

August 27, 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	- Absent	arrived at 6:03 p.m.
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 Turnbach, seconded by Council Member Huryk, and with Council Members Hill, Huryk, Kubiel, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Member Maruca absent, to approve the **Regular Meeting of August 13, 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 Huryk, and carried with Council Members Hill, Huryk, Kubiel, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Member Maruca absent, to make the following honoring proclamations a part of the Minutes.

Council Member Maruca arrived at 6:03 p.m.

Council Member Hill presented proclamation to Hope Sheds Light for International Overdose Awareness Day. On September 7<sup>th</sup> will be a walk for its 6<sup>th</sup> Annual fundraiser.

***Township of Toms River***  
***Proclamation***

**Overdose Awareness Day as August 31<sup>st</sup>  
in Toms River Township**

*WHEREAS, Toms River Township does affirm and acknowledge the harm and hardship caused by drug overdose; and*

*WHEREAS, We recognize the purpose of International Overdose Awareness Day as remembering loved ones lost to overdose and ending the stigma of drug-related deaths; and*

*WHEREAS, We resolve to play our part in reducing the toll of overdose in our community, which claimed the lives of 2,685 New Jersey residents in 2017 together with countless more affected forever; and*

*WHEREAS, We affirm that the people affected by overdose are our sons and daughters, our mothers and fathers, our brothers and sisters, and deserving of our love, compassion and support;*

***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 do hereby proclaim August 31st as Overdose Awareness Day in Toms River Township.***

---

***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***

Council Member Huryk presented proclamation to Liz Rios for Pain Awareness Month. She spoke regarding her story of chronic pain and shared her passion for spreading awareness.

***Township of Toms River  
Proclamation***

**Pain Awareness Month Proclamation  
for September 2019**

WHEREAS, chronic pain is a public health crisis affecting 50 million Americans; and

WHEREAS, pain is the number one reason Americans seek out medical care and the leading cause of long-term disability; and

WHEREAS, chronic pain costs the nation an estimated \$635 billion annually in medical expenses, lost wages, and lost productivity; and

WHEREAS, chronic pain impacts almost every aspect of a person's life, and impacts the individual's family members, caregivers, and loved ones; and

WHEREAS, the U.S. Pain Foundation's mission is to educate, empower, support, and advocate for adults and children with chronic pain and their caregivers; and

WHEREAS, increased awareness about the effects of chronic pain result in better outcomes, increased access to effective pain care, and empowerment and validation for those living with pain.

***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 importance of raising awareness of this important foundation.***

---

***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 Turnbach, and carried that an Ordinance entitled:

**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**

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.

Council Member Kubiell 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	Present
Council Member Kubiell	Present
Council Member Maruca	Present
Council Member Rodrick	Present
Council Member Turnbach	Present
Council Vice-President Hill	Present
Council President Wittmann	Present

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

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 477-70, SCHEDULE XII (STOP INTERSECTIONS) OF CHAPTER 477 (VEHICLES AND TRAFFIC) OF THE TOWNSHIP CODE TO ESTABLISH A STOP SIGN DESIGNATION ON WASHINGTON AVENUE**

**(STOP INTERSECTION – WASHINGTON AVENUE AND TRENTON AVENUE)**

**(STOP SIGN TO BE INSTALLED ON WASHINGTON AVENUE)**

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

1. Section 477-70, Schedule XII (Stop Intersections) of Chapter 477 (Vehicles and Traffic) of the Code of the Township of Toms River, New Jersey is amended and supplemented to add the following:

INTERSECTION: Washington Avenue and Trenton Avenue

STOP SIGN INSTALLED ON: Washington Avenue

2. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 477 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

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

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

5. This ordinance is subject to the receipt by the New Jersey Department of Transportation of the duly executed certification by the Toms River Township Engineer as required by law.

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

- a) Township Attorney
- b) Engineering Division
- c) Police Department
- d) Public Works Department

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 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 27, 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 September 10, 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 Friday, August 30, 2019.

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

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

**ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 473 (VACANT AND FORECLOSED PROPERTIES) OF THE TOWNSHIP CODE TO COMPLY WITH THE REVISED NOTICE REQUIREMENTS FOR OUT-OF-STATE CREDITORS IMPOSED BY P.L. 2019, C. 66**

**WHEREAS**, earlier this year, the State enacted P.L. 2019, c. 66, which required local ordinances requiring registrations for vacant and abandoned properties to require out-of-state creditors to notify municipalities of their in-state representatives and “any other person or entity retained by the creditor or representative” thereof; and

**WHEREAS**, Chapter 473 (Vacant and Foreclosed Properties) of the Township Code must be amended and supplemented to comply with this new legislation:

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

1. Subsection E of Section 4 (Responsible Owner or Agent) of Chapter 473 (Vacant and Foreclosed Properties) is hereby amended and supplemented to provide as follows:

E. Out-of-state creditors must include the full name and contact information of the in-State representative or agent, and any other person or entity retained by the creditor of representative of the creditor in the notice provided pursuant to N.J.S.A. 46:10B-51.

2. Subsection B of Section 10 (Creditor Responsibilities) of Chapter 473 (Vacant and Foreclosed Properties) is hereby amended and supplemented to provide as follows:

B. Out-of-state creditors must appoint an in-State representative or agent to act on their behalf to satisfy the maintenance and security requirements imposed under the preceding subsection. The full-name and contact information of this representative and any other person or entity retained by the creditor or a representative of the creditor must be identified on the required registration documents and on the notice provided pursuant to N.J.S.A. 46:10B-51

3. All other provisions of Chapter 473 remain in full force and effect.

4. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

5. If any provision of this ordinance is for any reason invalidated by superseding legislation or judicial decision, that provision shall be severed, and the remaining provisions shall remain in full force and effect.

6. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and 20 days after publication as required by law.

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 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 27, 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 September 10, 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 Friday, August 30, 2019.

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

Council Member Kubiel 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, AUTHORIZING THE PUBLIC SALE OF TAX LOT 35, BLOCK 190 (FILMORE STREET), IN THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY TO A CONTIGUOUS PROPERTY OWNER PURSUANT TO N.J.S.A. 40A:12-13(b)(5)**

WHEREAS, the Township Council of the Township of Toms River has found and determined that Tax Lot 35, Block 190 (Filmore Street) (the "property"), hereinafter described on "Schedule A" attached hereto, constitutes real property with less than the minimum size required for development under the Municipal Land Use Ordinance, and is without any capital improvement thereon; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5), authorizes the sale of municipally owned property which is less than the minimum size required for development under the Municipal Land Use Ordinance, and is without any capital improvement thereon, to an owner of contiguous real property; and

WHEREAS, the Township Council has determined the property is not needed for public use; and

WHEREAS, the Township Council is desirous of selling the property to an owner of contiguous real property;

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

1. Pursuant to N.J.S.A. 40A:12-13(b)(5), the sale of Tax Lot 35, Block 190 is authorized to an owner of contiguous real property.
2. The minimum acceptable bid price for the sale of this property is \$4,000.00.
3. Any owner of real property contiguous to the property may submit a written sealed bid for its purchase to Gail Catania, Purchasing Agent, on or before 11:00 a.m., on Thursday, October 24, 2019, at the Purchasing Office, 33 Washington Street, 2<sup>nd</sup> Floor, Toms River, N.J. The bid must be accompanied by a deposit payable to the Township of Toms River in the form of cash, bank check, certified check, or cashier's check in the amount of 10% of the total bid.
4. This sale is made subject to such state of fact as an accurate survey may disclose, easements, conditions, covenants and restrictions of record, tenancies, leaseholds, rights of persons in possession, codes regulations and ordinances of the Township of Toms River or federal, state or county governments. No representations of any kind are made by the Township of Toms River as to the condition of the lands, and the property is being sold in its present condition of an "as is" basis, and is conditioned upon the purchaser consolidating the property into the purchaser's contiguous property.
5. The purchaser must close title and pay the balance of the purchase price within 60 days of the acceptance of the bid.
6. All prospective bidders are placed on notice to consult appropriate public and private authorities as to the provision of utility services.
7. The Township Clerk shall post and advertise copies of the ordinance as required by N.J.S.A. 40A:12-13(b)(5).
8. A copy of this Ordinance shall be sent by the Township Clerk the Purchasing Division and each contiguous property owner.
9. The Mayor and Clerk are authorized to execute a deed and all other necessary documents to convey this property to the successful bidder, subsequent to the Council adopting a resolution awarding the bid.
10. 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.
11. Since this ordinance is not legislative in nature, it does not have to be codified.
12. A copy of this ordinance shall be forwarded by the Office of the Township Clerk to each of the following:
  - a) Mayor Thomas F. Kelaher
  - b) Township Attorney
  - c) Purchasing Division
  - d) Township Planner
  - e) Peter T. Seems, Jr., Esq.  
131 Route 37 East  
Toms River, NJ 08753

## **SCHEDULE A**



**UNDERSIZED NONCONFORMING SIZE PROPERTY BEING**

**TAX LOT 35, BLOCK 190 AS DESIGNATED ON THE**

**MUNICIPAL TAX MAP**

<b><u>TAX MAP SHEET</u></b>	<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>MINIMUM PRICE</u></b>
<b>12</b>	<b>190</b>	<b>35</b>	<b>\$4,000.00</b>

A motion was made by Council Member Kubiell, seconded by Council Member Turnbach and carried, with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach and 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 27, 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 September 10, 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 Friday, August 30, 2019.

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

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

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

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

1. Section 348-2.3. (Definitions) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented to add a new word and definition of "Attic, Habitable" as follows:

**ATTIC, HABITABLE** - An attic under a sloped roof that has a fixed and permanent stairway as a means of providing access and egress to and from a common hallway of the floor below and which the ceiling area at a minimum height of seven feet above the attic floor is not more than one-third the area of the next floor below. No habitable attic above a second usable floor level from finished grade shall be used as a bedroom, as defined herein.

