

August 25, 2020

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

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

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

OPEN PUBLIC MEETINGS ACT
STATEMENT

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

Roll Call:

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

APPROVAL OF MINUTES

A motion was made by Council Member Geoghegan, seconded by Council Member Kopp, and carried with Council Members Geoghegan, Kopp, Lotano, Rodrick, Turnbach, and Council President Maruca voting yes, and with Council Member Huryk abstaining, to approve the **Regular Meeting of August 11, 2020**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS - NONE

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

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

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING
AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 348
(LAND USE AND DEVELOPMENT REGULATIONS) OF THE TOWNSHIP CODE**

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

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

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

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

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

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

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

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

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

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING
AND SUPPLEMENTING SECTION 368-3 (NUISANCE ACTS)
OF CHAPTER 368 (NUISANCES) OF THE TOWNSHIP CODE
TO ADD A NEW SECTION 368-3.1 (LIGHT TRESPASS IN
RESIDENTIAL AREAS)**

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

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

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

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

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.

2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press.

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

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ALONG WITH THE FREEHOLDERS OF MONMOUTH AND OCEAN COUNTIES, REQUEST AND URGE THE BOARD OF PUBLIC UTILITIES FILL THE NEXT OPENING ON THE BOARD OF PUBLIC UTILITIES WITH A QUALIFIED INDIVIDUAL FROM THE SHORE REGION IN ORDER TO ASSURE REPRESENTATION OF THE INTERESTS OF THE RESIDENTS AND BUSINESSES OF MONMOUTH AND OCEAN COUNTIES, AND IN THE ABSENCE OF A MEMBER FROM THE JERSEY SHORE, THE BOARD DESIGNATE A LIASISON TO THIS AREA TO ADDRESS THE GROWING CONCERNS OF THE SHORE AREA

August 25, 2020

WHEREAS, the populations of Ocean and Monmouth counties continue to grow with both full-time and seasonal residents increasing the need for assurances by utility companies to provide uninterrupted service; and

WHEREAS, Ocean County has joined with its neighbor to the north, Monmouth County, in strongly urging the State to provide representation from the Monmouth/Ocean area on the state Board of Public Utilities, the utility regulatory agency; and

WHEREAS, in the absence of a member from the Monmouth/Ocean area, the BPU in the meantime should designate one of its current members as liaison to the area in order to address growing concerns; and

WHEREAS, the counties are renewing this effort following wide spread and lengthy power outages from Tropical Storm Isaias which impacted the Shore area on August 4, 2020; and

WHEREAS, due to the length of these outages, many residents and businesses, both full time and seasonal, experienced a financial loss due to having to discard food and medication, and loss of wages; and

WHEREAS, during the height of the recent power outages, almost 359,000 Jersey Central Power & Light Company customers in Monmouth and Ocean counties were without power and, in some cases, for several days. Ocean County is also serviced by Atlantic City Electric, and 52,641 customers in Ocean County were without power after Isaias; and

WHEREAS, without a voice on the BPU, the Jersey Shore faces an uphill battle with the power companies in getting help for residents whether it be

from a Tropical Storm like Isaias, other coastal storms or failures on the part of the utility companies; and

WHEREAS, lengthy power outages also hurt tourism which is an economic engine for both Monmouth and Ocean counties; and

WHEREAS, power outages also cause great concern for large senior communities and hard working families. These are people that are either on a fixed income or a salary that doesn't allow extra money to replace food and prescriptions spoiled by power outages; and

WHEREAS, coastal counties like Monmouth and Ocean have unique characteristics that the current members of the BPU are not as familiar with as a resident of one of these counties would be; and

WHEREAS, Monmouth and Ocean counties have everything from farmlands to dense downtowns to beach towns-all of which serve as tourism destinations-and so there is a greater understanding of the effects of power outages on a much broader scale than some other counties; and

WHEREAS, in Ocean County, the population of 600,000 year-round residents swells to 1.2 million people and in Monmouth County, the population of 617,000 sees more than 8.9 million visitors, with the majority during the summer season; and

WHEREAS, tourism revenues in Ocean County total \$5 billion, and Monmouth County total \$2.6 billion; and

WHEREAS, the current Board of Public Utilities is made up of representatives from Essex, Camden, Morris, Somerset and Bergen counties:

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, Ocean County, New Jersey, along with the Freeholders of Monmouth and Ocean counties want the next opening on the Board of Public Utilities to go to a qualified individual from this shore region in order to assure representation of the interests of the residents and businesses of Monmouth and Ocean County and all shore communities.

