

September 8, 2020

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

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

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

OPEN PUBLIC MEETINGS ACT
STATEMENT

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

Roll Call:

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

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

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

APPROVAL OF MINUTES

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Geoghegan, Huryk, Lotano, Turnbach, and Council President Maruca voting yes, and with Council Members Kopp and Rodrick absent, to approve the **Regular Meeting of August 25, 2020**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS - NONE

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 348-8.20 (Off-street Parking), to add new Subsection S (Banked parking) to read as follows:

§ 348-8.20 Off-street parking.

S. Banked Parking

Where the total number of off-street parking spaces required by this Section may not be immediately required for a particular use, a banked parking/staged development plan may be permitted which requires that only a portion of the parking area, but not less than sixty-five percent (65%) of the required spaces be completed initially, subject to the following regulations:

- (1) The site plan shall clearly indicate both that portion of the parking area to be initially paved and the total parking needed to provide the number of spaces required.
 - (2) The site plan shall provide for adequate drainage of both the partial and total parking areas in accordance with the drainage, lighting and landscaping sections of this Ordinance.
 - (3) The portion of the parking area not to be paved initially shall be landscaped in accordance with this Ordinance.
 - (4) *Separate from the performance bond, a temporary land banked parking bond will be provided for the full value of the outstanding parking for a two-year period. Prior to the expiration of the two-year period, the applicant may either install the additional parking shown on the site plan and apply for release of the temporary land banked parking bond, or, apply for an administrative hearing to the Board of jurisdiction for release of the temporary land banked parking bond based on the current functionality of the site.*
 - (5) *Any change of use on a site for which the Board of jurisdiction has approved land-banked parking, which requires more parking spaces than are provided on the site plan, shall require submission of a new site plan.*
2. Section 348-10.15.5 (Barrier Island Residential Zone 5) to amend Subsection E (Area, yard and building requirements) to amend Paragraph (9), "Maximum building height", to read as follows:

§ 348-10.15.5 R-B-5 Barrier Island Residential Zone 5.

E. Area, yard and building requirements.

- (9) Maximum building height: 25 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. Habitable attic space, roof decks with enclosed storage space and other architectural treatments above the counted usable floor(s) may be approved by the Zoning Officer, subject to prior approval by the homeowners association.

3. Section 348-10.27 (RHB Rural Highway Business Zone)) to amend Subsection E (Area, yard and building requirements) to amend Paragraph 8 (Maximum building height) to read as follows:

§ 348-10.27 Rural Highway Business Zone.

E. Required accessory uses.

(8) The maximum building height shall be determined as follows:

- a. Maximum building height for scientific or research laboratories or medical service facilities on tracts of 5 acres or greater: 45 feet plus an additional foot of height for every 10 feet of additional front setback from any street over the 100 foot minimum front yard setback to a maximum of 70 feet in height, subject to the provisions of § 348-5.12.
 - b. Maximum building height for all other uses: 45 feet, subject to the provisions of § 348-5.12.
4. 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.
 5. 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.
 6. This Ordinance shall take effect following its final passage by the Township Council, approval by the Mayor and twenty days after publication as required by law.

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on September 8, 2020 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on September 22, 2020 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE
TOWNSHIP CLERK

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

This ordinance title and purpose, September 11, 2020.

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

Council Member Huryk 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, DESCRIPTION FOR UNIMPROVED PART OF A 15-FOOT-WIDE ALLEY BETWEEN LOTS 7, BLOCK 616, AND LOTS 13 AND 16, BLOCK 615, TOMS RIVER TOWNSHIP, OCEAN COUNTY, NEW JERSEY TO BE VACATED

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. Description for unimproved Part of a 15-Foot-Wide Alley Between Lots 7, Block 616, and Lots 13 and 16, Block 615, Toms River Township, Ocean County, New Jersey, to be Vacated:

Description:

Beginning at a point in the Westerly line of a 15 foot wide Alley Way being also the Easterly line of Lot 16, Block 615, and being 80.62 feet Northerly along the Easterly line of Lots 15 and 16 from the Northerly line of Dover Street, 50 foot wide right-of-way and running, thence;

- 1) North 05°29'00" West 141.93 feet to a corner of Lot 13, Block 615 thence;
 - 2) Along Lot 13, Block 615 South 89°38'00" East 15.08 feet to the Westerly line of Lot 7, Block 616, thence;
 - 3) Along Lot 7, Block 616 also the Easterly line of the Alley Way being vacated South 05°29'00" East 140.40 feet to a point, thence;
 - 4) Crossing the Alley Way South 84°31'00" West 15.00 feet to the Point of Beginning.
- Containing 2,117.4 Square Feet of land more or less.

2. The vacation of all the right, title and interest of the public in the above described property is subject to the retention of all rights and privileges possessed by public utilities as defined in N.J.S.A. 48:2-13, by any cable company as defined in N.J.S.A. 48:5A-3, and by the Township of Toms River with respect to drainage, water, sewer, or other public facilities, including the right of all of such entities to maintain, repair, and replace existing and future facilities, in, adjacent to, over and under such street, highway, lane, alley, square, place, or park, or any portion thereof, which is expressly reserved and excepted from vacation provided by this Ordinance.

3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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

5. Since this ordinance is not legislative in nature, it need not be codified in the Code of the Township of Toms River.

6. A copy of this executed ordinance shall be recorded by the Township Clerk in the Ocean County Clerk's Office, pursuant to N.J.S.A. 40:67-21.

7. At least one week prior to the time and date fixed for final passage of this ordinance, a copy of this ordinance shall be mailed to all property owners abutting the area proposed to be vacated by the Township, pursuant to N.J.S.A. 40:49-6.

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on September 8, 2020 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on September 22, 2020 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE
TOWNSHIP CLERK

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, September 11, 2020.

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

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

**RESOLUTION OF THE GOVERNING BODY (TOWNSHIP COUNCIL)
OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, FOR
CERTIFICATION OF THE ANNUAL AUDIT FOR THE YEAR 2019**

SEPTEMBER 8, 2020

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 2019 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 that 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) or 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) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Township Auditors
- g) Bureau of Financial Regulation and Assistance
Division of Local Government Services
P.O. Box 803
Trenton, New Jersey 08625

CERTIFICATION OF GOVERNING BODY (TOWNSHIP COUNCIL) OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, OF THE ANNUAL AUDIT (GROUP AFFIDAVIT FORM)

**STATE OF NEW JERSEY
COUNTY OF OCEAN**

We, members of the governing body (Township Council) of the Township of Toms River, County of Ocean, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Council of the Township of Toms River, in the County of Ocean;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2019;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.) _____	(L.S.) _____
(L.S.) _____	(L.S.) _____
(L.S.) _____	(L.S.) _____
(L.S.) _____	(L.S.) _____
(L.S.) _____	(L.S.) _____

Sworn to and subscribed before me this
_____ Day of _____

Notary Public of New Jersey

Township Clerk

The Municipal Clerk shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

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

RESOLUTON
September 8, 2020

WHEREAS, Tropical Storm Isaias hit the entire State of New Jersey Hard on August 4, 2020; and

WHEREAS, damaging winds caused widespread power outages throughout Ocean County and the State, leaving many homes and businesses dark and without power and local hardworking line workers, maintenance crews, supervisors and office workers worked endless hours to help the residents of Toms River and Ocean County as quickly as possible however,

WHEREAS, the widespread power outages in many locations continued not just for hours, but for days, resulting in economic loss, the spoiling of food and the loss of necessary refrigerated prescription medicines; and

WHEREAS, many Ocean County residents and businesses were without power for many days and the lengthy power outages caused residents and businesses to suffer great economic losses for food spoliation and loss of refrigerated prescription medications; and

WHEREAS, Ocean County has the State's largest senior citizen population, a population that is already suffering from economic hardships because of the ongoing COVID-19 State of Emergency; and

WHEREAS, senior citizens are now further burdened by having to replace, from their own pockets, last food and needed medicines; and

WHEREAS, other utility companies, including Public Service Electric and Gas (PSE&G) and Con Edison have already done the right thing and announced reimbursements to some ratepayers who suffered losses from the long-term outages; and

WHEREAS, as the largest electrical utility in New Jersey, JCP&L, a First Energy Company, has not met its **corporate** responsibility by refusing to reimburse its ratepayers for their losses.

NOW, THEREFORE BE IT RESOLVED that Township Council, Township of Toms River, County of Ocean, State of New Jersey hereby demands that JCP&L and its parent company, First Energy Company, implement an immediate reimbursement program for the thousands of customers who lost food and medicines during the prolonged power outage caused by Tropical Storm Isaias.