2. Section 348-5.46. (Location of trailers restricted), Subsection B(1) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented to read as follows:

**§ 348-5.46. Location of trailers restricted.**

B. Permitted temporary uses. A trailer shall be permitted to be used temporarily in the following circumstances:

(1) A construction trailer as defined herein (§ 348-2.3) may be allowed upon a site where there has been an accelerated approval granted under (§ 348-7.2.1); or there is active construction of a nonresidential building, pursuant to a valid Zoning Permit. Such trailer shall be used only in connection with such construction and shall not remain upon the premises for longer than two weeks past the completion of said construction. In no event will any trailer used in connection with nonresidential development remain on said premises for more than two years from the date of issuance of a construction permit or zoning permit, or past the date of issuance of a certificate of occupancy, whichever shall occur first.

3. Section 348-8.11.1. (Driveways), Subsection A of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented to read as follows:

**§ 348-8.11.1. Driveways.**

A. All single-family and two-family dwellings shall be served by a driveway, either paved or unpaved, for purposes of providing parking required under § 348-8.200(15). Except as otherwise provided in § 348-8.20(1)(6) for residential zones on the barrier island, all driveways shall be a minimum of 10 feet and a maximum of 26 feet wide within the Township right-of-way. Turnarounds provided on lots that front on collector streets or higher, as classified in the Master Plan, shall not count toward maximum driveway width.

4. Section 348-8.26. (Signs), Subsection A(3), "Ground signs" of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented to revise paragraph "(b)" as follows:

**§ 348-8.26. Signs.**

A. \*Permitted signs and specific requirements. Signs are permitted to be erected and maintained by each establishment in the Township only under the controls and limits set forth in this section. The controls contained in this section are designed to apply to signs which are so located as to be seen from the right-of-way of a street or highway or any vehicular circulation area. The regulations contained herein do not apply to any street which is visible only from the premises owned or occupied by the owner of the sign. In general, subject to specific regulations contained herein, each establishment may display one ground sign and as many other signs as desired so long as the number of items of information displayed does not exceed the numbers of items allowed.

(3) Ground signs. One ground sign is permitted for each establishment frontage provided that:

(b) The edge of the building or structure in which the activity is conducted is set back at least 30 feet from the edge of the street right-of-way it faces. A ground identification sign may be erected in lieu of a wall mounted identification sign on an establishment fronting Route 35 even if the building or structure is set back less than 30 feet from the street right-of-way, provided the ground sign is not located within a sight triangle.

5. Section 348-10.15.8. (SMF Shore Multifamily Zone), Subsection E of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented to amend subparagraph 6 to read as follows:

**§ 348-10.15.8. SMF Shore Multifamily Zone.**

E. Area, yard and building requirements.

(6) Maximum building height: 20 feet subject to the provisions of § 348-5.12. In any event, the building shall not contain more than one usable floor level counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building. In the event that a dwelling is separated from an adjacent dwelling by at least eight feet on each side, the maximum building height may be increased to 30 feet and two usable floor levels, subject to prior approval by the applicable homeowner's association.

6. Section 348-10.28. (GB General Business Zone), Subsection E of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented to add subparagraph 11 as follows:

**§ 348-10.28. GB General Business Zone.**

E. Area, yard and building requirements.

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection. Relief from this provision is a design waiver not a variance.

7. Section 348-10.29. (GB-MF General Business Multifamily Zone), Subsection A of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended and supplemented to amend subparagraph 5 and Subsection E is amended and supplemented to add subparagraph 11 to read as follows:

**§ 348-10.29. GB-MF General Business Multifamily Zone.**

A. Permitted Uses.

(5) Single-family residences in accordance with the regulations of the R-40A Zone.

E. Area, yard and building requirements.

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection. Relief from this provision is a design waiver not a variance.

8. Section 348-10.38. (R-40E Residential Zone), Subsection E(8) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended to read as follows:

**§ 348-10.38 R-40E Residential Zone.**

E. Area, yard and building requirements.

(8) Maximum building height: 35 feet subject to the provisions of § 348-5.12. In any event, the building shall not contain more than two usable floor levels under a habitable attic, as defined herein, counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.

9. Section 348-10.39. (R-40W Residential Zone), Subsection E(8) of Chapter 348 (Land Use and Development Regulations) of the Township Code is amended to read as follows:

**§ 348-10.39 R-40W Residential Zone.**

E. Area, yard and building requirements.

(8) Maximum building height: 35 feet subject to the provisions of § 348-5.12. In any event, the building shall not contain more than two usable floor levels under a habitable attic, as defined herein, counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building

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

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

12. 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.

13. A copy of this ordinance 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) Chief Financial Officer
- f) Engineering Division
- g) Township Planner
- h) Township Planning Board

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 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 27, 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 September 10, 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 Friday, August 30, 2019.

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

Council Member Huryk thanked Township Planner Roberts for the following Ordinance.

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

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER AMENDING THE REDEVELOPMENT PLAN FOR THE DOWNTOWN CORE REHABILITATION AREA PURSUANT TO N.J.S.A. 40A:12A-7 TO ADD ROBBINS PARKWAY REDEVELOPMENT AREA AND AN ARTS AND CULTURE DISTRICT**

WHEREAS, the Township Council of the Township of Toms River, by resolution, dated May 22, 2018, after a review of the Resolution by the Toms River Planning Board on May 16, 2018, designated the Downtown Core Rehabilitation Area pursuant to the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-14; and

WHEREAS, the Township Planner, David Glynn Roberts, AICP/PP, LLA, LEED AP ND and Assistant Township Planner, Erika F. Stahl, AICP/PP, prepared a redevelopment plan entitled "The Downtown Core Redevelopment Plan" (Plan) in November of 2018 and the draft Plan was reviewed by the Council Land Use Committee and recommended for adoption in December of 2018; and

WHEREAS, said Redevelopment Plan was revised on January 29, 2019 in response to comments received by the Toms River Business Improvement District and was referred by Township Council to and reviewed by the Toms River Planning Board in accordance with N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Planning Board determined that said Redevelopment Plan is consistent with the 2017 Toms River Master Plan, with particular reference to the Land Use Plan Element, adopted by the Board on April 19, 2017; and

WHEREAS, the Township Council adopted the Downtown Core Redevelopment Plan by ordinance upon second reading on February 26, 2019; and

WHEREAS, the Township Council directed the Planning Board to conduct an investigation as to whether a portion of the Rehabilitation Area known as Block 668, Lots 9 and 13 (1 Robbins Parkway and the Robbins Parkway municipal parking lot) met one or more of the criteria for designation as an Area In Need of Redevelopment (AINR); and

WHEREAS, the Planning Board held a public hearing on August 7, 2019 and recommended that known as Block 668, Lots 9 and 13 be designated as an Area In Need of Redevelopment (Redevelopment Area); and

WHEREAS, the Township Council adopted a resolution designating Block 668, Lots 9 and 13 as the "Robbins Parkway Redevelopment Area" on August 13, 2019; and

WHEREAS, the Township Planner then drafted an amendment to the Downtown Core Redevelopment Plan, dated August 21, 2019, to update the Plan to recognize the newly designated Robbins Parkway Redevelopment Area and to add a new goal and objectives to advance cultural and heritage tourism and a newly delineated "Arts and Culture District" within the downtown;

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 1. The aforementioned recitals are incorporated herein as if set forth at length.

Section 2. The Downtown Core Redevelopment Plan, prepared by Township Planner David Glynn Roberts, AICP/PP, LLA, LEED AP ND and Assistant Planner Erika F. Stahl, AICP/PP and dated January 29, 2019, is hereby amended pursuant to the terms of N.J.S.A. 40A:12A-7 of the Local Redevelopment and Housing Law. Further, said Redevelopment Plan shall continue to supersede conflicting standards of the existing zoning within the designated Downtown Core Rehabilitation Area and Robbins Parkway Redevelopment Area except as otherwise provided in the said Redevelopment Plan.

Section 3. The Official Zoning Map, dated July 25, 2017, is hereby amended to include the boundaries described in the Redevelopment Plan as the Downtown Core Rehabilitation Area as "DCRA" for "Downtown Core Rehabilitation Area" and "RPRA" for the Robbins Parkway Redevelopment Area.

Section 4. If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

Section 5. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.

A certified copy of this ordinance shall be provided by the Office of the Township Clerk to the following:

- a) Mayor
- b) Township Business Administrator
- c) Township Attorney
- d) Township Planning Board
- e) Township Planner
- f) Township Engineer
- g) Township Chief Financial Officer
- h) Tax Collector
- i) Tax Assessor

A motion was made by Council Member Turnbach, seconded by Council Member Huryk, and carried, with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach and 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 27, 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 September 10, 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 Friday, August 30, 2019.

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

Council Member Hill commented on the following Resolution.

A motion was made by Council Member Hill, seconded by Council Member Kubiell and carried with Council Members Hill, Huryk, Kubiell, 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 URGING GOVERNOR  
MURPHY TO RESTORE \$4,000,000 IN SCHOOL FUNDING TAKEN FROM  
THE TOMS RIVER SCHOOL DISTRICT**

**August 27, 2019**

**Whereas**, Toms River sustained over \$2 billion in lost ratables during Superstorm Sandy and still has over \$500 million in ratables that have yet to be recovered.

**Whereas**, as direct result of this loss of half a billion dollars of ratables, the Township's equalized valuation is down 8.7% from 2012 to the present time.

**Whereas**, Toms River suffered the largest loss of ratables of any municipality in the State of New Jersey as a result of Superstorm Sandy.

**Whereas,** Toms River Regional Schools has the lowest total per pupil cost in Ocean County and the 4<sup>th</sup> lowest total per pupil cost in the State for all districts over 3,500 students.

**Whereas,** Toms River Regional School District is more than \$37 million under adequacy and thus spending less than \$37 million that the New Jersey Department of Education expects the District to spend.