BE IT FURTHER RESOLVED that the Township Council urges Governor Murphy and the Senate recognize that as the populations continue to grow, and people continue to move to Monmouth and Ocean counties to raise a family or retire, the need for representation on the BPU also increases providing coastal communities with a needed voice on the Board and in the absence of a member from the Jersey Shore, the BPU should designate a liaison to this area to address the growing concerns.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be made available to Governor Phil Murphy, State of New Jersey Board of Public Utilities, Monmouth County Board of Chosen Freeholders, Ocean County Mayors, and:

- a) Mayor
- b) Township Council
- c) Chief Financial Officer
- d) Township Attorney
- e) 9th District Legislators
- f) 10th District Legislators
- g) 12th District Legislators
- h) 30th District Legislators

CONSENT AGENDA

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

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A
100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 572 LOT 6.14
C31E7 EFFECTIVE JULY 9TH 2020, AND PROVIDING THAT PROPERTY TAXES FOR
2020, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED**

AUGUST 25, 2020

WHEREAS, the owner of real property in the Township of Toms River known as Block 572 LOT 6.14 C31E7, located at 317 Scarlet Court has been certified by the Tax Assessor as a 100% Disabled Veteran, effective July 9th, 2020 and

WHEREAS, property taxes for 2020, 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 2020 real property taxes for Block 572 Lot 6.14 c31e7, due on or after July 9th 2020, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 572 lot 6.14 c31e7, if any, shall be refunded on a pro-rated basis from July 9th,2020.
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 Maurice B, HILL Jr.
 - b) Lou Amoruso, Acting Business Administrator
 - c) Kenneth B. Fitzsimmons, Township Attorney
 - d) Alexander Davidson, Chief Financial Officer
 - e) William Laird, Township 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 510.26 LOT 15.
EFFECTIVE JANUARY 1ST 2020, AND PROVIDING THAT PROPERTY TAXES FOR 2020,
AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED**

AUGUST 25, 2020

WHEREAS, the owner of real property in the Township of Toms River known as Block 510.26 LOT 15, located at 7 Morningside Drive has been certified by the Tax Assessor as a 100% Disabled Veteran, effective January 1st, 2020 and

WHEREAS, property taxes for 2020, 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 2020 real property taxes for Block 510.26 Lot 15 due on or after January 1st, 2020, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 510.26 lot 15, if any, shall be refunded on a pro-rated basis from January 1st, 2020.
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 Maurice B, HILL Jr.
 - b) Lou Amoruso, Acting Business Administrator
 - c) Kenneth B. Fitzsimmons, Township Attorney
 - d) Alexander Davidson, Chief Financial Officer
 - e) William Laird, Township 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 442.71 LOT 16,
EFFECTIVE JUNE 10TH 2020, AND PROVIDING THAT PROPERTY TAXES FOR 2020, AS
OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED**

AUGUST 25, 2020

WHEREAS, the owner of real property in the Township of Toms River known as Block 442.71 LOT 16, located at 813 France Court has been certified by the Tax Assessor as a 100% Disabled Veteran, effective June 10th, 2020 and

WHEREAS, property taxes for 2020, 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 2020 real property taxes for Block 442.71 Lot 16 due on or after June 10th, 2020, shall be cancelled.

