6947200</u>

WHEREAS, Overtime Rates shall be paid at time and one-half the hourly rate including benefits for the first two (2) hours before or after the regular eight (8) hour day Monday through Friday, and time and one-half for the first ten (10) hours on Saturday. All work on Sundays and Holidays, and all hours over and above the first ten (10) hours, Monday through Saturday, shall be paid at double the rate, including benefits;

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 an open-ended contract to USA General Contractors Corp., as the overall lowest, responsive, responsible bidder meeting all the bid specifications, for Roofing/Roof Consultation Services, for a total contract price not to exceed \$500,000.00 over two (2) years, with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget.

2. The term of contract shall be for two (2) consecutive years, effective August 13, 2019, through August 12, 2021. Pursuant to N.J.S.A. 40A:11-15, and if mutually agreed upon by the Township of Toms River and the successful contractor, this contract may be extended for up to two (2) additional one year terms after the expiration of the original contract period. Any contract extension shall be subject to the availability and appropriation of funds for each year the contract is to be extended. All terms and conditions of the original contract shall remain the same. Any price changes authorized on contract extensions shall be pursuant to N.J.S.A. 40A:11-15.

3. The award of this contract is subject to all the terms and conditions of the bid specifications. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Parks, Buildings & Grounds
- e) Aforementioned Bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contract awarded to USA General Contractors Corp. for a total contract price not to exceed \$500,000.00 over two (2) years are at the following rates:

First Year:	Hourly Rates Bid
Journeyman	<u> \$ 100.00</u>
Supervisor	<u> \$ 104.00</u>
Apprentice	<u> \$ 80.00</u>

Second Year:	Hourly Rates Bid
Journeyman	<u> \$ 100.00</u>
Supervisor	<u> \$ 104.00</u>
Apprentice	<u> \$ 80.00</u>

Percentage of Materials Markup Above Dealers Cost: 10%

NJ State License Number: 13VHO6947200

Funds are contingent upon the availability of funds in the appropriate municipal budget year.

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: August 13, 2019

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

COUNCIL PRESIDENT GEORGE WITTMANN

ALISON CARLISLE, TOWNSHIP CLERK