**Whereas,** Governor Murphy's budget calls for Toms River Regional Schools to lose over \$4,500,000 in state funding for this school year and over \$80,000,000 over the next seven years while the Township, its school district and its residents continue to struggle to fully recover from the devastating effects of Superstorm Sandy.

**Whereas,** the Governor's funding cuts have already resulted in the loss of 77 staff positions, has increased classroom sizes and decreased extracurricular activities for our students while his planned future budget cuts will continue to eviscerate our school district.

**Whereas,** Senator James Holzapfel (S-2803) and Assemblymen Greg McGuckin and Dave Wolf, (A-4278) have introduced legislation which would prohibit the state from reducing state education funding to towns which have suffered a devastating loss of ratables, such as Toms River.

**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. Reaffirm and memorialize our support of S-2803 and A-4278, to protect Sandy impacted towns like Toms River from massive state school aid cuts.

2. As the 2019-2020 school year commences this resolution calls for emergency state educational aid to restore the 62 staff positions reduced by the state aid cuts.

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 Kelaher
- b) Township Council
- c) Business Administrator
- d) Chief Financial Officer
- e) Tax Collector
- f) Governor Phil Murphy
- g) Senate President Stephen Sweeney
- h) Speaker Craig Coughlin



Council Members Kubiell and Wittmann congratulated Department of Finance for doing awesome job.

A motion was made by Council Member Kubiell, seconded by Council Member Huryk, and with all Council Members who were present voting yes, to approve the following Resolution:

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year **2018** has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring than the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27bb-52, to wit:

R.S.52:27bb-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) r imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Council of the Township of Toms River*, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

- a) Township Clerk
- b) Chief financial Officer
- c) DLGS – Bureau of financial Regulation & Assistance,  
PO B 803, Trenton 08625

The foregoing Resolution was **APPROVED** on the following roll call vote:

Council Member Hill	Yes
Council Member Huryk	Yes
Council Member Kubiell	Yes
Council Member Maruca	Yes

Council Member Rodrick	Yes
Council Member Turnbach	Yes
Council President Wittmann	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 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 all the following items listed on the Consent Agenda, except item **A, F, J, M, P and V** 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 571.07 LOT 77.02, EFFECTIVE June 4th, 2019, AND PROVIDING THAT PROPERTY TAXES FOR 2019, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED**

**AUGUST 27, 2019**

WHEREAS, the owner of real property in the Township of Toms River known as Block 571.07 Lot 77.02 located at 74 Curtis Place, has been certified by the Tax Assessor as a 100% Disabled Veteran, effective June 4th, 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 571.07 Lot 77.02 due on or after June 4th, 2019 shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 571.07 Lot 77.02 if any, shall be refunded on a pro-rated basis from June 4th, 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) Tax Assessor's Office
  - 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 443.41 LOT 4 ,**

**EFFECTIVE June 28th, 2019, AND PROVIDING THAT PROPERTY TAXES FOR 2019, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED**

**AUGUST 27, 2019**

WHEREAS, the owner of real property in the Township of Toms River known as Block 443.41 Lot 4 located at 210 Woodberry Drive, has been certified by the Tax Assessor as a 100% Disabled Veteran, effective June 28th, 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 443.41 Lot 4 due on or after June 28th, 2019 shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 443.41 Lot 4 if any, shall be refunded on a pro-rated basis from June 28th, 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) Tax Assessor's Office
  - 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 591.28 LOT 14 , EFFECTIVE January 10th, 2019, AND PROVIDING THAT PROPERTY TAXES FOR 2019, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED**

**AUGUST 27, 2019**

WHEREAS, the owner of real property in the Township of Toms River known as Block 591.28 Lot 14 located at 1028 Roanoke Drive, has been certified by the Tax Assessor as a 100% Disabled Veteran, effective January 10th, 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 591.28 Lot 14 due on or after January 10th, 2019 shall be cancelled.

2. All real property taxes from the date of this Resolution paid on Block 591.28 Lot 14 if any, shall be refunded on a pro-rated basis from January 10th, 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) Tax Assessor's Office
  - 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 443.43 LOT 43 , EFFECTIVE January 1st, 2019, AND PROVIDING THAT PROPERTY TAXES FOR 2019, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED**

**AUGUST 27, 2019**

WHEREAS, the owner of real property in the Township of Toms River known as Block 443.43 Lot 43, located at 965 Seabury Court 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 443.43 Lot 43 due on or after January 1st, 2019 shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 443.43 Lot 43 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) Tax Assessor's Office
  - f) Carl Dileo, Township Tax Collector

RESOLUTION

AUGUST 27, 2019

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

WHEREAS, the properties known as Block 169 Lot 2 and located in Toms River, and the County of Ocean, became Toms River property on February 22, 2019 and , taxes are now uncollectable for 2019, AND;

WHEREAS, there are still outstanding taxes on these Parcels, that need to be cancelled.

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

1. The outstanding balance for the tax year(s) indicated on property(ies) Listed as Follows are,  
Hereby cancelled;

NAME	BLOCK	LOT	YEAR/QTR	AMOUNT
TR TOWNSHIP	169	2	2019 2 <sup>nd</sup> 3 <sup>rd</sup> &4 <sup>th</sup>	\$8,593.20

2. 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:

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF EQUIPMENT FOR POLICE VEHICLES FROM A VENDOR WITH STATE CONTRACT, MOTOROLA SOLUTIONS, INC. C/O WIRELESS C&E, STATE CONTRACT NO. T0109, VENDOR #83909, IN THE AMOUNT NOT TO EXCEED \$82,467.15, AND FROM WIRELESS C & E, STATE CONTRACT NO. M0483, VENDOR #89980, IN THE AMOUNT NOT TO EXCEED \$59,653.72, FOR A TOTAL COMBINED MAXIMUM AMOUNT NOT TO EXCEED \$142,120.87**

**AUGUST 27, 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:11-1 et seq., and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State contract are hereby approved.
2. State Contract No. T0109, Vendor No. 83909, for the Purchase of Equipment for Police Vehicles for the Department of Police, from Motorola Solutions, Inc., c/o Wireless Electronics, Inc., for a total contract purchase amount not to exceed \$82,467.15, as follows:

State Contract T0109 Radio Communication Equipment and Accessories

Motorola Solutions, Inc.  
C/O Wireless  
C&E

153 Cooper Rd.  
West Berlin, NJ 08091  
Contract #83909

*Radio*

M37TSS9PW1 N	APX8500 ALL BAND MP MOBILE ENH: ASTRO DIGITAL CAI OP	7	\$3,577.50	\$25,042.50
G806	APEX ENH: SMARTZONE OPERATION	7	\$386.25	\$2,703.75
G51	APX	7	\$1,125.00	\$7,875.00
G361	ADD: P25 TRUNKING SOFTWARE	7	\$225.00	\$1,575.00
GA00580	ADD: TDMA OPERATION	7	\$337.50	\$2,362.50
G442	ADD: 05 CONTROL HEAD ADD: REMOTE MOUNT MID	7	\$324.00	\$2,268.00
G67	POWER	7	\$222.75	\$1,559.25
G89	ADD: NO ANTENNA NEEDED ADD: STD PALM MICROPHONE	7	\$0.00	\$0.00
W22	APEX	7	\$54.00	\$378.00
G831	ADD: SPKR 15W WATER RESISTANT	7	\$45.00	\$315.00
G298	ENH: ASTRO 25 OTAR W/ MULTIKEY	7	\$555.00	\$3,885.00
G996	ENH: OVER THE AIR PROVISIONING	7	\$75.00	\$525.00
GA09001	ADD: WI-FI CAPABILITY ADD: OUT OF THE BOX WI-FI	7	\$225.00	\$1,575.00
GA09007	PROVISIONING	7	\$0.00	\$0.00
GA09008	ADD: GROUP SERVICES	7	\$112.50	\$787.50
QA03399	ADD: ENHANCED DATA ADD: AES/DES-XL/DES-OFB	7	\$112.50	\$787.50
G851	ENCRYPTION	7	\$599.25	\$4,194.75
GA00318	ADD: 5 YR SFS LITE ADD: WIFI/GNSS FLEXIBLE CABLE	7	\$319.00	\$2,233.00
GA00250AA	LMR195	7	\$75.00	\$525.00
SVC01SVC2007C	VOLUME DISCOUNT OCEAN COUNTY 700 MHZ SYSTEM	7	-\$805.00	-\$5,635.00
				<b>\$52,956.75</b>

*Radio*

H91TGD9PW6 N	APX8000 ALL BAND PORTABLE MODEL 2.5	3	\$4,487.25	\$13,461.75
Q806	ADD: ASTRO DIGITAL CAI OPERATION	3	\$386.25	\$1,158.75
H38	ADD: SMARTZONE OPERATION	3	\$1,125.00	\$3,375.00
Q361	ADD: P25 9600 BAUD TRUNKING	3	\$225.00	\$675.00
GA00580	ADD: TDMA OPERATION ADD: PROGRAMMING OVER P25	3	\$337.50	\$1,012.50
G996	(OTAP) ENH: ASTRO 25 OTAR W/ MULTIKEY	3	\$75.00	\$225.00
Q498	ADD: ENHANCED DATA	3	\$112.50	\$337.50
QA03399	ADD: WI-FI CAPABILITY ADD: OUT OF THE BOX WI-FI	3	\$225.00	\$675.00
QA09007	PROVISIONING	3	\$0.00	\$0.00
QA09008	ADD: GROUP SERVICES	3	\$112.50	\$337.50
Q15	ENH: AES/DES, DES-XL, DES-OFB	3	\$599.25	\$1,797.75
QA04526	ADD: RFID KNOB ADD: APX6000XE SINGLE UNIT	3	\$18.75	\$56.25
H842	PACKAGING	3	\$0.00	\$0.00
NNTN8860A	CHARGER, SINGLE-UNIT, IMPRESS 2, 3A, 115VAC, US/NA	3	\$132.00	\$396.00
RLN6424B	RX ONLY EARPIECE W/TRANSLUCENT TUBE	3	\$64.00	\$192.00
PMNN4486	BATT IMPRES 2 LIION R IP67 3400T	3	\$97.80	\$293.40
PMLN7904	CARRY ACCESSORY-CASE, APX6000 CC 2.75 SWLBL 2900 &	3	\$63.20	\$189.60