2. All real property taxes from the date of this Resolution paid on Block 442.71 lot 16, if any, shall be refunded on a pro-rated basis from June 10th, 2020.
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 Maurice B, HILL Jr.
 - b) Lou Amoruso, Acting Business Administrator
 - c) Kenneth B. Fitzsimmons, Township Attorney
 - d) Alexander Davidson, Chief Financial Officer
 - e) William Laird, Township 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 1086.09 LOT 13,
EFFECTIVE JANUARY 14TH 2020, AND PROVIDING THAT PROPERTY TAXES FOR
2020, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED**

AUGUST 25, 2020

WHEREAS, the owner of real property in the Township of Toms River known as Block 1086.09 Lot 13, located at 597 Deer Lane has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective January 14th , 2020 and

WHEREAS, property taxes for 2020, 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 2020 real property taxes for Block 1086.09 Lot 13 due on or after January 14th, 2020, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 1086.09 Lot 13, if any, shall be refunded on a pro-rated basis from January 14th, 2020.
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 Maurice B, HILL Jr.
 - b) Lou Amoruso, Acting Business Administrator
 - c) Kenneth B. Fitzsimmons, Township Attorney
 - d) Alexander Davidson, Chief Financial Officer
 - e) William Laird, Township Assessor
 - f) Carl Dileo, Township Tax Collector

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF
OPEN-ENDED CONTRACTS TO JML MEDICAL INC., V.E. RALPH & SON, INC.,
PERFORMANCE HEALTH SUPPLIES, INC., D/B/A MEDCO SUPPLY, AND
HENRY SCHEIN INC., WHO MEET ALL THE BID SPECIFICATIONS, FOR THE
SUPPLY OF FIRST AID SUPPLIES, AND AUTHORIZING THE REBID OF THE
ITEMS WHICH RECEIVED NO BIDS**

AUGUST 25, 2020

WHEREAS, bids were invited on August 5, 2020 for the Supply of First Aid Supplies; and

WHEREAS, bids were received, as follows:

JML Medical Inc.
1 Havenwood Ct.
Unit 502
Lakewood, NJ 08701

Henry Schein Inc.
135 Duryea Road E270
Melville, NY 11747

V.E. Ralph & Son Inc.
PO Box 633
320 Schuyler Avenue
Kearny, N.J. 07032

Cintas Corporation
190 E. Ninth Avenue
Unit #A
Runnemede, NJ 08078

Performance Health Supplies, Inc.
d/b/a Medco Supply
25 Northpoint Parkway
Amherst, NY 14228

WHEREAS, the bids have been reviewed by the Purchasing Division and the Office of Emergency Management, and it is their recommendation that contracts be awarded, as follows:

JML Medical Inc. – Item Nos. 4-6, 17, 18, 23-26, 29, 34, 36, 37, 39-42, 45, 53, 55, 119, 154, 169, 173, and 180.

V.E. Ralph & Son Inc. - Item Nos.: 10, 44, 47, 64, 71, 79, 124, 127, 129, 134, 135, 137, 143, 149, 153, 177, 178, 182, 184, 195, 200, 202, 204, 205, 207, and 208.

Performance Health Supplies, Inc. d/b/a Medco Supply – Item Nos. 7, 28a, 28b, 58, 68, 96, 120, 128, 175, and 179.

Henry Schein, Inc. – Item Nos. 1-3, 8, 9, 11-16, 19-22, 27, 30-33, 35, 38, 43, 52, 54, 56, 57, 59-63, 65-67, 69-70, 72-78, 80-95, 97-118, 121-123, 125, 126, 130-133, 136, 138-142, 144-148, 150-152, 156, 158-161, 166, 167, 169, 170, 171, 174, 176, 181, 183, 185-192, 196-199, 201, 203, 206, and 209-214.

Item No. 2 was a tie bid and awarded via coin toss.

Item No. 207 was awarded to the second lowest bidder because the lowest bidder took

Exception, and did not meet the bid specification.

Item Nos. 46, 48-51, 155, 157, 162-165, 168, 172, 193, and 194 received no bids, and will be rebid;

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 First Aid Supplies, as follows:

JML Medical Inc. – Item Nos. 4-6, 17, 18, 23-26, 29, 34, 36, 37, 39-42, 45, 53, 55, 119, 154, 169, 173, and 180.

V.E. Ralph & Son Inc. - Item Nos.: 10, 44, 47, 64, 71, 79, 124, 127, 129, 134, 135, 137, 143, 149, 153, 177, 178, 182, 184, 195, 200, 202, 204, 205, 207, and 208.