BE IT FURTHER RESOLVED that the reimbursement be done without a rate increase or any additional financial burden to the people of Toms River Township.

BE IT FURTHER RESOLVED that JCP&L, First Energy Corporation, implement a resiliency plan to strengthen its infrastructure and prevent these kinds of long-term outages in the future.

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the following:

- JCP&L
- First Energy Corp.
- New Jersey Board of Public Utilities
- Stephanie A. Brand, Director, State Division of Rate Counsel
- Ninth, Tenth, Twelfth and Thirtieth Legislative Districts
- Mayors of all Ocean County Municipalities

At 6:05pm. Council President Maruca announced the Council would be going into an early Executive Session. Motion was made by Councilman Turnbach, seconded by Councilwoman Huryk, and carried with Council members Geoghegan, Huryk, Lotano, Turnbach and Council President Maruca voting yes, and Councilmen Kopp and Rodrick absent.

Council returned back to the LMH Room at 6:40pm, and by motion of Councilwoman Huryk, seconded by Councilman Lotano, and carried with Council members Geoghegan, Huryk, Lotano, Turnbach and Council President Maruca voting yes, and with Councilmen Kopp and Rodrick being absent, reconvened the Council Meeting.

CONSENT AGENDA

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

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

RESOLUTION

SEPTEMBER 8, 2020

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

WHEREAS, the properties known as Block 40 Lot 2 and located in Toms River, and the County of Ocean, became County owned property on October 10th 2019 and, taxes are now uncollectable for 2020; and

WHEREAS, there are still outstanding taxes on this Parcel, 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 listed as follows are:

Hereby cancelled.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR/QTR</u>	<u>AMOUNT</u>
Ocean County	40	2	2020 1 st , 2 nd , 3 rd , & 4 th	\$3,340.04

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

SEPTEMBER 8, 2020

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

WHEREAS, the properties known as Block 40 Lot 767 and located in Toms River, and the County of Ocean, became County owned property on October 10th 2019 and, taxes are now uncollectable for 2020; and

WHEREAS, there are still outstanding taxes on this Parcel, 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 listed as follows are:

Hereby cancelled.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR/QTR</u>	<u>AMOUNT</u>
Ocean County	40	767	2020 1 st , 2 nd , 3 rd , & 4 th	\$2,059.24

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 AUTHORIZING THE ISSUANCE OF DUPLICATE TAX SALE CERTIFICATES

SEPTEMBER 8, 2020

WHEREAS, Jeremy E. Hague is the holder of the tax sale certificates listed below, and;

WHEREAS, said lien holder lost its original tax sale certificates, and;

WHEREAS, duplicate tax sale certificates are requested for a fee of \$100.00 each; now therefore,

BE IT RESOLVED, that the tax collector is here by authorized, pursuant to NJSA 54:5-52.1 to prepare and issue duplicate tax certificates to the outside lien holders as follows:

Tax sale certificate 11-00063 block/lot 159/34.03

Carl M. Dileo, CTC

RESOLUTION

September 8, 2020

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

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
NOBLE TITLE AGENCY, INC	540.14	6	2020/3	\$1,761.99

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

Approved as to content:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF OPEN-ENDED CONTRACTS FOR THE SUPPLY OF MOTOR OILS, ANTIFREEZE, GREASES AND LUBRICANTS, TO LUBENET LLC, PETRO CHOICE LLC, PRIME LUBE INC., TAYLOR OIL CO., INC., DAVID WEBER OIL, AND BWE, LLC D/B/A BRENNTAG LUBRICANTS, AS THE LOWEST RESPONSIVE, RESPONSIBLE BIDDERS FOR EACH AWARDED ITEM, MEETING ALL OF THE BID SPECIFICATIONS, AND AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIAL TO ADVERTISE FOR REBID OF THOSE ITEMS WHICH WERE REJECTED

SEPTEMBER 8, 2020

WHEREAS, bids were invited for the Supply of Motor Oils, Antifreeze, Greases and Lubricants; and

WHEREAS, bids were received from the following vendors on July 23, 2020, as follows:

Lubenet, LLC
126 Scott Ave.
Brooklyn, NY 11237

Petro Choice, LLC
837 Cherry St., PO Box 5066
Avoca, PA

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

Taylor Oil Co., Inc.
77 Second St.
Somerville, NJ 08876

David Weber Oil
601 Industrial Rd.
Carlstadt, NJ 07072

BWE LLC d/b/a Brenntag Lubricants
1064 Goffs Falls Rd.
Manchester, NH 03103

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

Lubenet, LLC – Item Nos. 5c, 8a and 23a.

Petro Choice, LLC – Item Nos. 5a, 5b, 5d, 17b, 20b, 21a, 21b, 21c and 26b.

Prime Lube Inc. - Item Nos. 6a, 6b, 6c, 7a, 9a, 9c, 14a, 14b, 15a, 15b, 18a, 22b, 24b, 25a, 25b and 26a.

Taylor Oil Co. Inc. – Item Nos. 4a, 9b, 10a, 16a, 24a and 24c.

David Weber Oil – Item No. 19a.

BWE, LLC D/B/A Brenntag Lubricants – Item Nos. 1a, 1b, 2a, 2b, 3a, 3b, 11a, 12a, 12b, 13a, 13b, 22a, 27a, 27b and 28a.

Item Number 17a received no bid and will not be rebid.

The bids received for Item Nos. 6d, 6e, 20a, 29a, 29b and 29c were rejected because they did not meet the specifications and will be rebid.

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

1. It hereby awards open-ended contracts for the Supply of Antifreeze, Motor Oils, Greases and Lubricants, to the following vendors as the lowest responsive, responsible bidders for each awarded item, meeting all of the bid specifications:

Lubenet, LLC – Item Nos. 5c, 8a and 23a.

Petro Choice, LLC – Item Nos. 5a, 5b, 5d, 17b, 20b, 21a, 21b, 21c and 26b.

Prime Lube Inc. - Item Nos. 6a, 6b, 6c, 7a, 9a, 9c, 14a, 14b, 15a, 15b, 18a, 22b, 24b, 25a, 25b and 26a.

Taylor Oil Co. Inc. – Item Nos. 4a, 9b, 10a, 16a, 24a and 24c.

David Weber Oil – Item No. 19a.

BWE, LLC D/B/A Brenntag Lubricants – Item Nos. 1a, 1b, 2a, 2b, 3a, 3b, 11a, 12a, 12b, 13a, 13b, 22a, 27a, 27b and 28a.

2. Item Number 17a received no bid and will not be rebid.

3. The bids received for Item Nos. 6d, 6e, 20a, 29a, 29b and 29c were rejected because they did not meet the specifications and will be rebid.

4. Term of Contracts shall be retroactive to August 22, 2020, through August 21, 2021. These will be open-ended contracts with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget.

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

6. It hereby authorizes the appropriate Township official to advertise for rebid of those items which were rejected.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Public Works Department
- e) Bey Lea Golf Course
- f) Police Department
- g) Office of Emergency Management
- h) Department of Parks, Buildings & Grounds
- i) All aforementioned bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contracts awarded to Lubenet LLC, Petro Choice LLC, Prime Lube Inc., Taylor Oil Co., Inc. David Weber Oil and BWE, LLC D/B/A Brenntag Lubricants, for the supply of motor oils, antifreeze, greases and lubricants, are contingent upon the availability of funds in the appropriate municipal budget year.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: September 8, 2020

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING FINAL CHANGE ORDER
ADJUSTING VARIOUS CONTRACT QUANTITIES WITH EARLE ASPHALT
COMPANY, IN THE MAXIMUM AMOUNT NOT TO EXCEED AN ADDITIONAL
\$12,594.94, FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED \$3,928,607.94**

SEPTEMBER 8, 2020

WHEREAS, resolution of the Township Council dated October 22, 2019, authorized an award of contract to Earle Asphalt Company, for the 2019 Township Wide Paving Program, in the total maximum contract price not to exceed \$3,916,013.00;

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

1. Final Change Order – for an adjustment to various contract quantities, a net increase, to wit:

DESCRIPTION OF CHANGE:

Increase

Adjustment to various contract quantities \$ 12,594.94

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	X
Total Extras This C.O.	X	X
Total Supplementary This C.O.	\$12,594.94	X
Total This C.O.	\$12,594.94	X
Previous Change Orders	X	X
Total Change Orders to Date	\$12,594.94	X
Net Change in Contract	\$12,594.94	
ORIGINAL CONTRACT BID PRICE		\$3,916,013.00
NEW CONTRACT PRICE		\$3,928,607.94

be and the same is hereby ratified and confirmed.