	2150MAH			
	DISPLAY REMOTE SPEAKER			
HMN4101B	MICROPHONE (APX)	3	\$264.00	\$792.00
HLN6875	BELT CLIP 3"	3	\$10.40	\$31.20
HA00025AK	ENH: SFS COMPREHENSIVE 5 YR	3	\$437.00	\$1,311.00
	VOLUME DISCOUNT OCEAN			
SVC01SVC2007C	COUNTY 700 MHZ SYSTEM	3	-\$825.00	-\$2,475.00
	ANTENNAS DUAL BAND			
SVC03SVC0115	PORTABLE	3	\$34.00	\$102.00
NNTN8527A	CHR IMPR VEH ADAPT	3	\$1,120.00	\$3,360.00
NTN8940	XTVA TRUNNION MOUNT	3	\$44.00	\$132.00
HMN1090	HAND HELD PALM MICROPHONE	3	\$60.00	\$180.00
HSN4038	7.5 WATT SPEAKER	3	\$48.40	\$145.20
HLN6863B	SPEAKER CONNECTION	3	\$28.00	\$84.00
				<b>\$29,510.40</b>

2. State Contract No. M0483, Vendor No. 89980, for the Purchase of Equipment for Police Vehicles for the Department of Police, from Wireless C & E, for a total contract purchase amount not to exceed \$59,653.72, as follows:

M0483 NASPO Valuepoint Computer - Panasonic

Wireless C & E

153 Cooper

Rd.

West Berlin, NJ 08091

Contract

#89980

*In Car Video*

Arb-KIT-HD	Arbitrator 360 HD Kit	7	\$4,740.00	\$33,180.00
	Arbitrator G-Force Sensor	7	\$269.10	\$1,883.70
	Arbitrator 1 Year Software Subscription	7	\$100.00	\$700.00
	Yearly on-site Maintenance	7	\$195.00	\$1,365.00
	Camera Siren Interface Kits	7	\$60.00	\$420.00
	Arbitrator Back Seat Camera	7	\$426.31	\$2,984.17
	Arbitrator 900 MHz Mic. Kit	7	\$600.00	\$4,200.00
	Arbitrator Side Camera	21	\$424.53	\$8,915.13
	Arbitrator 900 MHz Partial Mic Kit	14	\$428.98	\$6,005.72
				<b>\$59,653.72</b>

4. Funds in the amount of \$142,120.87 are available in Account No. X-04- -243-002.
5. 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) Police Department
  - e) Motorola Solutions, Inc.  
c/o Wireless C & E  
153 Cooper Rd.  
West Berlin, NJ 08091
  - f) Wireless C & E  
153 Cooper Road  
West Berlin, NJ 08091

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contracts for vendors with State contracts, Motorola Solutions, Inc. c/o Wireless C & E, in the maximum amount not to exceed \$82,467.15, and Wireless C & E, in the maximum amount not to exceed \$59,653.72, for a total combined maximum amount not to exceed \$142,120.87, are available in Account No. X-04- 243-002.

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 27, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE  
PURCHASING AND ENGINEERING DIVISIONS TO ADVERTISE FOR AND  
RECEIVE BIDS FOR THE 2019 TOWNSHIP WIDE  
PAVING PROGRAM**

**AUGUST 27, 2019**

WHEREAS, the Township of Toms River is desirous of receiving bid(s) for the following items/projects:

**2019 TOWNSHIP WIDE PAVING PROGRAM**

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 Purchasing and Engineering Divisions are hereby authorized to prepare bid specifications for the above-mentioned items/projects.
2. The Purchasing and Engineering Divisions of the Township of Toms River are hereby authorized to advertise for the receipt of bids for the above-mentioned items/projects.
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) Public Works Dept.

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN  
COUNTY, NEW JERSEY, AUTHORIZING A PROFESSIONAL SERVICE CONTRACT TO ALAIMO  
GROUP, TO ASSIST THE TOWNSHIP ENGINEERING DIVISION IN THE DESIGN OF SITE  
IMPROVEMENTS FOR THE POLICE DEPARTMENT, INCLUDING BUT NOT LIMITED TO  
PARKING, RADIO TOWER ADDITION, AND CAFRA PERMITTING, FOR A TOTAL MAXIMUM  
CONTRACT AMOUNT NOT TO EXCEED \$71,000.00**

**AUGUST 27, 2019**



WHEREAS, the Township Council awarded contracts by way of resolution to various business entities for services provided in the 2018 calendar year; and

WHEREAS, resolution of the Township Council dated January 3, 2019, authorized an extension of certain professional service contracts to February 26, 2019, at the same rates approved in 2018, subject to the availability of funds and the adoption of the 2019 budget; and

WHEREAS, resolution of the Township Council dated February 26, 2019, authorized an extension of certain professional service contracts to March 26, 2019, at the same rates approved in 2018, subject to the availability of funds and the adoption of the 2019 budget; and

WHEREAS, resolution of the Township Council dated March 26, 2019, authorized an extension of certain professional service contracts to April 23, 2019, at the same rates approved in 2018, subject to the availability of funds and the adoption of the 2019 budget; and

WHEREAS, resolution of the Township Council dated May 14, 2019, authorized the firm of Alaimo Group be put on a pre-approved list for the calendar year 2019 for inspection and general engineering services, commencing retroactive to April 24, 2019 up to and including December 31, 2019, at the following rates:

Principal Engineer	\$148.00/hour
Project Manager (PE)	\$128.00/hour
Design Engineer (EIT)	\$107.00/hour
Design Engineer	\$ 97.00/hour
Professional Land Surveyor (PLS) (As a principal or partner)	\$133.00/hour
Professional Land Surveyor (PLS) (As an associate)	\$112.00/hour
Senior Designer	\$ 77.00/hour
Computer Technician	\$ 77.00/hour
Engineering Technician	\$ 77.00/hour
Survey Technician	\$ 66.00/hour
Senior CADD Operator	\$ 77.00/hour
CADD Operator	\$ 61.00/hour
Field Survey Crew	\$138.00/hour
Senior Inspector	\$ 87.00/hour
Inspector Level 1	\$ 51.00/hour
Inspector Level 2	\$ 71.00/hour
Secretary/Clerical	\$ 33.00/hour
Delivery	\$ 33.00/hour
Prints	\$ 0.25/sq.ft.
Mylars	\$ 1.53/sq.ft.
Cloths	\$ 2.10/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost,

subject to the execution of a contract, the availability of funds, and the adoption of the CY19 budget, for the period commencing retroactive to April 24, 2019 up to and including December 31, 2019; and

WHEREAS, the Township requires professional engineering services to assist the Township Engineering Division in the Design of Site Improvements for the Police Department, including but not limited to parking, radio tower addition, and CAFRA permitting; and

WHEREAS, Alaimo Group, has submitted a Proposal dated August 6, 2019, for the Design of Site Improvements for the Police Department, including but not limited to parking, radio tower addition, and CAFRA permitting, in the total contract amount not to exceed \$71,000.00; and

WHEREAS, the Township Engineer has reviewed the Proposal submitted, and has recommended award of contract to Alaimo Group for this project;

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

1. It hereby authorizes a contract with the firm Alaimo Group, to perform all professional services to Assist the Township Engineering Division in the Design of Site Improvements for the Police Department, including but not limited to parking, radio tower addition, and CAFRA permitting, in the total contract amount not to exceed \$71,000.00; in accordance with their Proposal dated August 6, 2019, File No. A-0000-0001-000, at the following rates:

Principal Engineer	\$148.00/hour
Project Manager (PE)	\$128.00/hour
Design Engineer (EIT)	\$107.00/hour
Design Engineer	\$ 97.00/hour
Professional Land Surveyor (PLS) (As a principal or partner)	\$133.00/hour
Professional Land Surveyor (PLS) (As an associate)	\$112.00/hour
Senior Designer	\$ 77.00/hour
Computer Technician	\$ 77.00/hour
Engineering Technician	\$ 77.00/hour
Survey Technician	\$ 66.00/hour
Senior CADD Operator	\$ 77.00/hour
CADD Operator	\$ 61.00/hour
Field Survey Crew	\$138.00/hour
Senior Inspector	\$ 87.00/hour
Inspector Level 1	\$ 51.00/hour
Inspector Level 2	\$ 71.00/hour
Secretary/Clerical	\$ 33.00/hour
Delivery	\$ 33.00/hour
Prints	\$ 0.25/sq.ft.
Mylars	\$ 1.53/sq.ft.
Cloths	\$ 2.10/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost,

for a total project amount not to exceed \$71,000.00.