Performance Health Supplies, Inc. d/b/a Medco Supply – Item Nos. 7, 28a, 28b, 58, 68, 96, 120, 128, 175, and 179.

Henry Schein, Inc. – Item Nos. 1-3, 8, 9, 11-16, 19-22, 27, 30-33, 35, 38, 43, 52, 54, 56, 57, 59-63, 65-67, 69-70, 72-78, 80-95, 97-118, 121-123, 125, 126, 130-133, 136, 138-142, 144-148, 150-152, 156, 158-161, 166, 167, 169, 170, 171, 174, 176, 181, 183, 185-192, 196-199, 201, 203, 206, and 209-214.

Item No. 2 was a tie bid and awarded via coin toss.

Item No. 207 was awarded to the second lowest bidder because the lowest bidder took

Exception, and did not meet the bid specification.

Item Nos. 46, 48-51, 155, 157, 162-165, 168, 172, 193, and 194 received no bids, and will be rebid;

Term of Contracts: September 11, 2020 through September 10, 2022. These shall be open-ended contracts with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget. The award of these contracts 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.

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

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

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contracts awarded to JML Medical Inc., V.E. Ralph & Son Inc., Performance Health Supplies, Inc. d/b/a Medco Supply, and Henry Schein, Inc., 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.

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: August 25, 2020

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF REPLACEMENT REELMASTER 3555-D AND ACCESSORIES FOR THE BEY LEA GOLF COURSE FROM TURF EQUIPMENT & SUPPLY COMPANY, UTILIZING ESCNJ COOPERATIVE CONTRACT, #18/19-25, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$53,289.69

AUGUST 25, 2020

WHEREAS, the Township of Toms River is a member of the Educational Services Commission of New Jersey #18/19-25, as authorized by N.J.S.A. 40A:11-11(5); and

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

WHEREAS, the Purchasing Division is requesting authorization to purchase Replacement Reelmaster 3555-D and Accessories for the Bey Lea Golf Course, utilizing Educational Services Commission of New Jersey, Contract #18/19-25, in the total contract amount not to exceed \$53,289.69, from the following vendor:

Turf Equipment & Supply Company
8015 Dorsey Run Road
Jessup, MD 20794

Contract # 18/19-25

<u>Product</u>	<u>Product ID</u>	<u>MSRP Pricing</u>	<u>Quantity</u>	<u>Unit Price After 20% Discount</u>	<u>Total</u>
Reelmaster 3555-D	3820	\$44,579.00	1	\$35,663.20	\$35,663.20
22" 8 Blade reels	3487	\$ 3,401.00	5	\$2,720.80	\$13,604.00
Reduce width Step Kit	127 8562	\$ 157.91	1	\$ 126.33	\$ 126.33
5" Weight kit for Cut units	3412	\$ 270.00	1	\$ 216.00	\$ 216.00
Universal Sunshade White	30669	\$ 751.00	1	\$ 600.80	\$ 600.80
Golf Ball Guard	3614	\$ 693.00	1	\$ 554.40	\$ 554.40
5 Rear Roller Scrap Kit 107	3280	\$ 68.50	5	\$ 54.80	\$ 274.00
(5) Weihle Scrapers 107	2993-03	\$ 33.91	5	\$ 27.13	\$ 135.64
400 Hr MVP Kit	30090	\$ 99.15	1	\$ 79.32	\$ 79.32
Flexible Grass Baskets	3415	\$509.00	3	\$ 407.20	\$ 1,221.60
Compact Flexible Basket	3416	\$509.00	2	\$ 407.20	\$ 814.40
				Total	\$53,289.69

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

1. It hereby authorizes the purchase of Replacement Reelmaster 3555-D and Accessories for the Bey Lea Golf Course from Turf Equipment & Supply Company, as stated above, in the total contract amount not to exceed \$53,289.69, utilizing Educational Services Commission of New Jersey, Contract #18/19-25.