2. Funds in the additional amount of \$12,594.94 are available in the following accounts:

Account No. X-04- -238-005	\$10,712.79
Account No. X-04- -214-013	\$ 1,882.15

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

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

- a) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing Division
- e) Earle Asphalt Company
PO Box 556
Farmingdale, NJ 07727

CERTIFICATION

THIS IS TO CERTIFY that the funds for Final Change Order to Earle Asphalt Company for an adjustment to various contract quantities, in the additional amount not to exceed \$12,594.94, are available in the following accounts:

Account No. X-04- -238-005	\$10,712.79
Account No. X-04- 214-013	\$ 1,882.15

The actual encumbrance of the funds will be based upon the approval of fully executed purchase orders by the Chief Financial Officer. The purchase orders will encumber the funds for the above account at that time.

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: September 8, 2020

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF A REPLACEMENT 2020 FORD TRANSIT VAN FOR THE DIVISION OF PARKS, BUILDINGS AND GROUNDS, UTILIZING ESCNJ COOPERATIVE CONTRACT, #17/18-21, IN THE TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$36,389.79

SEPTEMBER 8, 2020

WHEREAS, the Township of Toms River is a member of the Educational Services Commission of New Jersey #17/18-21, as authorized by N.J.S.A. 40A:11-11(5); and

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

WHEREAS, the Purchasing Division is requesting authorization to purchase a replacement 2020 Ford Transit Van for the Division of Parks, Buildings and Grounds, utilizing Educational Services Commission of New Jersey, Contract #17/18-21, in the total maximum amount not to exceed \$36,389.79, from the following vendor:

Beyer Ford LLC
 170 Ridgedale Ave.
 Morristown, NJ 07962

Beyer Ford - ESCNJ 17/18-21

2020 Ford Transit Van (W1Y) T-350 148" Low Roof 9500 GVWR
 RWD

MSRP: \$37,985.00
 Destination: \$1,495.00
ESCNJ 32.7% Discount \$12,909.96
Subtotal: \$26,570.04

<u>Item</u>	<u>Description</u>	<u>Price</u>
YZ	Exterior Color: Oxford White	
CB	Ebony, Cloth Front Bucket Seats	-
21M	Ebony, Cloth Front Bucket Seats	-
96C	Interior Upgrade Package - inc: full height polypropylene cargo area panels. Front & Rear Vinyl Floor Covering, wheel well liners, Cruise Control w/Adjustable Spd Limiting Device	\$1,435.00
99G	Engine: 3.5L EcoBoost V6 -inc: auto start-stop technology	\$1,495.00
X7L	3.73 Limited-Slip Axle Ratio	STD
53B	Heavy-Duty Trailer Tow Package -inc: Deletes rear tow hook, 4/7 pin connector assembly and rear jumper and relay system for backup/B+/running lights	\$485.00
52M	65-mph Governed Top Speed	\$80.00
153	Front License Plate Bracket	NC
17A	Fixed Rear Cargo Door Glass -inc. Rearview Mirror	\$75.00
55D	Front Fog Lamps -inc: Auxiliary lamps that are generally integrated into the front fascia and designed to help illuminate the roadway during poor visibility	\$105.00
67E	Large Center Console -inc: an integrated shifter, a dual cup holder and an additional storage area	\$195.00
86F	2 Additional Keys (4 Total) inc: key fobs	\$75.00
90D	110V/400W Power Outlet -inc: High-power outlets deliver up to 400 watts of power, allowing drivers to easily charge smaller coreded tools, battery charges or mobile devices on site	\$475.00
96D	Load Area Protection Package	NA
91B	Wiper Activated Headlamps	\$35.00
43R	Reverse Sensing System	\$295.00
52C	Keyless Entry Keypad	\$95.00
	ESCNJ 5% Discount:	\$242.25
	Delivery:	\$250.00
	Subtotal:	\$4,852.75

Non-Contract Options:

Upgrade to AWD \$4,967.00

TOTAL: \$36,389.79

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

1. It hereby authorizes the purchase of a replacement 2020 Ford Transit Van for the Division of Parks, Buildings and Grounds, from Beyer Ford LLC, in the total maximum amount not to exceed \$36,389.79, using the Educational Services Commission of New Jersey, Contract #17/18-21, as stated above.

2. Funds in the amount of \$36,389.79 are available in Account No. 0-01- - S75-250. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Division of Parks, Buildings and Grounds
- e) Beyer Ford LLC
170 Ridgedale Ave.
Morristown, NJ 07962

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of a replacement 2020 Ford Transit Van from Beyer Ford LLC, in the total maximum amount not to exceed \$36,389.79, are available in Account No. 0-01- -S75-250.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: September 8, 2020

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF AN OPEN-ENDED CONTRACT TO ATLANTIC SALT (DELIVERED AND PICKED UP) FOR THE SUPPLY OF ROCK SALT FOR THE DEPARTMENT OF PUBLIC WORKS, PURSUANT TO BIDS RECEIVED AND THE MASTER CONTRACT AWARDED BY THE TOWNSHIP OF STAFFORD AS LEAD AGENCY FOR THE STAFFORD TOWNSHIP COOPERATIVE PRICING SYSTEM, UP TO A MAXIMUM AMOUNT NOT TO EXCEED \$600,000.00, OVER TWO (2) YEARS

SEPTEMBER 8, 2020

WHEREAS, the Township of Toms River is a member of the Stafford Township Cooperative Pricing System, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, pursuant to bids received and the Master Contract awarded by the Township of Stafford as Lead Agency for the Stafford Township Cooperative Pricing System (#33-OCCP), a contract was awarded by Stafford Township as the Lead Agency of the Stafford Township Cooperative Pricing System, (I.D. #33-OCCP-2020-004), of which Toms River Township is an active participant, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, the aforementioned contract was awarded to Atlantic Salt (Delivered and Picked Up) for the Supply of Rock Salt, over two (2) years, up to a maximum amount not to exceed \$600,000.00, over two (2) years, as follows:

Contract Identification Number: 33-OCCP-2020-004

Atlantic Salt
561 Richmond Terrace
Staten Island, NY 10301
Phone: 718-816-7200

Awarded Bid Prices:

Rock Salt – Delivered: \$53.25/Ton Atlantic Salt

Rock Salt – Picked Up \$53.25/Ton Atlantic Salt

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

1. It does hereby award a contract for the Supply of Rock Salt for the Township of Toms River as a participating contracting unit of the Stafford Township Cooperative Pricing System, Contract I.D. #33-OCCP-2020-004, up to a maximum amount not to exceed \$600,000.00 over two (2) years, as follows:

Contract Identification Number: 33-OCCP-2020-004

Atlantic Salt
561 Richmond Terrace
Staten Island, NY 10301
Phone: 718-816-7200

Awarded Bid Prices:

Rock Salt – Delivered: \$53.25/Ton Atlantic Salt

Rock Salt – Picked Up \$53.25/Ton Atlantic Salt

The contract shall be effective from the date of award at the Toms River Township Council meeting of September 8, 2020 through July 21, 2022. The Township of Stafford's term of contract per Stafford's Resolution #2020-236 is July 22, 2020 through July 21, 2021. The contract awarded hereby shall be open-ended. The amount to be encumbered at the time an order is placed and funds will be certified, contingent upon their availability during the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all terms and conditions of the bid specifications and the Master Contract as awarded by the Township of Stafford as Lead Agency. The unit prices, as stipulated above, shall remain firm for the entire term of the contract.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Public Works Dept.
- e) Township of Stafford
260 East Bay Avenue
Manahawkin, N.J. 08050
Attn: Purchasing Agent
- f) Atlantic Salt
561 Richmond Terrace
Staten Island, NY 10301

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Atlantic Salt (Delivered and Picked Up), up to a maximum amount not to exceed \$600,000.00 over 2 years, for the Supply of Rock Salt, is an open-ended contract with funds being encumbered at the time each order is placed, contingent upon the availability of funds in the appropriate municipal budget year.