2. All paperwork in connection with this project is on file in the Engineering Division. Contract term: Commencing August 28, 2019 through completion of the project.
3. Funds in the maximum amount not to exceed \$71,000.00, are available in Account No. X-04- -207-002. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.
4. The Mayor is authorized to execute and the Township Clerk to attest to an Agreement with the firm of Alaimo Group. A copy of the Agreement and Proposal dated August 6, 2019 shall be attached to this resolution as Schedule "A", and made a part hereof.
5. A notice of this contract award shall be published within 10 days of the date of this Resolution, in the Asbury Park Press.
6. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Mayor Thomas Kelaher
  - b) Purchasing Division
  - c) Chief Financial Officer
  - d) Township Attorney
  - e) Township Engineer
  - f) Alaimo Group  
200 High Street

Mount Holly, NJ 08060  
Attn: Richard A. Alaimo, P.E., President

## CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the professional service contract with the firm of Alaimo Group, in the total maximum contract amount not to exceed \$71,000.00 are available in Account No. X-04- -207-002, at the following rates:

Principal Engineer	\$148.00/hour
Project Manager (PE)	\$128.00/hour
Design Engineer (EIT)	\$107.00/hour
Design Engineer	\$ 97.00/hour
Professional Land Surveyor (PLS) (As a principal or partner)	\$133.00/hour
Professional Land Surveyor (PLS) (As an associate)	\$112.00/hour
Senior Designer	\$ 77.00/hour
Computer Technician	\$ 77.00/hour
Engineering Technician	\$ 77.00/hour
Survey Technician	\$ 66.00/hour
Senior CADD Operator	\$ 77.00/hour
CADD Operator	\$ 61.00/hour
Field Survey Crew	\$138.00/hour
Senior Inspector	\$ 87.00/hour
Inspector Level 1	\$ 51.00/hour
Inspector Level 2	\$ 71.00/hour
Secretary/Clerical	\$ 33.00/hour
Delivery	\$ 33.00/hour
Prints	\$ 0.25/sq.ft.
Mylars	\$ 1.53/sq.ft.
Cloths	\$ 2.10/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost,

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 27, 2019

**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 27, 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 Mayor to execute and the Township Clerk to attest to a Mobile Intensive Care Unit (“MICU”) Interface Agreement by and between the Township of Toms River and Monmouth Ocean

Hospital Service Corporation ("MONOC"), commencing September 1, 2019 and terminating on August 31, 2020, which agreement is attached hereto and made a part of this resolution.

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

- a) Business Administrator
- b) Township Attorney
- c) Chief Financial Officer
- d) Chief Mitchell Little, Police Department
- e) Jeff Behm, MBA, FACPE  
President & CEO  
Monmouth Ocean Hospital Service Corporation  
4806 Megill Road  
Neptune, N.J. 07753
- f) David Shotwell, Esq.  
General Counsel  
Monmouth Ocean Hospital Service Corporation  
4806 Megill Road  
Neptune, N.J. 07753

**RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS  
FOR NJ DEPT OF TRANSPORTATION- FY 2019 MUNICIPAL AID PROJECT  
ELEVATION OF HARBOR COURT, CANAL LANE AND HARBOR DRIVE GRANT**

**August 27, 2019**

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

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

WHEREAS, the Township has received a grant from the State of New Jersey D.O.T. for the FY 2019 Municipal Aid Project and wishes to amend its 2019 Budget to include a portion of this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, County of Ocean, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2019 Budget the sum of \$365,000.00 which is now available as revenue from:

Miscellaneous Revenues -

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

NJDOT-  
FY2019 MUNICIPAL AID PROGRAM.....\$365,000.00  
pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$365,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

NJDOT-  
FY2019 MUNICIPAL AID PROGRAM.....\$365,000.00

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

- A) Division of Local Government Services (filed electronically)
- B) Chief Financial Officer
- C) Township Auditor
- D) Engineering
- E) Grant Manager

Approved as to Content:

**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 27, 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) John Winton, Housing & Property Maintenance
  - g) Craig Ambrosio, Director, Parks, Buildings & Grounds
  - h) Cyprex Services LLC

- 525 Grand Regency Blvd.  
Brandon, FL 33510
- i) Farinella, Anthony W. & Bilinski, J.  
4 Holly Street  
Toms River, NJ 08753
  - j) Madigan, Charles & Kathryn Madigan  
15 Albert Street  
Red Bank, NJ 07701
  - k) JP Morgan Chase Bank NA as Loan Servicer  
3415 Vision Drive, Mail Code: OH4-7511  
Columbus, OH 43219
  - l) A & A Investment LLC  
431 Bradley Avenue  
Staten Island, NY 10314
  - m) Fenesca Property Services, LLC  
979 Hunt Drive  
Toms River, NJ 08753
  - n) Rodriguez, Manuel  
2322 Adams Avenue  
Toms River, NJ 08753
  - o) US Bank Trust NA  
13801 Wireless Way  
Oklahoma City, OK 73134
  - p) Alario, Nancy  
540 George Road  
Toms River, NJ 08753
  - q) Mooney, Dennis & Arlene  
23 Petunia Way  
Toms River, NJ 08755
  - r) Lomberto, Salvatore & Joan  
20 Harpers Ferry Road  
Toms River, NJ 08753
  - s) Silver Ridge LLC  
569 Lakehurst Road  
Toms River, NJ 08753
  - t) Timothy & Mary Ann Thompson  
103 Wayside Road  
Hewitt, NJ 07421

## SCHEDULE "A"

### CERTIFICATION OF COSTS

	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TOTAL</u>
1.	1082.16	58	2322 Adams Avenue	\$582.50
2.	192.14	73	1969 Mt. Carmel Boulevard	\$448.03
3.	794.38	2.01	3 Anchor Square	\$677.06
4.	697	12	4 Holly Street	\$701.66
5.	1080.12	15	540 George Road	\$448.03
6.	571.26	4	380 Suburban Drive	\$701.66
7.	412.09	41	23 Petunia Way	\$463.33
8.	1076.08	47	3446 Maritime Drive	\$686.42
9.	442.35	19	20 Harpers Ferry Road	\$704.66
10.	192.05	66	2220 Church Road	\$336.52
11.	507.44	5	569 Lakehurst Road	\$582.50
12.	811	17	334 Elizabeth Avenue	\$582.50
13.	1097.06	2	315 Lanyard Road	\$564.05

\*\*\*If there are any questions concerning the work/labor liens, please  
contact Craig Ambrosio at 732-341-1000 Ext. 8417. Thank you\*\*\*

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING ACCEPTANCE OF A \$3,000.00 BID SUBMITTED BY A CONTIGUOUS PROPERTY OWNER, FOR THE SALE OF A PORTION OF LOT 21, BLOCK 724 (610 GARFIELD AVENUE)**

**AUGUST 27, 2019**

**WHEREAS**, the Township Council adopted an ordinance authorizing the sale of a portion of Lot 21, Block 724, having an area of 1,778 square feet, to a contiguous property owner, pursuant to N.J.S.A. 40A:12-13(b)(5); and

**WHEREAS**, the only bid received was from Frank Guzzi; and

**WHEREAS**, the Township Council, after due consideration, determines it to be in the public interest to accept the bid of Frank Guzzi, the sole conforming bidder:

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

1. Subject to the terms and conditions of the Ordinance 4637-19 adopted by the Township Council authorizing the sale of a portion of Lot 21, Block 724, being an area of 1,778 square feet, it accepts the following bid:

<u>BIDDER/PURCHASER</u>	<u>DESCRIPTION</u>	<u>BID/PURCHASE PRICE</u>
Frank Guzzi	Portion of Lot 21, Block 724, approx. 1,778 square feet	\$3,000.00

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

- a) Mayor Thomas Kelaher
- b) Township Council
- c) Township Attorney
- d) Tax Collector
- e) Tax Assessor
- f) Engineering Division
- g) Chief Financial Officer
- i) Frank Guzzi  
Guzzi Masonry & Paving  
610 Garfield Avenue  
Toms River, NJ 08753

**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 1650 MASSACHUSETTS AVENUE, LLC, BLOCK 137, LOT 13.02 (1650 MASSACHUSETTS AVENUE)**

**August 27, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as 1650 Massachusetts Avenue, Block 137, Lot 13.02.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$1,560.00, which represents the full portion of the performance bond.
- 2) Check in the amount of \$5,000.00, which represents the Safety and Stabilization Guarantee amount.
- 3) Check in the amount of \$5,220.00 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 Core States Construction Services, 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. 1650 Massachusetts Avenue, LLC  
1179 Lakewood Farmingdale Road  
Howell, NJ 07731

**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 646, LOT 21 (99 CEDAR GROVE ROAD)**

**August 27, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 646, Lot 21.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Letter of Credit #1041-100 in the amount of \$4,500.00 which represents the ninety percent portion of the Stabilization Guarantee amount.
- 2) Check in the amount of \$500.00 which represents the ten percent portion of the Stabilization Guarantee amount.
- 3) Check in the amount of \$250.00 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 Steven Bendel, 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. Steven Bendel  
1202 Central Avenue  
Lakewood, NJ 08701



**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 443.25, LOT 48 AND BLOCK 434, LOT 19 (1208 FISCHER BOULEVARD)**

**August 27, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 443.25, Lot 48 and Block 434, lot 19.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$8,500.00 which represents the entire Performance Bond.
- 2) Check in the amount of \$905.00 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 Convery Mobile Canvas Company, 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  
Convery Mobile Canvas Company  
c/o George Convery  
1208 Fischer Boulevard  
Toms River, NJ 08753

**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 1815 LAKEWOOD RD, LLC, BLOCK 172, LOT 21.07 (1815 Lakewood Road)**

**August 27, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as 1815 Lakewood RD, LLC, Block 172, Lot 21.07.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00, which represents the Safety and Stabilization Guarantee amount.
- 2) Check in the amount of \$12,042.85.00 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 1815 Lakewood RD, 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. Lakewood RD, LLC  
701 Cross Street  
Lakewood, NJ 08701

**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 BRK, LLC (LESTER GLENN MAZDA), BLOCK 644.01, LOT 1 (111 Route 37 East)**

**August 27, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as BRK, LLC (Lester Glenn Mazda), Block 644.01, Lot 1.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00, which represents the Safety and Stabilization Guarantee amount.
- 2) Check in the amount of \$250.00 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 BRC, 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. BRK, LLC  
PO Box 908  
Toms River, NJ 08754

**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 ANCHORAGE HARBOR, INC., BLOCK 232, LOT 1 (50 Clipper Court)**

**August 27, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Anchorage Harbor, Inc., Block 232, Lot 1.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00, which represents the Safety and Stabilization Guarantee amount.
- 2) Check in the amount of \$500.00 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 Anchorage Harbor, 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. Anchorage Harbor, Inc.  
c/o Agent John Cruz  
990 Cedar Bridge Avenue, Suite B7-335  
Brick, NJ 08723

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS BLOCK 1103, LOT 16 (Ocean Beach Surf Club)**