2. Funds in the amount of \$53,289.69 are available in Account No. X-04-46-732-009.

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Bey Lea Golf Course
- e) Turf Equipment & Supply Company
8015 Dorsey Run Road
Jessup, MD 20794

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with Turf Equipment & Supply Company, in the total contract amount not to exceed \$53,289.69, are available in Account No. X-04-46-732-009.

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.

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: August 25, 2020

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT TO GREEN CONSTRUCTION INC., AS THE LOWEST BIDDER MEETING ALL THE BID SPECIFICATIONS, FOR THE ELEVATION OF SIXTH TERRACE, MARINERS ROAD, HARBORSIDE DRIVE AND SPINDRIFT ROAD PROJECT, IN THE TOTAL MAXIMUM CONTRACT PRICE NOT TO EXCEED \$2,496,923.00

AUGUST 25, 2020

WHEREAS, bids were invited on August 18, 2020 for the Elevation of Sixth Terrace, Mariners Road, Harborside Drive and Spindrifft Road Project; and

WHEREAS, bids were received, as follows:

Green Construction Inc.
26 Elizabeth Street
PO box 550
South River, NJ 08882 \$2,496,923.00

Earle Asphalt Company
PO Box 556
Farmingdale, NJ 07727 \$2,673,813.13

WHEREAS, the bids have been reviewed by the Purchasing Division and the Division of Engineering, and recommendation has been made to award a contract to Green Construction Inc., as the lowest bidder meeting all the bid specifications, for the Elevation of Sixth Terrace, Mariners Road, Harborside Drive and Spindrift Road Project, for a total contract price not to exceed \$2,496,923.00;

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 for the Elevation of Sixth Terrace, Mariners Road, Harborside Drive and Spindrift Road Project to Green Construction Inc., as lowest bidder meeting all the bid specifications, for a total contract price not to exceed \$2,496,923.00. Funds in the amount not to exceed \$2,496,923.00, are available in the following account nos.:

- Account No. X-04- -244-001 - \$321,923.00
- Account No. X-99- -907-718 - \$475,000.00
- Account No. X-04- -205-001 - \$254,836.25
- Account No. X-04- -213-003 - \$386,208.53
- Account No. X-04- -224-003 - \$595,000.00
- Account No. X-04- -230-001 - \$463,955.22

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

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

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

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Green Construction Inc., in the total contract price not to exceed \$2,496,923.00, are available in the following account nos.:

- Account No. X-04- -244-001 - \$321,923.00
- Account No. X-99- -907-718 - \$475,000.00
- Account No. X-04- -205-001 - \$254,836.25
- Account No. X-04- -213-003 - \$386,208.53
- Account No. X-04- -224-003 - \$595,000.00
- Account No. X-04- -230-001 - \$463,955.22

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: August 25, 2020

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING ROBERT J. CHANKALIAN,
TOWNSHIP ENGINEER, TO EXECUTE A NEW JERSEY DEPARTMENT OF
TRANSPORTATION APPLICATION FOR A HIGHWAY OCCUPANCY PERMIT FOR
VARIOUS LOCATIONS ON THE BARRIER ISLAND TO ADDRESS DRAINAGE ISSUES
FOLLOWING THE RECONSTRUCTION OF ROUTE 35, AND AUTHORIZING PAYMENT
FOR THE REQUIRED PERMIT FEES IN THE AMOUNT OF \$130.00**

AUGUST 25, 2020

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

1. Robert J. Chankalian, Township Engineer is hereby authorized to execute a New Jersey Department of Transportation Application for Highway Occupancy Permit for various locations on the Barrier Island to address drainage issues following the reconstruction of Route 35, and authorizing payment for the required permit fee in the amount of \$130.00. Application/Permit No. SC-35-C-23590-2020, Sidewalk and Curb.