Awarded Bid Prices:

Rock Salt – Delivered: \$53.25/Ton Atlantic Salt

Rock Salt – Picked Up \$53.25/Ton Atlantic Salt

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: September 8, 2020

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF AN OPEN-ENDED NEGOTIATED CONTRACT TO R23K, INC. T/A AMERICAN UNIFORM & SUPPLY, FOR UNIFORMS AND SPECIALTY ITEMS FOR SCHOOL CROSSING GUARDS, BICYCLE POLICE, AUXILIARY POLICE, DISPATCHERS, BOOKING OFFICERS, MOTORCYCLE POLICE, COMMUNITY SERVICE OFFICERS, AND ANIMAL CONTROL OFFICERS

SEPTEMBER 8, 2020

WHEREAS, the Division of Purchasing of the Township of Toms River has requested authorization to award an open-ended negotiated contract for Uniforms and Specialty Items for School Crossing Guards, Bicycle Police, Auxiliary Police, Dispatchers, Booking Officers, Motorcycle Police, Community Service Officers, and Animal Control Officers for Item Nos. 23, 31, 33, 44, 64, 65, 66, 67, 67-A, 67-B, 75, 78, 90, 91, 121, 122, 142 and 190; and

WHEREAS, bids were first invited on March 31, 2020, as per items listed above, and were rejected to revise the specifications; and

WHEREAS, the same items, listed above, were rebid on July 23, 2020, and received no bids; and

WHEREAS, based on NJSA 40A:11-5(3)(a), prices were negotiated with R23K, Inc. t/a American Uniform & Supply, 6831 US 9, Howell, NJ, 07731, and Action Uniform Co., LLC, 3164 Fire Rd., Egg Harbor Township, NJ, 08234; and

WHEREAS, the negotiated items have been reviewed by the Purchasing Division, and they have recommended that the award of a negotiated open-ended contract be awarded as follows:

R23K, Inc. t/a American Uniform & Supply – for Item Nos. 23, 31, 33, 44, 64, 65, 66, 67, 67-A, 67-B, 75, 78, 90, 91, 121, 122, 142 and 190;

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

1. It hereby awards an open-ended contract for Uniforms and Specialty Items for School Crossing Guards, Bicycle Police, Auxiliary Police, Dispatchers, Booking Officers, Motorcycle Police, Community Service Officers, and Animal Control Officers, as follows:

R23K, Inc. t/a American Uniform & Supply – for Item Nos. 23, 31, 33, 44, 64, 65, 66, 67, 67-A, 67-B, 75, 78, 90, 91, 121, 122, 142 and 190.

2. The Term of Contract shall be effective from September 8, 2020, through April 22, 2021. This will be an open-ended contract with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget year. The award of this contract is subject to all terms and conditions of the bid specifications.

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) Office of Emergency Management
- f) Animal Shelter
- g) Aforementioned bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended negotiated contract awarded to R23K, Inc. t/a American Uniform & Supply, are contingent upon funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: September 8, 2020

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF FIVE (5) PIPS 4-CAM MOBILE P720 ALPR SYSTEMS THROUGH NJ STATE CONTRACT #17-FLEET-00760, AND AWARDING A FIVE-YEAR MAINTENANCE AGREEMENT, FROM GENERAL SALES ADMINIST INC. T/A MAJOR POLICE SUPPLY, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$113,480.00

SEPTEMBER 8, 2020

WHEREAS, the Purchasing Division has requested the Township to authorize the Purchase of Five (5) PIPS 4-Cam Mobile P720 ALPR Systems through NJ State Contract #17-FLEET-00760, and award a five-year maintenance agreement from General Sales Administ Inc. t/a Major Police Supply, as listed below which is more cost effective;

General Sales Administ Inc.
t/a Major Police Supply
47 Dell Avenue
Kenvil, NJ 07847

PIPS 4-cam Mobile P720 ALPR System

NJ State Contract #: 17-FLEET-00760:

<u>Item</u>	<u>Quantity</u>	<u>Description</u>	<u>List Price</u>	<u>Unit Price</u>	<u>Extended Price</u>
MS481-3311-005	5	Mobile 4-CAM P720-810 - (2) Traffic / (2) Parking VP - SX4e *Promo price less than 9% discount.	\$17,450.00	\$14,877.00	\$74,385.00
75-0302-1777-4	5	4 CAM Whelen Mounting System Assembly *Promo price less than 9% discount.	\$900.00	\$819.00	\$4,095.00
Installation	62.5 HRS	Includes: installation of system hardware and software, commissioning, setup, configuration, travel for on-site install.	\$120.00	\$1,500.00	\$7,500.00
Subtotal for State Contract Items					\$85,980.00
Non-contract items					
Servicing	5	MPS-ONSITE: Covers on-site service and maintenance during your two-year factory hardware and software warranty. (Years 1&2) - \$500 per year/per unit.	\$500.00	\$1,000.00	\$5,000.00
Servicing	5	MPS-Maintenance-Now: Additional extended warranty. (Years 3, 4 & 5) - \$1,500 per year/per unit.	\$1,500	\$4,500.00	\$22,500.00
<u>TOTAL:</u>					<u>\$113,480.00</u>

WHEREAS, General Sales Administ Inc. t/a Major Police Supply, 47 Dell Avenue, Kenvil, NJ, 07847, has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure Form, which certifies that the firm has not made any contributions in contravention of New Jersey’s Pay to Play Law, N.J.S.A. 19:44A-20.4 et seq., which documents are on file in the Municipal Clerk’s Office; and

WHEREAS, the Township Council has determined that it is the best interest of the Township of Toms River to authorize this purchase;

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

1. It hereby authorizes the Purchase of Five (5) PIPS 4-Cam Mobile P720 ALPR Systems through NJ State Contract #17-FLEET-00760, and award a five-year maintenance agreement, from General Sales Administ Inc. t/a Major Police Supply.
2. Funds in the amount not to exceed \$113,480.00 are available in Account No. X-04- -243-002.
3. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Division of Purchasing
 - b) Chief Financial Officer

- c) Township Attorney
- d) Police Department
- e) General Sales Administ Inc. t/a
Major Police Supply
47 Dell Avenue
Kenvil, NJ 07847

CERTIFICATION

THIS IS TO CERTIFY that the funds for the Purchase of Five (5) PIPS 4-Cam Mobile P720 ALPR Systems through NJ State Contract #17-FLEET-00760, and award a five-year maintenance agreement from General Sales Administ Inc. t/a Major Police Supply, in the total contract amount not to exceed \$113,580.00, 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 accounts at that time.

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: September 8, 2020

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF OPEN-ENDED CONTRACTS TO CENTRAL POLY-BAG CORP., GLOPAK CORPORATION AND INTERBORO PACKAGING CORP., FOR THE SUPPLY OF POLYLINERS

SEPTEMBER 8, 2020

WHEREAS, bids were invited on August 13, 2020 for the Supply of Polyliners; and

WHEREAS, bids were received from various vendors, as follows:

Central Poly-Bag Corp. 2400 Bedle Place Linden, NJ 07036	Glopak Corporation 132 Case Dr. S. Plainfield, NJ 07080
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Interboro Packaging Corporation 114 Bracken Road Montgomery, NY 12549	WB Mason Co., Inc. 300 Prospect Plains Rd. Cranbury, NJ 08512
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General Chemical & Supply, Inc. 858 N. Lenola Rd., Unit 1A Moorestown, NJ 08057	All American Poly 40 Turner Place Piscataway, NJ 08854
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WHEREAS, the bids have been reviewed by the Division of Purchasing and it is their recommendation that contracts be awarded, as follows:

Central Poly-Bag Corp. – for Item Nos. 1, 2 and 6;

Glopak Corporation – for Item No. 12;

Interboro Packaging Corp. – for Item Nos. 3, 4, 5, 7, 8, 9, 10 and 11.

The bid received from All American Poly was rejected for taking exceptions that render their bid non-responsive;

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

1. It hereby awards open-ended contracts for the Supply of Polyliners, as follows:

Central Poly-Bag Corp. – for Item Nos. 1, 2 and 6;

Glopak Corporation – for Item No. 12;

Interboro Packaging Corp. – for Item Nos. 3, 4, 5, 7, 8, 9, 10 and 11.

2. Term of Contract: September 25, 2020 through September 24, 2021. These contracts shall be open-ended with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget. The award of these contracts are subject to all other terms and conditions of the bid specifications.