**August 27, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Block 1103, Lot 16.

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 \$216.00 currently on deposit in account # X-19- -601-799 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. Ocean Beach Surf Club, Inc.  
PO Box 213  
Lavallette, NJ 08735

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN/CONDITIONAL USE KNOWN AS CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS BLOCK 647, LOT 28.01 (229 Route 37 East)**

**August 27, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Cellco Partnership d/b/a Verizon Wireless, Block 647, Lot 28.01.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #K15466042 in the amount of \$4,500.00, which represents the required 90% of the Safety and Stabilization Guarantee amount;
- 2) Check in the amount of \$500.00, which represents the required 10% of the Safety and Stabilization Guarantee amount.
- 3) Check in the amount of \$250.00 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 Cellco Partnership d/b/a Verizon Wireless., 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. Advantage Engineers, LLC  
435 Independence Avenue, Suite C  
Mechanicsburg, PA 17055

**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  
OCEAN BEACH SHORES CLUB BLOCK 950.10, LOT 6  
(Ocean Road)**

**August 27, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Ocean Beach Shores Club, Block 950.10, Lot 6.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #PAIFSU0766882 in the amount of \$4,500.00, which represents the required 90% of the Safety and Stabilization Guarantee amount;
- 2) Check in the amount of \$500.00, which represents the required 10% of the Safety and Stabilization Guarantee amount.
- 3) Check in the amount of \$500.00 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 Ocean Beach Shores Club, 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. Ocean Beach Shores Club  
c/o Dr. Patrick Smith  
PO Box 292  
Lavallette, NJ 08735

## **RESOLUTION**

**August 27, 2019**

**WHEREAS, the following application for  
Massage Business Licenses have been made under the  
Provisions of Ordinance numbers 1606 and 1682:**

<b>MASSAGE BUSINESS 01-19</b>	<b>Spa 1800 Corp. 1800 Lakewood Road Unit #8 Toms River, NJ 08755</b>
<b>MASSAGE BUSINESS 02-19</b>	<b>Sunny Days Massage 1594 Route 9 Unit #8 Toms River, NJ 08755</b>
<b>MASSAGE BUSINESS 03-19</b>	<b>Star Acupressure Center 83 Route 37 West Toms River, NJ 08755</b>
<b>MASSAGE BUSINESS 04-19</b>	<b>New Aroma Spa 1545 Route 9 Toms River, NJ 08755</b>
<b>MASSAGE BUSINESS 05-19</b>	<b>Ocean Therapy 1201 Hooper Ave Unit #1100A Toms River, NJ 08753</b>
<b>MASSAGE BUSINESS 06-19</b>	<b>Asian Therapy 1201 Hooper Ave Unit #1099 Toms River, NJ 08753</b>
<b>MASSAGE BUSINESS 07-19</b>	<b>Blue Moon Therapy 1242 Route 166 Toms River, NJ 08753</b>
<b>MASSAGE BUSINESS 08-19</b>	<b>K&amp;M Healing Acupressure 213 Route 37 East Suite # 9 Toms River, NJ 08753</b>
<b>MASSAGE BUSINESS 09-19</b>	<b>Massage Envy 2 Route 37 W. Suite #G-4 Toms River, NJ 08753</b>
<b>MASSAGE BUSINESS 10-19</b>	<b>Oasis Bodywork &amp; Spa 1808 Route 37 East Toms River, NJ 08753</b>
<b>MASSAGE BUSINESS 11-19</b>	<b>Orient Spa 1740 Lakewood Rd Unit #2F1</b>

**Toms River, NJ 08753**

**MASSAGE BUSINESS  
12-19**

**Harmony Massage Center  
708 Fischer Blvd  
Toms River, NJ 08753**

**MASSAGE BUSINESS  
13-19**

**King Acupressure  
970 Lakewood Rd  
Toms River, NJ 08753**

**MASSAGE BUSINESS  
14-19**

**Ocean Blue Day Spa  
2811 Route 37 East  
Toms River, NJ 08753**

**MASSAGE BUSINESS  
15-19**

**Massage Haven  
917 Route 166  
Toms River, NJ 08753**

**WHEAREAS, said applicants have complied with all the requirements of Ordinance numbers 1606 and 1682, Chapter 357, of the “Code of the Township of Toms River, New Jersey,” with respect to licensing; and**

**WHEREAS, the appropriate licensing fee has been paid To the Township of Toms River;**

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

- 1. The Township Clerk is hereby authorized to issue the licenses Listed in the preamble hereof.**
- 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**
  - c. Code Enforcement**
  - d. Applicants listed above**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING SUBMISSION FOR A \$5,000 OCEAN COUNTY HISTORICAL AND CULTURAL COMMISSION 2020 COUNTY HISTORY PARTNERSHIP PROGRAM GRANT WITH TOWNSHIP MATCH NOT TO EXCEED \$5,000, AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO ANY AND ALL GRANT DOCUMENTS**

**AUGUST 27, 2019**

WHEREAS, Toms River Township believes that history – both knowledge of the past and the practice of researching and making sense of what happened in the past – is crucially important to the well-being of individuals, communities, and the future of our nation; and

WHEREAS, Toms River Township has an approved Historic Preservation element in the adopted 2017 Master Plan which identifies numerous historic sites and recommends developing historic markers and signage to promote cultural-heritage tourism; and

WHEREAS, Toms River Township was approached by the Toms River Township Historic Commission to submit for an Ocean County Historical and Cultural Commission County History Partnership Program Grant for interpretive signage to clearly identify historic locations for both residents and tourists; and

WHEREAS, Toms River Township acknowledges that as the County Seat of Ocean County its history is both important to preserve for Toms River Township residents as well as Ocean County residents; and

WHEREAS, Toms River Township is required to provide a 1 for 1 match in the total amount not to exceed \$5,000; and

WHEREAS, Toms River Township with assistance of the Toms River Township Historic Preservation Commission, will apply for the creation and installation of 7 interpretive signs similar to the signs recently created for Huddy Park for the Captains Row houses on Water Street and historically significant properties located on Washington Street; and

WHEREAS, Toms River Township pledges that it will strive to operate according to national standards and best practices to the best of its abilities and in accordance with its resources when preparing the signs; and

WHEREAS, Toms River Township will comply with all required acknowledgement that must be provided on the signs as part of the grant 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 authorizes the Mayor of Toms River Township to sign and the Township Clerk to attest to all application and contractual documents in relationship to the Ocean County History Partnership Program Grant.
2. It hereby authorizes the Toms River Division of Community Development to submit an application to the Ocean County Cultural & Heritage Commission and to manage the grant upon receipt of funds.
3. It hereby authorizes a match not to exceed \$5,000, and funds are available in Account No. 9-01- -S84-436 for this purpose. 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) David Roberts, Township Planner
  - e) Erika Stahl, Township Assistant Planner
  - f) Cynthia Smith, Toms River Historic Commission Chair
  - g) Tim Hart, Ocean County Cultural & Heritage Commission  
14 Hooper Avenue, P.O. Box 2191  
Toms River, NJ 08754 – 2191  
thart@co.ocean.nj.us  
(732) 929-4779

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the Township grant match not to exceed \$5,000.00 for the County Historical and Cultural Commission 2020 County History Partnership Program Grant, are available in Account No. 9-01- -S84-436.

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 27, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, DESIGNATING THE  
BOUNDARIES OF THE DOWNTOWN ARTS & CULTURE DISTRICT**

**AUGUST 27, 2019**

WHEREAS, Toms River Township adopted its first Arts and Cultural Master Plan as an element in the 2017 Toms River Master Plan; and

WHEREAS, Arts, culture and creativity are the economic drivers to building a vibrant, year round community that converts the tourists of today to the new resident and business owners of tomorrow. It is the vision of the Township to continue to foster and expand on the existing relationships and collaborations between agencies, artists, non-profits, businesses and the public to continue to grow the arts, culture, heritage, and musical (the creative) community and create a culture of “we”. A creativity based economy will generate positive economic activity, greatly contributing to Toms River resident’s quality of life; and

WHEREAS, Toms River Township believes that establishing the Downtown Toms River Arts and Culture District will assist to create a cluster of arts and culture facilities, programs and businesses; and

WHEREAS, the Downtown Cultural and Arts District boundaries as shown on attached map incorporates three core activities: teaching, developing, showcasing the arts and provides room for expansion for the development of new arts and culture facilities, programing and businesses; and

WHEREAS, the core activity teaching the arts includes nurturing a network of the area’s diverse arts education providers such as commercial schools and individual teachers of music, dance, theatre, visual, and literary alerts along with new programs in digital arts technology (audio video production, web design/content, animation/ multimedia creation) that emphasize applied skills for the future workspace. This network must have links to local private and public schools, colleges, tech and trade schools and is an active partner in numerous public art projects highlighting the community’s reputation as a creativity and knowledge center; and

WHEREAS, the core area includes the music academy, dance academy, Exit 82 CAPA academy, and the Ocean County Library as well as partnerships with the Toms River Township Regional School systems and Ocean County College exist as well within the Downtown Arts and Culture boundary; and

WHEREAS, the core activity developing the arts includes encouraging the relocation and start-up businesses to create a nucleus of businesses that develop and deliver arts related merchandise and services, ranging from musical-instrument makers, graphic designers, dance-supply stores, and craft artisans to sound and light engineers, stage construction firms, intellectual-property attorneys, arts publicists, rehearsal-room rentals, and nonprofit support groups. A special effort should be made to recruit arts technology businesses (both established entrepreneurs and startups) seeking research, testing, and manufacturing space for their new designs and products.