2. Funds for the payment for the required permit fee in the total amount of \$130.00, are available in Account No. X-04- -220-002. 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) Township Attorney
- b) Chief Financial Officer
- c) Township Engineer
- d) State of New Jersey
Department of Transportation
PO Box 600
Trenton, NJ 08625-0600
Attn: Shilp Shah, Principal Engineer
Operations Permit Office

CERTIFICATION

THIS IS TO CERTIFY that the required fees for Department of Transportation, for the Highway Occupancy Permit, in the amount of \$130.00, are available in Account No. X-04- -220-002.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: August 25, 2020

**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 DOVER SHOPPING
CENTER, BLOCK 410, LOT 25 (Lakewood Road)
August 25th, 2020**

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

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) Surety Bond # 2205074 in the amount of \$793,350.00 is hereby released;
- 2) Cash Bond in the amount of \$88,150.00 currently on account # 0-14- -902-101 is hereby released with applicable interest if any;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Dover Shopping Center Associates, LLC
222 Haddon Avenue, Suite 301
Haddon Township, NJ 08108-2827

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 SUBDIVISION KNOWN AS BLOCK 145.01, LOTS 1.02 (80 Route 70)

August 25th, 2020

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision known as Block 145.01, Lots 1.02.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Surety Bond # ES00004842 in the amount \$145,710.00 which represents the 15% Maintenance Guarantee, is accepted and will remain on account to represent the Maintenance Bond;

WHEREAS, the Township Engineer has made an inspection of said Major Subdivision and finds that all improvements have been satisfactorily completed; and

WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees and acceptance of Maintenance Guarantees;

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

- 1) Previously posted Cash Bond in the amount of \$97,140.00 currently on account # 0-14- -902-101, is hereby released with applicable interest if any;
- 2) Previously posted Surety Bond # 019051759 in the amount of \$874,260.00 is hereby released;
- 3) Maintenance Surety 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. Toms River Associates, LL
2 Cooper Street, 14th Floor
Camden, NJ 08102

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

August 25th, 2020

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

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #404240592 in the amount of \$7,290.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$810.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$3,710.00 which represents the escrow amount for inspection fees.

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

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

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS, BLOCK 402, LOT 1.01 (1349 Lakewood Road)

August 25th, 2020

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 402, Lot 1.01.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #019074391 in the amount of \$5,000.00 which represents the Safety & Stabilization guarantee amount.
- 2) Check in the amount of \$5,055.00 which represents the escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Goodwill Industries of Southern NJ & Philadelphia, Inc., its successors and assignees, with all

terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Goodwill Industries of Southern NJ & Philadelphia, Inc.
2835 Route 73
Maple Shade, NJ 08052

A motion was made by Council Member Turnbach, seconded by Council Member Lotano, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and with Council President Maruca that the following Resolution:

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT FOR
EMERGENCY MEDICAL THIRD PARTY BILLING AND COLLECTION SERVICES REBID
TO FARNSWORTH-SEMPTIMPHELTER, LLC, AS LOWEST RESPONSIBLE, BIDDER
MEETING ALL THE BID SPECIFICATIONS, AT 2.79% ON FEES COLLECTED**

BE TABLED TO THE NEXT COUNCIL MEETING ON SEPTEMBER 8th 2020.

REPORTS - NONE

APPROVAL OF BILLS

Council President Maruca asked for a report on the bills.

The Bill List, dated **August 20, 2020** was approved on motion by Council Member Huryk, seconded by Council Member Kopp, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council President Maruca voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

Councilman Geoghegan abstained due to Business conflicts on the following:

Purchase Order 20-04288, payable to Silverton First Aid in the amount of \$30,385.90.

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

Purchase Order 20-00484, payable to Terry F. Brady, Esquire, in the amount of \$3,916.63.

Purchase Order 20-00898, 30-04837 & 20-04266, payable to Dasti, McGuckin Attorneys at Law in the amount of \$20,284.88.

Purchase Order 20-04184, payable to Gregory McGuckin, Esquire, in the amount of \$1,512.00.

Purchase Order 20-04109, & 20-04143, payable to N.J. Motor Vehicle Commission in the amount of \$120.00.

Purchase Order 20-04147, payable to NJ MVC Lease Program in the amount of \$4,493.50.

Councilman Kopp abstained due to Business conflicts on the following:

Purchase Order 20-03163, 20-03825, & 20-04077, payable to Owen, Little & Assoc. Inc., in the amount of \$7,206.50.

Purchase Order 20-04288, payable to Silverton First Aid in the amount of \$30,385.90.