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

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

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

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contracts awarded to Central Poly-Bag Corp., Glopak Corporation and Interboro Packaging Corp., are contingent upon funds being encumbered each time an order is place contingent upon the availability of funds in the appropriate municipal budget.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: September 8, 2020

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN OPEN-ENDED
CONTRACT FOR THE SUPPLY OF POOL CHEMICALS FOR SNUG HARBOR POOL
TO MIRACLE CHEMICAL COMPANY, AS SOLE BIDDER MEETING ALL THE
BID SPECIFICATIONS**

SEPTEMBER 8, 2020

WHEREAS, bids were received on August 13, 2020 for the Supply of Pool Chemicals for Snug Harbor Pool; and

WHEREAS, only one bid was received from the following vendor:

Miracle Chemical Company
 1151 B Highway 33
 Farmingdale, NJ 07727

WHEREAS, the bid has been reviewed by the Purchasing Division and the Recreation Department, and recommendation has been made to award a contract to Miracle Chemical Company, as sole bidder meeting all the specifications:

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

1. It hereby awards an open-ended contract for the Supply of Pool Chemicals for Snug Harbor Pool to Miracle Chemical Company, as sole bidder meeting all the specifications, as follows:

Miracle Chemical Company
 1151 B Highway #33
 Farmingdale, NJ 07727

No.	Description	Brand	Est. Qty.	Unit Price
			Miracle Chemical Company 1151 B Highway #33 Farmingdale, NJ 07727	

<u>No</u>	<u>Description</u>	<u>Brand</u>	<u>Est Qty</u>	<u>Unit Price</u>
1	Hypochlorite Solution 15%. Quick-connect system for delivery in mini-bulk. Extra length hose may be required. Average delivery range 75-200 gallons. Delivery must be on a weekly basis	Buckman's Inc	600-2000 gal per season	\$4.095/gal delivered
	<i>Per gallon price required:</i>			
2	Chlorine stabilizer & water conditioner minimum 99% isocyanuric acid, 100% soluble, minimum 100 lb. pail or drum:	N/A	2 drums	No Bid
3	Muriatic Acid, 5 gal containers	Buckman's Inc	10 containers	\$37.50 per cont per delivery
4	Sparkle Conquest (no substitutions) Quart bottle containers	Alden Leeds, Inc	20 containers	\$45.99 per bottle delivered

Item No. 2 received no bids and will not be rebid.

Term of Contract: September 25, 2020 through September 24, 2021. All terms and conditions of the bid specifications are applicable on this contract. This will be an open-ended contract with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Recreation Department
- e) Aforementioned Bidder

CERTIFICATION

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

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: September 8, 2020

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE AND
CONSTRUCTION OF A KAYAK RAMP FOR HUDDY PARK, UTILIZING EZ DOCKS
UNLIMITED, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$25,605.95**

SEPTEMBER 8, 2020

WHEREAS, the Purchasing Division is requesting the Township to authorize the Purchase and Construction of a Kayak Ramp for Huddy Park; and

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

WHEREAS, the Township Council has determined that it is the best interest of the Township of Toms River to authorize this purchase;

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

1. It hereby authorizes the Purchase and Construction of Kayak Ramp for Huddy Park, from EZ Docks Unlimited, in the total maximum amount not to exceed \$25,605.95, as follows:

<u>Item</u>	<u>Quantity</u>	<u>Description</u>	<u>Price</u>	<u>Total</u>
20601	2	Dock Section 60" X 12"	\$1,456.00	\$2,912.00
135350	3	Pipe Bracket Kit –Standard Duty 3.5"	\$ 119.00	\$ 357.00
121025	3	2-3/8" OD-10 Gauge X 21' L Galvanized Pipe	\$ 205.00	\$ 615.00
200900	1	EZ Kayak Launch	\$1,399.00	\$1,399.00
301100	9	Coupler Set w/Composite Rod	\$ 52.00	\$ 468.00
Gangway	1	3' X 30' Aluminum Gangway Includes: Toe Kick, Grab Rail, Transition Plate, Gangway Skid Plate	\$8,150.00	\$8,150.00
Labor	1	Construct 3-1/2' by 5' Bump Out	\$7,950.00	\$7,950.00

Materials: 16' 10" Piles
 By 10" 2.5 CCA, 3 by 8
 Structure, 3/4 Timber Bolts,
 2 by 6 Decking, Stainless
 Steel Screws

Discount	1	Discount 5%	-\$ 695.05	-\$ 695.05
Delivery	1	Delivery Shipping MO	\$ 2,500.00	\$2,500.00
Assembly	1	Assembly of EZ Dock	\$ 1,950.00`	\$1,950.00
TOTAL:				\$25,605.95

2. Funds in the amount not to exceed \$25,605.95, are available in Account No. X-04- -219-001

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

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

- a) Division of Purchasing
- b) Chief Financial Officer
- c) Township Attorney
- d) Engineering Division
- e) Parks, Buildings & Grounds
- f) EZ Docks Unlimited
 550 State Route 36
 Belford, NJ 07718

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with EZ Docks Unlimited, in the total contract amount not to exceed \$25,605.95, are available in Account No. X-04- -219-001.

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

ALEXANDER DAVIDSON
 CHIEF FINANCIAL OFFICER

Dated: September 8, 2020

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF NEW FLOORING FOR WINDING RIVER ICE RINK, FROM THE GILLESPIE GROUP, A MAX TECH COMPANY, UTILIZING ESCNJ COOPERATIVE CONTRACT, #19/20-05, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$146,463.80

SEPTEMBER 8, 2020

WHEREAS, the Township of Toms River is a member of the Educational Services Commission of New Jersey #19/20-05, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, pursuant to bids received, a contract was awarded to The Gillespie Group, A Max Tech Company, by the Educational Services Commission of New Jersey, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, the Purchasing Division is requesting authorization to Purchase New Flooring for Winding River Ice Rink, utilizing Educational Services Commission of New Jersey, Contract #19/20-05, in the total contract amount not to exceed \$146,463.80, from the following vendor:

The Gillespie Group
A Max Tech Company
5 Chris Court, Suite G
Dayton, NJ 08810

New Flooring for Winding River Ice Rink
ESCNJ 19/20-05

<u>Location</u>	<u>Price</u>
Rinkside by Main Office:	\$ 22,304.00
Rinkside Hallway for Lockers:	\$ 12,312.00
Lockers at Rinkside:	\$ 51,660.00
Back Lobby Rink to Bleachers:	\$ 38,364.00
Bathrooms:	\$ 21,823.80
TOTAL:	\$146,463.80

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

4. It hereby authorizes the Purchase of New Flooring for the Winding River Ice Rink, from The Gillespie Group, A Max Tech Company, utilizing Educational Services Commission of New Jersey, Contract #19/20-05, in the total contract amount not to exceed \$146,463.80, as stated above.

5. Funds in the amount of \$146,463.80, are available in Account Nos. X-04-46-732-017 - \$116,463.80 and X-04- -219-001 - \$30,000.00.

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

7. 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) Winding River Ice Rink
- e) Parks, Buildings & Grounds
- f) The Gillespie Group
A Max Tech Company
5 Chris Court, Suite G
Dayton, NJ 08810

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with The Gillespie Group, A Max Tech Company, in the total contract amount not to exceed \$146,463.80, are available in Account No. X-04-46-732-017 - \$116,463.80 and Account No. X-04- -219-001 - \$30,000.00.

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.

Dated: September 8, 2020

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO
ADVERTISE AND RECEIVE BIDS FOR THE PURCHASE OF NEW 95-GALLON
SANITATION COLLECTION SYSTEM AUTOMATED/SEMI-AUTOMATED (ROBO)
CONTAINERS FOR THE DEPARTMENT OF PUBLIC WORKS**

SEPTEMBER 8, 2020

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

**PURCHASE OF NEW 95-GALLON SANITATION COLLECTION SYSTEM
AUTOMATED/SEMI-AUTOMATED (ROBO) CONTAINERS FOR THE DEPARTMENT
OF PUBLIC WORKS**

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 Division is hereby authorized to prepare bid specifications for the above-mentioned items/project.
2. The Purchasing Division is hereby authorized to advertise for the receipt of bids for the above-mentioned items/project.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing Division
 - b) Chief Financial Officer
 - c) Township Attorney
 - d) Public Works Department

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING
CHANGE ORDER NO. 1 - FINAL (REDUCTION IN CONTRACT IN THE AMOUNT OF
\$4,000.00), RELEASING PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE
BOND, AND AUTHORIZING FINAL PAYMENT TO CONTRACTOR, PICERNO-
GIORDANO CONSTRUCTION, LLC, IN THE AMOUNT OF \$29,500.00,
FOR THE CLOSEOUT OF THE PROVIDING AND INSTALLATION OF ONE (1)
OUTDOOR FITNESS COURT AT VETERAN'S PARK PROJECT**

SEPTEMBER 8, 2020

WHEREAS, resolution of the Township Council dated May 26, 2020, awarded a contract to Picerno-Giordano Construction, LLC, meeting all the bid specifications, for the Providing and Installation of One (1) Outdoor Fitness Court at Veteran's Park Project, in the maximum contract amount not to exceed \$156,000.00; and

WHEREAS, the contractor retained for the Providing and Installation of One (1) Outdoor Fitness Court at Veteran's Park Project, has submitted the required documents in connection with the closeout of this project; and

WHEREAS, it is necessary to take certain action with respect to documents that are required to be completed before the project can be closed out and payment processed, as follows:

- a) Contractor's Application for Payment in the amount of \$29,500.00.
- b) Change Order No. 1 – Final - Executed by the contractor for a reduction in the contract amount of \$4,000.00.
- c) Original Maintenance Bond No. EACX4011697 with Picerno-Giordano Construction, LLC, as Principal and Endurance Assurance Corporation, as Surety.