WHEREAS, the core area includes Van Go Pottery, Refresh Your Pallet Pain and Sip studio, Time Square Media, advertising businesses, photography businesses, and numerous locations that display and sell artist's work; and

WHEREAS, the core activity showcase the arts includes developing a theatre for larger productions and performances by well-known artists and other smaller satellite venues to present programming by lesser-known and local performers and artists emphasizing experimental, low-cost entertainment appealing to a wide audience spectrum. The small spaces should be developed in coordination with local arts educators to ensure that they can accommodate their use. They should also be large enough to co-accommodate exhibits, meeting spaces for local nonprofits, seminars and training sessions, product unveilings, trade expositions, and research and development demonstrations for local arts developers and entrepreneurs; and

WHEREAS, the arts and cultural district currently has Exit 82 Theater, Community Room shared space utilized by The Club House of Toms River as a small music venue, Huddy Park, Town Hall Courtyard, and restaurants with performance stages; and

WHEREAS, the Township's zoning ordinance and redevelopment plans permit and encourage the development of new performance venues and well as arts and culture businesses; and

WHEREAS, the Downtown Arts and Culture District designation will help to attract new venues, amenities and new arts and culture businesses in a concentrated manner; and Whereas, the Downtown Arts and Culture District will allow the joint marketing of the arts and culture businesses and future locations to encourage the future development of the area; 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 authorizes the designation of the area shown on the attached map, attached as Schedule "A", and made a part hereof, as the Downtown Arts and Cultural District.
2. It hereby designates the Toms River Business Improvement District (TRBID) as the fulltime economic development agency for the Downtown Arts and Culture District to include the responsibilities of soliciting capital and investment for the district, recruit arts businesses, arts producers, and individual artists.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - h) Purchasing Division
  - i) Chief Financial Officer
  - j) Township Attorney
  - k) David Roberts, Township Planner
  - l) Erika Stahl, Township Assistant Planner
  - m) Alizar "Nick" Zorojew, Downtown Toms River Business Improvement District Director

**SCHEDULE "A"**

**See Attachment**

A motion was made by Council Member Maruca, seconded by Council Member Huryk, and with all Council Members who were present, to vote on the following two Resolution:

*RESOLUTION*

*AUGUST 27, 2019*

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

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
<b>ALLOCCA, JASON &amp; DANIELLE</b>	<b>694.12</b>	<b>27</b>	<b>2019/3</b>	<b>\$ 657.40</b>
			<b>2019/4</b>	<b>657.40</b>
<b>ARYA PROPERTIES/GW PROPERTIES LLC.</b>	<b>260</b>	<b>16</b>	<b>2019/3</b>	<b>\$ 808.76</b>
<b>ARYA PROPERTIES AT CLIFTON LLC</b>	<b>840</b>	<b>13</b>	<b>2019/3</b>	<b>165.21</b>
			<b>2019/4</b>	<b>165.21</b>
<b>BARON, CAROL</b>	<b>944.28</b>	<b>28.29</b>	<b>2019/3</b>	<b>22.37</b>
			<b>2019/4</b>	<b>22.36</b>
<b>DONG-WAH CORPORATION</b>	<b>166</b>	<b>5</b>	<b>2019/3</b>	<b>1534.58</b>
			<b>2019/4</b>	<b>1534.58</b>
<b>GOOWILL INDUSTRIES OF SOUTHERN N.J.</b>	<b>402</b>	<b>1.01</b>	<b>2019/3</b>	<b>788.87</b>
			<b>2019/4</b>	<b>788.87</b>
<b>JSM AT HICKORY STREET LLC</b>	<b>164</b>	<b>7.01</b>	<b>2019/3</b>	<b>9,637.84</b>
			<b>2019/4</b>	<b>9,637.84</b>

<b>MORAIRA REALTY LLC</b>	<b>510.11</b>	<b>4</b>	<b>2019/3</b>	<b>85.04</b>
			<b>2019/4</b>	<b>85.04</b>
<b>NEW JERSEY NATURAL GAS CO.</b>	<b>566.02</b>	<b>5</b>	<b>2019/3</b>	<b>1,086.19</b>
			<b>2019/4</b>	<b>1,086.19</b>
<b>IHOMES OF NJ LLC</b>	<b>232.04</b>	<b>75</b>	<b>2019/3</b>	<b>110.71</b>
			<b>2019/4</b>	<b>110.71</b>
<b>MAZZETTA, ANTHONY &amp; CANDICE</b>	<b>255</b>	<b>16</b>	<b>2019/3</b>	<b>228.14</b>
			<b>2019/4</b>	<b>228.13</b>
<b>TOWNSHIP OF TOMS RIVER</b>	<b>569</b>	<b>5</b>	<b>2019/1</b>	<b>30.00</b>
<b>TOTAL:</b>				<b>\$29471.44</b>

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 27, 2019**

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO A SENIOR DEDUCTION BEING PAID BACK TO HOME OWNER,

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
<b>DIAMANTOPOUKOS</b>	<b>412.05</b>	<b>14</b>	<b>2018/4</b>	<b>\$250.00</b>

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

The foregoing Resolution was **APPROVED** on the following roll call vote:

Council Member Hill	Yes
Council Member Huryk	Yes
Council Member Kubiel	Yes
Council Member Maruca	Yes
Council Member Rodrick	Yes
Council Member Turnbach	Yes
Council President Wittmann	Abstained

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING AND ENGINEERING DIVISIONS TO ADVERTISE FOR AND RECEIVE BIDS FOR THE INSTALLATION OF A MID-BLOCK CROSSWALK AND PEDESTRIAN WARNING BEACON ON HOSPITAL DRIVE AT THE COMMUNITY MEDICAL CENTER**

**AUGUST 27, 2019**

WHEREAS, the Township of Toms River is desirous of receiving bid(s) for the following items/projects:

**INSTALLATION OF A MID-BLOCK CROSSWALK AND PEDESTRIAN WARNING BEACON ON HOSPITAL DRIVE AT THE COMMUNITY MEDICAL CENTER**

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 Purchasing and Engineering Divisions are hereby authorized to prepare bid specifications for the above-mentioned items/projects.

2. The Purchasing and Engineering Divisions of the Township of Toms River are hereby authorized to advertise for the receipt of bids for the above-mentioned items/projects.

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) Police Department

A motion was made by Council Member Maruca, seconded by Council Member Turnbach, and carried with Council Members Hill, Huryk, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Member Kubiel 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 SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE EAST DOVER FIRE COMPANY, TO PROCURE AS NECESSARY, THE SERVICES OF WITT O'BRIEN LLC, PURSUANT TO THE TOWNSHIP'S "OPEN ENDED**

**CONTRACT TO WITT O'BRIEN LLC, AS TECHNICAL ASSISTANCE CONTRACTOR FOR PUBLIC ASSISTANCE WITH FEMA PROGRAM SERVICES", ASSOCIATED WITH THE RECONSTRUCTION OF ITS FIREHOUSE LOCATED AT 629 FISCHER BOULEVARD, TOMS RIVER, NJ, COMMENCING SEPTEMBER 1, 2019**

**AUGUST 27, 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 Mayor is authorized to execute and the Township Clerk to attest to a Shared Services Agreement between the Township of Toms River and the East Dover Fire Company, pursuant to the Township's "Open Ended Contract to Witt O'Brien LLC, to procure, as necessary, the services of Witt O'Brien LLC, as Technical Assistance Contractor for Public Assistance with FEMA Program Services, approved by resolution of the Township Council dated May 14, 2019, associated with the reconstruction of its firehouse located at 629 Fischer Boulevard, Toms River, NJ 08753.

2. This agreement shall take effect September 1, 2019, and its term shall coincide with the Township's "Open Ended Contract to Witt O'Brien LLC, as Technical Assistance Contractor for Public Assistance with FEMA Program Services". A copy of this agreement is attached to this resolution as Schedule "A", and made hereof, and a copy will be kept on file in the Office of the Township Clerk upon execution.

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

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Township Attorney
- d) Chief Financial Officer
- e) East Dover Fire Company  
629 Fischer Boulevard  
Toms River, NJ 08753

**SCHEDULE "A"**

**"See Attachment"**

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

**RESOLUTION AMENDING RESOLUTION DATED JUNE 25, 2019, WHICH AMENDED A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, DATED APRIL 23, 2019, (PART XX), BY AWARDING A PROFESSIONAL SERVICE CONTRACT TO VCA ANIMAL HOSPITALS, INC. d/b/a TOMS RIVER VETERINARY HOSPITAL FOR THE REMAINDER OF THE 2019 CALENDAR YEAR, AS AN ADDITIONAL NONEMERGENCY POOL VETERINARIAN**

**(THE PURPOSE OF THIS AMENDMENT IS TO CHANGE THE ACCOUNT NUMBER FOR THE ALLOCATION OF FUNDS FOR VETCOR OF TOMS RIVER, LLC D/B/A CALLING ALL CREATURES, FROM ACCOUNT NO. 9-13-911-012 TO ACCOUNT NO. 9-13-911-002 - \$8,000.00. NO ADDITIONAL MONIES ARE REQUIRED BY THIS AMENDMENT)**

**AUGUST 27, 2019**

**WHEREAS**, on April 23, 2019 the Township of Toms River Council awarded contracts to two veterinary firms to perform pool nonemergency

services located in Section XX of that omnibus resolution: Cummings Veterinary Services, d/b/a East Coast New Jersey Spay Clinic, and Vetcor of Toms River, LLC d/b/a Calling All Creatures; and

**WHEREAS**, on April 23, 2019 the Township of Toms River Council also by resolution authorized requests for proposals for an additional nonemergency veterinarian as part of a pool for veterinarian services without increasing the budget for those services; and

**WHEREAS**, the request was conducted through a Fair and Open Process pursuant to the provisions of *N.J.S.A. 19:44-20.4 et seq.*; and

**WHEREAS**, on May 13, 2019 VCA Animal Hospitals, Inc. d/b/a Toms River Veterinary Hospital submitted the only conforming proposal which was open and read by the Township Purchasing Department; and

**WHEREAS**, Toms River Veterinary Hospital has performed for decades veterinary services for the Township in a professional and competent manner; and

**WHEREAS**, it is the intent of the Council to include VCA Animal Hospitals, Inc. d/b/a Toms River Veterinary Hospital into the pool without increasing the budget to the Township; and

**WHEREAS**, funds for the three veterinary firms will be reallocated to create a total sum not exceeding the amounts set forth in the resolution dated April 23, 2019 authorizing the request for a third pool nonemergency veterinarian;

**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 Council finds the selection process in awarding this contract was conducted through a Fair and Open Process pursuant to the provisions of *N.J.S.A. 19:44-20.4 et seq*

2. It amends the omnibus resolution dated April 23, 2019 (Part XX) awarding contracts to Cummings Veterinary Services, d/b/a East Coast New Jersey Spay Clinic, Vetcor of Toms River, LLC d/b/a Calling All Creatures and VCA Animal Hospitals, Inc. d/b/a Toms River Veterinary Hospital as pool nonemergency veterinarians up to and including December 31, 2019.