Councilman Lotano abstained due to Business conflicts on the following:

Purchase Order 20-03825, payable to Owen, Little & Assoc. Inc., in the amount of \$168.75.

Purchase Order 20-03826, payable to Hierung, Gannon & McKenna in the amount of \$885.93.

Councilman Rodrick abstained due to Business conflicts on the following:

Purchase Order 20-00893, 20-03827 & 20-04266, payable to Dasti, McGuckin Attorneys at Law in the amount of \$20,284.88.

Purchase Order 20-04184, payable to Gregory McGuckin, Esquire, in the amount of \$1,512.00.

Councilman Turnbach abstained due to Business conflicts on the following:

Purchase Order 20-00893, 20-03827 & 20-04266, payable to Dasti, McGuckin Attorneys at Law in the amount of \$20,284.88.

Purchase Order 20-04184, payable to Gregory McGuckin, Esquire, in the amount of \$1,512.00.

Purchase Order 20-04147, payable to Magistrate Salaries in the amount of \$6,549.48.

Councilwoman Huryk abstained due to Business conflicts on the following:

Purchase Orders 20-03824, 20-04061, and 20-04186 payable to Remington and Vernick Engineers in the amount of \$7,435.50.

Purchase Order 20-04147, line 17, payable to Toms River Township Recreation Salaries in the amount of \$8,668.53

Purchase Order 20-04147, line 18, payable to Toms River Township Recreation Salaries overtime wages, in the amount of \$108.56.

ELECTED OFFICIALS COMMENTS

Mayor Hill spoke regarding COVID update; cited decreasing hospitalizations for COVID. He spoke to the chorus of officials, residents and restaurant owners who think it's time Governor Murphy should open up the indoor restaurants, movies and gyms.

Councilwoman Huryk spoke regarding kids going back to school, and kids without computer access or internet to contact their school principal. Also reminded the public to continue to wear masks to keep New Jersey's COVID numbers down.

Councilman Rodrick spoke regarding restaurants and asked the residents to support the local economy.

Councilman Turnbach spoke as a lawyer in his day job, there is a civility in a court of law. In Toms River Council Meetings we should all have truth, respect and civility for each other.

Councilman Kopp spoke regarding downtown night out.

Councilman Lotano stated 'Dining in the Streets' has been very successful and there are now extended hours from 5-10 p.m.

Councilman Geoghegan had no comments.

Council President Maruca spoke regarding Farmers Market hours from 10:00 to 4:00 p.m.; collecting food for "Fulfill"; "Just Believe" just opened next to Aldi's; A Need We Feed fundraiser at the pier in Seaside Heights; comments on Councilman Turnbach's comment on Council's behavior last meeting - - mutual respect.

PUBLIC COMMENTS

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

Art Anderson, 12 Park Street, questioned bill 20-00809 \$134,000, low pitch beam shelter. Township Engineer Chankalian explained.

Jennifer Howe mentioned the negative tone in the media about Toms River; need to get kids back in schools sooner, and tired of negative tone, please try to be a little more positive.

No further comments from the public appearing, a motion was made by Council Member Huryk, seconded by Council Member Maruca, and carried to enter into a private Executive Session at 6:36 p.m.

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

RESOLUTION

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

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

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

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

Matters of Personnel
Attorney Client Privilege
Land Acquisitions
Contract Negotiations

3. The following specific topics were announced.
 1. Executive Session Minutes: August 11, 2020 Regular Meeting
 2. Personnel Issues
 3. Review of status of all real property acquisitions. (voluntary acquisitions and eminent domain actions)
 4. Request of Parking Authority to borrow money as a result of reduced income due COVID-19

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

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

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

The Council **reconvened** the public portion at 7:28P.M., a motion was made by Council Member Turnbach, seconded by Council Member Huryk and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council Present Maruca voting yes.

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

August 11, 2020 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 7:30 P. M., on motion with Council Member Huryk, seconded by Council Member Rodrick, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council President Maruca voting yes.

MARIA L. MARUCA, COUNCIL PRESIDENT

ALISON CARLISLE, TOWNSHIP CLERK