WHEREAS, Change Order 1 – Final to the contract with Picerno-Giordano Construction, LLC, to wit:

DESCRIPTION OF CHANGE – CHANGE ORDER NO. 1 – FINAL REDUCTION:

Removal of unused construction allowance

TOTAL REDUCTION: (\$4,000.00).

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	(\$4,000.00)
Total Extras This C.O.	X	X
Total Supplementary This C.O.	X	X
Total This C.O.	X	(\$4,000.00)
Previous Change Orders	X	X
Total Change Orders to Date:	X	(\$4,000.00)
Net Change of Project Value		(\$4,000.00)
Total Change in Contract		(\$4,000.00)
ORIGINAL CONTRACT BID PRICE:	\$156,000.00	
NEW CONTRACT PRICE:	\$152,000.00	

be and the same is hereby ratified and confirmed;

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

1. It hereby authorizes the appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation, to close out the Providing and Installation of One (1) Outdoor Fitness Court at Veteran's Park Project, approval of Change Order No. 1 – Final, releasing Performance Bond, acceptance of Maintenance Bond, and authorizing final payment to contractor, in the amount of \$29,500.00, and funds are available in Account Nos. X-04- -236-001 - \$15,285.42, and X-19- -600-137 - \$14,214.58. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing Division
- e) Picerno-Giordano Construction, LLC
200 Market Street
Kenilworth, NJ 07033

CERTIFICATION

THIS IS TO CERTIFY that the funds for the closeout and final payment to contractor, Picerno-Giordano Construction, LLC, in the amount not to exceed \$29,000.00, are available in Account No. X-04- -236 -001 - \$15,285.42 and X-19- -600-137 - \$14,214.58.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: September 8, 2020

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING
A FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT WITH
HOPLITE COMMUNICATIONS, LLC, FOR 5G CONSULTING SERVICES;
ALL FEES WILL BE PAID BY THE WIRELESS CARRIERS AS PASS
THROUGH FEES, AND AUTHORIZING THE MAYOR TO EXECUTE
AND THE TOWNSHIP CLERK TO ATTEST TO ANY AND
ALL DOCUMENTS, ASSOCIATED WITH THE CONTRACT
APPROVED HEREUNDER**

SEPTEMBER 8, 2020

WHEREAS, the Township of Toms River has a need to obtain professional 5G Consulting Services for the Township; and

WHEREAS, proposals were received and opened on August 5, 2020; and

WHEREAS, only one proposal dated July 30, 2020, was received from:

**Hoplite Communications, LLC
197 Route 18, Suite 3000
East Brunswick, NJ 08816**

WHEREAS, Hoplite Communications, LLC, has the needed experience and expertise to provide the Township with the required services; and

WHEREAS, Hoplite Communications, LLC, has extensive history of project lead and participation in the wireless industry, i.e. Sprint Nextel, AT&T Mobility, and Verizon Wireless; and

WHEREAS, the Township Council has determined that it would be in the best interest of the Township of Toms River to retain Hoplite Communications, LLC, for 5G Consulting Services for the Township; and

WHEREAS, this award is provided through a fair and open basis and subject to campaign contribution reform laws as set forth in *N.J.S.A. 19:44A-20.5 et. seq.* and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*; and

WHEREAS, Hoplite Communications, LLC, has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure form which certifies that the firm has not made any contributions in contravention of New Jersey's "Pay-to-Play Law", *N.J.S.A. 19:44A-20.5, et. seq.*, and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*, and Hoplite Communications, LLC, acknowledges that the contract will prohibit it from making any such contributions through the term of the contract; and

WHEREAS, All fees will be paid by the wireless carriers as pass through fees:

- \$3,000.00: One-time fee per carrier, master right-of-way agreement drafting, terms negotiation and location plotting and mapping.
- \$500.00: Per site, individual site right-of-way agreement.
- \$500.00: Per site, construction/zoning permit review.
- \$500.00: Per site, construction oversight.

Hourly rates will not be utilized in the provision of the proposed services, per attached Proposal dated July 30, 2020. Term commencing September 9, 2020 through September 8, 2021:

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

1. It hereby awards a professional services contract to Hoplite Communications, LLC, for 5G Consulting Services for the Township of Toms River, per Proposal dated July 30, 2020.
2. All fees will be paid by the wireless carriers as pass through fees:
 - \$3,000.00: One-time fee per carrier, master right-of-way agreement drafting, terms negotiation and location plotting and mapping.
 - \$500.00: Per site, individual site right-of-way agreement.
 - \$500.00: Per site, construction/zoning permit review.
 - \$500.00: Per site, construction oversight.

Hourly rates will not be utilized in the provision of the proposed service.

3. This contract will be effective commencing September 9, 2020 through September 8, 2021.
4. The Mayor is hereby authorized to execute and the Township Clerk to attest an agreement, and all documents associated with the contract approved hereunder.
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 Maurice B. Hill, Jr.
 - b) Township Council
 - c) Chief Financial Officer
 - d) Acting Business Administrator
 - e) Township Attorney
 - f) Township Planner
 - g) IT Department
 - h) Hoplite Communications, LLC
197 Route 18, Suite 3000
East Brunswick, NJ 08816
Attn: Peter J. Lupo, Owner/Manager

CERTIFICATION

THIS IS TO CERTIFY that all fees in connection with the contract with Hoplite Communications, LLC., will be paid by the wireless carriers as pass through fees:

- \$3,000.00: One-time fee per carrier, master right-of-way agreement drafting, terms negotiation and location plotting and mapping.
- \$500.00: Per site, individual site right-of-way agreement.
- \$500.00: Per site, construction/zoning permit review.
- \$500.00: Per site, construction oversight.

Hourly rates will not be utilized in the provision of the proposed services

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: September 8, 2020

RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSES FOR 2020-2021

September 8, 2020

WHEREAS, all of the present Liquor License holders listed below have made application for the renewal of their respective licenses and have paid the necessary fees for such renewals; and

WHEREAS, the submitted application form is complete in all respects; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations; and

WHEREAS, the applicant has disclosed, and the issuing authority has ascertained and reviewed the source of any additional financing obtained in the previous license term for use in the licensed business;

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. That Plenary Retail **Consumption** Liquor Licenses be and are hereby granted to the following applicants, all of whom are presently holders of such licenses, for the respective premises, to wit:

1507-33-001-008 (Pocket)
37 Eats, LLC
16 Madison Ave
Toms River, NJ 08753

1507-33-002-004
Aqua Blu Restaurant & Grill
3410 Route 37 East
Toms River, NJ 08753

1507-33-004-006
RTC Restaurant Corp.
225 W. Washington Street
Indianapolis, Indiana 46204

1507-38-005-008
JPPGR, Inc.
T/A Artisan's
1171 Hooper Ave
Toms River, NJ 08753

1507-33-006-011
Cayard Inc.
t/a Office Lounge
820 Main Street & 10 Highland Parkway
Toms River, NJ 08753

1507-33-008-005
South Jersey Pub's
t/a T.G.I Friday's
1279 Hooper Ave
Toms River, NJ 08753

1507-33-009-011
Apple Food Service of TR LLC
t/a Applebee's Grill & Bar
1201 Hooper Ave #1095
Toms River, NJ 08753

1507-33-010-004
BJ's Restaurant Operations Company
1275 Hooper Ave
Toms River, NJ 8753

1507-33-011-005
Il Tramonto Inc.
t/a Villa Amalfi Ristorante
1006A Lakewood Rd
Toms River, NJ 08753

1507-33-017-007
Red Lobster Restaurants, LLC
t/a Red Lobster #568
1298 Hooper Ave
Toms River, NJ 08753

1507-018-011
JMJ Licensing Corp.
1850 Hooper Ave
Toms River, NJ 08753

1507-33-019-009
Spot Enterprises, Inc.
t/a The Spot
1426 Lakewood Rd. Suite 1
Toms River, NJ 08753

1507-33-020-004
Ruby Tuesday Inc.
t/a Ruby Tuesday's
1311 Route 37 West
Toms River, NJ 08755

1507-33-021-008
Charlie Browns of Toms River
t/a CB Silverton
11 kettle Creek Rd
Toms River, NJ 08753

1507-33-024-009
McIntyre's Pub LLC
1747 Hooper Ave
Toms River, NJ 08753

1507-33-025-005
Wisk Inc.
t/a Miracle Bar & Liquors
201 Highway 37 West
Toms River, NJ 08755