3. The allocation of funds to Cummings Veterinary Services d/b/a East Coast New Jersey Spay Clinic shall be for a total maximum amount not exceeding \$7,500.00 from Account No. 9-13- -911-011. The allocation of funds for Vetcor of Toms River, LLC d/b/a Calling All Creatures shall be for a total maximum amount not exceeding \$53,000.00, from account No.9-13- -911-011 in the amount of \$40,000.00, from account no. 9-13 - -911-002 in the amount of \$8,000.00 and account no. 9-01- -P45-534 in the amount of \$5,000.00. The allocation of funds for VCA Animal Hospitals, Inc. d/b/a Toms River Veterinary Hospital shall be for a total maximum amount not exceeding \$7,500.00 from Account #9-13- -911-011. All funds are contingent upon an execution of a contract and the availability of funds.

4. All remaining provisions of the omnibus resolution dated April 23, 2019 not amended, modified or otherwise affected by this resolution, shall remain in full force and effect.

5. A notice of this contract award shall be published once within 10 days of the date of this Resolution, in the Asbury Park Press.

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

- a) Mayor Thomas Kelaher
- b) Chief Financial Officer
- c) Business Administrator
- d) Township Attorney
- e) Purchasing Division
- f) Township Clerk's Office
- g) Director, Health and Human Services
- h) Chief, Police Department
- i) Animal Control
- j) Vetcor of Toms River, L.L.C.,  
d/b/a Calling All Creatures Veterinary Hospital,  
246 Washington Street  
Toms River, New Jersey 08753

**AMENDED CERTIFICATION**

**THIS IS TO** that the allocation of funds to Cummings Veterinary Services d/b/a East Coast New Jersey Spay Clinic shall be for a total maximum amount not exceeding \$7,500.00 from Account No. 9-13- -911-011. The allocation of funds for Vetcor of Toms River, LLC d/b/a Calling All Creatures shall be for a total maximum amount not exceeding \$53,000.00, from Account No. 9-13- -911-011 in the amount of \$40,000.00, from Account No. 9-13 - -911-002 in the amount of \$8,000.00, and Account No. 9-01- -P45-534 in the amount of \$5,000.00. The allocation of funds for VCA Animal Hospitals, Inc. d/b/a Toms River Veterinary Hospital shall be for a total maximum amount not exceeding \$7,500.00 from Account No. 9-13- -911-011.

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 27, 2019

Alizar Zorojew spoke regarding 36 Hyers Street construction. Township Assistant Planner Wendy Birkhead explained.

A motion was made by Council Member Maruca, seconded by Council Member Turnbach, 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, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS ADELAIDE ASSOCIATES, LLC, BLOCK 659, LOTS 1 AND 3 (36 Hyers Street)**

**August 27, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Adelaide Associates, LLC, Block 659, Lots 1 and 3.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Surety Bond # B1218738 in the amount \$750.00 is hereby accepted;

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;

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 \$170.00 currently on account # X-19- -601-827, is hereby released;
- 2) Previously posted Surety Bond #1207577 is hereby released;
- 3) Previously posted Surety Bond #B1207810 is hereby released;
- 4) 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. Adelaide Associates, LLC  
231 Main Street, PO Box 2017  
Toms River, NJ 08754

A motion was made by Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Hill, Huryk, Kubiel, 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, RELEASING  
PERFORMANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS  
ROBERT & ROBERTA TRACY, BLOCK 260-23, LOTS 39 THRU 44.  
(246 ALABAMA AVENUE)**

**August 27, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision, known as Robert and Roberta Tracy, Block 260-23, Lots 39 thru 44.

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 \$5,200.00 currently on deposit in account # 9-14- -902-101 is hereby released with applicable interest of any to the estate of Mr. Robert Tracy.
- 2) Township Clerk shall send a certified copy hereof to each of the following:
  - a. Township Engineer
  - b. Chief Financial Officer
  - c. Township Attorney
  - d. Estate of Robert Tracy  
Attn: Lori Christ  
13 Acapulco Drive  
Brick, NJ 08723

## REPORTS

NONE

## APPROVAL OF BILLS

Council President Wittmann asked for a report on the bills.

The Bill List, dated **August 23, 2019** was approved on motion by Council Member Turnbach, seconded by Council Member Maruca, and carried with Council Members , Hill, Huryk, 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 19-04277, payable to Arya Properties at Clifton LLC in the amount of \$330.42.

Purchase Order 19-04684, payable to Arya Properties, GW Properties in the amount of \$808.76.

Purchase Order 19-04298, payable to GW Properties in the amount of \$573.62.

Purchase Order 19-04108, payable to Remington & Vernick Engineers (for Toms River Yacht Club) in the amount of \$67.50.

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

Purchase Order 19-03422, payable to Board of Education-Toms River Schools in the amount of \$12,110,811.40.

Purchase Order 19-00456, payable to Terry Brady, Esquire, in the amount of \$3,916.63.

Purchase Order 19-02203, payable to Ocean County Board of Health in the amount of \$192.00.

Purchase Order 19-04199, payable to Owen, Little & Association in the amount of \$16,219.25.

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

Purchase Order 19-04108 & 19-04625, payable to Remington & Vernick Engineers in the amount of \$19,722.57.

Purchase Order 19-04630, payable to Toms River Township Recreation Department in the amount of \$8,513.08.

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

Purchase Order 19-00967 & 19-02224, payable to Vetcor (Dr. Cimer) in the amount of \$5,368.00.

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

Purchase Order 19-00456, payable to Terry Brady, Esquire, in the amount of \$3,916.63.

Purchase Order 19-04198, payable to Dasti, McGuckin, Attorneys at Law in the amount of \$5,386.50.

Purchase Order 19-04289 & 19-00994, payable to Gregory McGuckin, Esquire, in the amount of \$2,953.00.

Purchase Order 19-03081, payable to New Jersey Motor Vehicle Csmn in the amount of \$60.00.

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

Purchase Order 19-00455, payable to Citta, Holzapfel & Zabarsky, Esquire, in the amount of \$6,900.00.

Purchase Order 19-04198, payable to Dasti, McGuckin, Attorneys at Law in the amount of \$5,386.50.

Purchase Order 19-04289 & 19-00994, payable to Gregory McGuckin, Esquire, in the amount of \$2,953.00.

Purchase Order 19-04630, payable to Toms River Township Salaries-Magistrate in the amount of \$7,635.44.

## **ELECTED OFFICIALS COMMENTS**

Councilman Hill spoke regarding Huddy Park Festival “Around the World.” He also spoke regarding Route 9 and Boynton property as an open farm space for all.

Councilman Rodrick spoke regarding the Governor School budget and not caring about our community.

Council Members Kubiel and Wittmann had no comments.

Councilman Turnbach commended Hope Sheds Light in fight against opiate addiction. He spoke regarding Johnson and Johnson and commended the Council for joining in on the lawsuit to show our opposition against addiction.

Councilwoman Maruca spoke regarding Beach Replenishment Project in Ortley Beach; Doggie Days; Crab Fest; Labor Day Weekend, and school opening.

Councilwoman Huryk spoke regarding Hope Sheds Light and Pain Awareness Month, Toms River United Festival and Multicultural Festival on Labor Day.

## **PUBLIC COMMENTS**

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

Tom Fodi spoke regarding handicapped parking for disabled veterans.

Anthony Colucci, Ortley Beach Voters and Taxpayers Association, President, agrees it was a great summer beach season for all. Spoke regarding Surf Club Beach property and would like Toms River Township to purchase it.

Toni Tomarazzo, Coolidge Ave, asking for action to purchase Surf Club.

Sharon Colucci, Ortley, spoke regarding bill list should be double sided.

Pat Klaslo, Ortley Beach, spoke regarding assessment re-valuation. Township Administrator Guardian explained because of no Tax Assessor, it is now change to year 2021 instead of 2020. Permits that are issued need to be closed within one year, and there are a lot of illegal stuff in Ortley. Township Assistant Birkhead explained. Discussion ensued.

Alizar Zorojew, Toms River Business Improvement District, Director, spoke regarding Toms River United Festival to celebrate diversity.

Tom Serchio spoke regarding Veterans Day Parade and Halloween Parade.

No further comments from the public appearing, a motion was made by Council Member Kubiel, seconded by Council Member Maruca, and carried to enter into a private Executive Session at 7:08 P.M.

A motion was made by Council Member Kubiel, 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  
Attorney Client Privilege  
Land Acquisitions  
Contract Negotiations

3. The following specific topics were announced.
  1. Executive Session Minutes Review: August 13, 2019 Regular Meeting
  2. Personnel Issues
  3. Review of status of all real property acquisitions (voluntary acquisitions and eminent domain actions)
  4. Review of possible appointment of a Tax Assessor, including all terms and conditions of employment
  5. Review of downtown redevelopment projects with Township Development Council
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 Kubiell	- 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 8:26 P.M., a motion was made by Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes.

A motion was made by Council Member Rodrick, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and with Council President Wittmann voting yes, 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 13, 2019 Regular Meeting**

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

No other business appearing, the meeting was **adjourned** at 8:25 P. M., on motion with Council Member Kubiell, seconded by Council Member Rodrick, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and with Council President Wittmann voting yes.

---

COUNCIL PRESIDENT GEORGE WITTMANN

---

ALISON CARLISLE, TOWNSHIP CLERK