1507-33-026-008
Chef's International, Inc.
t/a Baker's Water Street
4 Robbins Parkway
Toms River, NJ 08753

1507-33-044-003
GMRI, Inc.
t/a Olive Garden #1483
127 Hooper Ave
Toms River, NJ 0853

1507-33-046-007
GMRI Inc.
t/a Bahama Breeze Restaurant
1201 Hooper Ave
Toms River, NJ 08753

1507-33-050-002
Brinker New Jersey Inc.
Chili's Grill & Bar
1315 Hooper Ave
Toms River, NJ 08753

1507-33-052-003
AntSul BWW V LLC
Buffalo Wild Wings
2 Route 37 West Unit C-1
Toms River, NJ 08753

1507-33-053-003
Garden State Dinning, LLC
d/b/a Tio Juan's Margarita Mexican Restaurant
270 Hwy 37 East
Toms River, NJ 08753

1507-33-054-003
NJ Account Wagering
t/a Favorites
1071 Route 37 West
Toms River, NJ 08755

1507-33-057-001
Grunin Holdings LLC (Inactive)
Caneda's White Rooster
1027 Hooper Ave Building #1
Toms River, NJ 08753

1. That Plenary Retail Consumption Liquor License be and they are hereby renewed to the following for the same premises presently, to wit:

1507-36-036-006
TR Liquors LLC
t/a TR Hotel
Atlantis & Coral Ballrooms
290 Route 37 East
Toms River, NJ 08753

1507-36-040-001
85 Venture Group, Inc.
t/a Clarion Hotel & Conference Center
815 Route 37 West
Toms River, NJ 08755

1507-36-041-007
Dorca Inc. t/a Versaillies
Ramada Inn Suites of Toms River
2373 Route 9
Toms River, NJ 08755

- a) Said license shall not be renewed or transferred except for or to a hotel (or motel) containing at least 100 sleeping rooms.

2. That Plenary Retail Consumption Liquor License be and is hereby renewed and granted to the following for the same premises presently licensed, to wit:

1507-36-016-003
Parsko, Inc.
t/a Howard Johnson Hotel
Christopher's Pub & Grill
Legend Restaurant
955 Hooper Avenue
Toms River, NJ 08753

Subject, however, to the following special conditions, which conditions shall be part of the license:

- a) Said License shall not be renewed or transferred except for or to a hotel or motel containing at least 50 sleeping rooms.

3. That Plenary Retail Consumption License with Broad Package Privilege hereby renewed and granted to the following for the same premises presently licensed, to wit:

1507-32-015-006
Mrs. D. Inc. Spirits Unlimited / Social 37
2 Route 37 West, Bldg. E & B-2
Toms River, NJ 08753

4. That Plenary Retail **Distribution** Liquor Licenses be and they are hereby granted to the following applicants, all of whom are presently holders of such licenses, for the presently respective licensed premises, to wit:

1507-44-013-004
1617 Highway LLC
t/a Monaghan's Liquors
1617 Route 37 East
Toms River, NJ 08753

1507-44-022-004
Overdue LLC
t/a Anthony's Wines and Liquors
1237-47 Route 166
Toms River, NJ 08753

1507-44-023-006
Wines & Liquors, Inc.
t/a Spirits Unlimited
897 Fischer Boulevard
Toms River, NJ 08753

1507-44-043-003
Paris Inc.
t/a EZ Liquors
35 Route 37 East
Toms River, NJ 08753

1507-44-045-007
Mrs. D Inc.
t/a Spirits Unlimited
Acme Markets Rt. 35
Seaside Heights, NJ 08751

1507-44-047-002 (Pocket)
3 Times LLC
952 Lakewood Rd
Toms River, NJ 08753

Subject, however, to the following special conditions, which conditions shall be part of the license:

a) The following Plenary Retail Distribution Liquor Licenses are subject to a **2,000 foot proximity restriction**. Said Liquor Licenses cannot be located within 2,000 feet of another Plenary Retail Distribution (D) Liquor License as denoted by an asterisk, following the License Number.

1507-44-048-004*
Retail, LLC
Buy Rite Liquors
1789-91 Hooper Ave
Toms River, NJ 08753

1507-44-049-004 *
Again, Inc.
t/a Spirits Unlimited
941 Route 37 West - Store 1
Toms River, NJ 08755

1507-44-051-003 *
Cool Is The Rule, Inc.
t/a Spirits Unlimited
1426 Lakewood Road - Suite 2
Toms River, NJ 08753

1507-44-055-005 *
Srutid, LLC
t/a Buy-Rite of Toms River
1311 Rt. 37 West,
Bldg. 1 Unit 10
Toms River, NJ 08753

1507-44-056-001
Limited Liability LLC
Retail LLC
t/a Buy Rite Liquors
2360 Lakewood Rd
Toms River, NJ 08755

5. Each of the licenses referred to in the preceding paragraphs hereof shall be executed for and on behalf of this Municipality by Clerk of the Township of Toms River, with an effective date of **October 1, 2020**.

6. The Township Clerk shall forthwith report to the Division of Alcoholic Beverage Control of the State of New Jersey, and to the State Division of Taxation, the issuance of each said license as soon as such licenses are issued.

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

- a) Department of Police
- b) Chief Financial Officer
- c) Municipal Attorney
- d) State of New Jersey
Division of Alcoholic Beverage Control
140 East Front Street, Fifth Floor
CN 087
Trenton, N.J. 08625-0087
- e) Licensees, as listed above
- f) NJ Division of Taxation
ATTN: ABC Licensing Unit
PO Box 245
Trenton, NJ 08695

**RESOLUTION AUTHORIZING THE RENEWAL
OF CLUB LIQUOR LICENSES FOR 2020-2021**

September 8, 2020

WHEREAS, all of the present Liquor License holders listed below have made application for the renewal of their respective licenses and have paid the necessary fees for such renewals; and

WHEREAS, the submitted application form is complete in all respects; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations; and

WHEREAS, the applicant has disclosed, and the issuing authority has ascertained and reviewed the source of any additional financing obtained in the previous license term for use in the licensed business; and

WHEREAS, the submitted application is complete in all respects, including submission of the club member list; and

WHEREAS, the officers and directors of the club are qualified according to all statutory, regulatory and local governmental ABC laws and regulations; and

WHEREAS, the club maintains all records required by N.J.A.C. 13:2-8.8 (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursements);

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. That Club Liquor Licenses be and are hereby granted to the following applicants all of whom are presently holders of such licenses, for the presently respective licensed premises to wit:

1507-31-28-001
Knights of Columbus
Columbus Club of Toms River
113 Tennyson Ave
PO Box 78
Island Heights, NJ 08732

1507-31-030-001
Gilford Park Yacht Club
700 Riverside Drive
Toms River, NJ 087853

1507-31-031-001
Toms River Country Club, Inc.
419 Washington Street
Toms River, NJ 08753

1507-31-032-002
Toms River Yacht Club
1464 Riviera Dr Money Island
Toms River, NJ 08753

1507-31-035-002
Seaside Lodge #399
Loyal Order of the Moose
1801 Bay Boulevard
Seaside Heights, NJ 08751

2. The licenses referred to in the preceding paragraph hereof shall be executed for and on behalf of this Municipality by the Clerk of the Township, with an effective date of **October 1, 2020**.

3. The Township Clerk shall forthwith report to the Division of Alcoholic Beverage Control of the State of New Jersey, and to the State Division of Taxation, the issuance of each said license as soon as such licenses are issued.

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

- a) Department of Police
- b) Chief Financial Officer
- c) Municipal Attorney
- d) Licensees, as listed above
- e) State of New Jersey
Division of Alcoholic Beverage Control
140 East Front Street
CN 087
Trenton, N.J. 08625-0087
- f) State Division of Taxation
ATTN: ABC Licensing Unit
PO Box 245
Trenton, NJ 08695

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS 7-ELEVEN, BLOCK 794.10, LOTS 1 THROUGH 6 (ROUTE 37 EAST & FISCHER BOULEVARD)

SEPTEMBER 8, 2020

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as 7-Eleven, Block 794.10, Lots 1-6.

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 \$16,460.00 currently on deposit in account #0-14- -902-101 is hereby released with applicable interest;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. 7-Eleven, Inc.
3200 Hackberry Road
Irving, TX 75063

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS, BLOCK 799, LOTS 9-11 AND 29-33 (2017 ROUTE 37 WEST)

SEPTEMBER 8, 2020

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 799, Lots 9-11 & 29-33.

WHEREAS, Performance Bonds have been posted as follows:

1) Surety Bond #SUR2002637 in the amount of \$213,040.99 which represents the ninety percent portion of the performance guarantee amount.

2) Check in the amount of \$23,671.22 which represents the ten percent portion of the performance guarantee amount.

3) Check in the amount of \$16,247.50 which represents the escrow amount for inspection fees.

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

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

2) Said bond approval is conditioned upon compliance by Toms River DG, 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. Toms River DG, LLC
361 Summit Blvd, Suite 110
Birmingham, Al 35243

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT TO THE LANDTECH GROUP INC., AS THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER MEETING ALL THE BID SPECIFICATIONS, FOR THE IMPROVEMENTS TO THE TOMS RIVER EAST LITTLE LEAGUE FIELDS, REBID, IN THE TOTAL MAXIMUM CONTRACT PRICE NOT TO EXCEED \$60,650.00 – FOR THE BASE BID ONLY

SEPTEMBER 8, 2020

WHEREAS, bids were invited on September 1, 2020 for the Improvements to the Toms River East Little League Fields; and

WHEREAS, bids were received, as follows:

<u>Vendor</u>	<u>Pricing</u>
The LandTech Group Inc. 235 County Line Road Amityville, NY 11701	
Base Bid Total:	\$60,650.00
Alternate 1:	\$ 4,400.00
Alternate 2:	\$34,500.00
Total Bid:	\$99,550.00
PMY Construction Corp. 124 Park Ave. Lyndhurst, NJ 07071	
Base Bid Total:	\$122,600.00
Alternate 1:	\$ 6,380.00
Alternate 2:	\$ 34,500.00
Total Bid:	\$163,480.00
TC Landscape Construction Group 1104 Biondo St. Toms River, NJ 08753	
Base Bid Total:	\$ 94,670.00
Alternate 1:	\$ 4,950.00
Alternate 2:	\$ 20,470.00
Total Bid:	\$120,090.00
Z-Tech Contracting LLC 1207 US Highway 22 Mountainside, NJ 07092	
Base Bid Total:	\$ 79,550.00
Alternate 1:	\$ 3,913.56
Alternate 2:	\$ 28,285.40
Total Bid:	\$111,748.96
Giacorp Contracting Inc. 11 Bradhurst Ave. Hawthorne, NY 10532	
Base Bid Total:	\$ 111,680.00
Alternate 1:	\$ 12,650.00
Alternate 2:	\$ 41,630.00

Total Bid: \$ 165,960.00

WHEREAS, the bids have been reviewed by the Purchasing Division and the Department of Engineering, and recommendation has been made to award a contract to The LandTech Group, Inc., as the lowest responsive, responsible bidder meeting all the bid specifications, for the Improvements to the Toms River East Little League Fields - rebid, for a total contract price not to exceed \$60,650.00 – for the base bid only;

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

1. It hereby awards a contract to The LandTech Group Inc., as the lowest responsive, responsible bidder meeting all the bid specifications for the Improvements to the Toms River East Little League Fields - rebid for a total contract price not to exceed \$60,650.00 – for the base bid only. Funds in the amount not to exceed \$60,650.00, are available in Account No. X-04- -233-005. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all terms and conditions of the bid specifications.

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

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

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to The LandTech Group, Inc., in the total contract price not to exceed \$60,650.00 – base bid only, are available in Account No. X-04- -233-005

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: September 8, 2020

Next, items H, Y, Rand S that were pulled off the agenda for discussion were addressed. Council President Maruca asked Township Planner Roberts to explain the following Resolution, item H on the agenda.

Art Anderson, 12 Park Street, asked about Item H if this is a County or Township job. Township Planner Roberts explained. Mr. Anderson also had a question on item S to which Mr. Roberts also answered.

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Geoghegan, Huryk, Lotano, Turnbach, and Council President Maruca voting yes, and with Council Members Kopp and Rodrick absent to approve the following Resolutions H and S from the agenda:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO ENTER INTO A GRANT AGREEMENT WITH THE U.S. DEPARTMENT OF TRANSPORTATION FOR THE NATIONAL INFRASTRUCTURE INVESTMENTS DISCRETIONAL GRANT PROGRAM (FY 2018 BUILD TRANSPORTATION DISCRETIONARY GRANTS) FOR THE DOWNTOWN TOMS RIVER LOOP ROAD PROJECT), AND AUTHORIZING THE MAYOR TO EXECUTE AND THE

TOWNSHIP CLERK TO ATTEST TO AN AGREEMENT, AND ANY AND ALL DOCUMENTS IN CONNECTION WITH THIS GRANT

SEPTEMBER 8, 2020

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

1. The Township of Toms River is authorized to enter into a grant agreement with the United States of America, U.S. Department of Transportation, Federal Highway Administration, Washington, DC, for Grant Agreement Under the Consolidated Appropriations Act, 2018 (Pub. L. 115-141, March 23, 2018) for the National Infrastructure Investments Discretionary Grant Program (FY 2018 BUILD Transportation Discretionary Grants), for the Township of Toms River Downtown Toms River Loop Road Project, FHWA FY 2018 BUILD Grant.

2. This grant will appropriate \$5.66 Million Dollars toward road and circulation improvements to support the Downtown Phase I Waterfront Redevelopment.

3. The BUILD grant will enable all of the necessary road and circulation improvements to support new redevelopment projects in the Waterfront Redevelopment Area and allow completion of construction by 2025.

4. The Mayor is authorized to execute and the Township Clerk to attest to the Grant Agreement, and any and all documentation in connection with this grant.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Township Attorney
- d) Chief Financial Officer
- e) Grant Coordinator
- f) David Roberts, Township Planner
- g) Township Engineer

- h) U.S. Department of Transportation
Federal Highway Administration
Office of Acquisitions & Grants Management
1200 New Jersey Avenue, SE
HCFA-32, Mail Drop E62-204
Washington, DC 20590
- i) Mamun (Mac) Rashid, PE
FHWA New Jersey Division
840 Bear Tavern Road, Suite 202
West Trenton, NJ 08628

RESOLUTION OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY, CONTINUING THE DESIGNATION OF A CONDITIONAL REDEVELOPER FOR BLOCK 668, LOTS 9 AND 13 AS IDENTIFIED ON THE TAX MAPS OF THE TOWNSHIP AND COMMONLY KNOWN AS 1 ROBBINS PARKWAY AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE INTERIM COSTS AGREEMENT WITH RESPECT THERETO

SEPTEMBER 8, 2020

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the "Redevelopment Law"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, after review by the Planning Board of the Township (the “Planning Board”) on May 16, 2018, the Township Council (the “Council”) of the Township of Toms River, in the County of Ocean, New Jersey (the “Township”), adopted a resolution on May 22, 2018 designating the Downtown Core Rehabilitation Area (the “Rehabilitation Area”) pursuant to criteria set forth in the Redevelopment Law; and

WHEREAS, pursuant to the Redevelopment Law, the Township caused a redevelopment plan for the Rehabilitation Area to be prepared, entitled the “The Downtown Core Redevelopment Plan” (as revised, the “Original Redevelopment Plan”); and

WHEREAS, on February 26, 2019, the Council adopted an Ordinance approving the Original Redevelopment Plan; and

WHEREAS, the Council, by resolution duly adopted pursuant to the Redevelopment Law, authorized and directed the Planning Board to undertake a preliminary investigation to determine if a portion of the Rehabilitation Area, identified on the Tax Maps of the Township as Block 668, Lots 9 and 13 (the “Study Area”), constituted an area in need of redevelopment according to the criteria set forth in the Redevelopment Law; and

WHEREAS, on August 7, 2019 the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law and adopted a resolution recommending that Council designate the Study Area as an area in need of redevelopment; and

WHEREAS, on August 13, 2019, after reviewing the recommendations of the Planning Board, the Council adopted a resolution designating the Study Area an area in need of redevelopment under the Redevelopment Law (the “Redevelopment Area”); and

WHEREAS, David Glynn Roberts, AICP/PP, LLA, LEED AP ND, the Township Planner, prepared an amendment to the Original Redevelopment Plan, dated August 21, 2019 to recognize the Redevelopment Area (the “Redevelopment Plan”); and

WHEREAS, on September 24, 2019, the Council adopted an Ordinance approving the Redevelopment Plan; and

WHEREAS, the Township anticipates that the Redevelopment Area will be redeveloped with a mixed-use complex with parking; and

WHEREAS, the Township determined to designate Capodagli Property Company, LLC, (“Capodagli”) as the conditional redeveloper of the Redevelopment Area (the “Conditional Redeveloper”) so as to redevelop the Redevelopment Area in accordance with the terms of the Redevelopment Plan and the Redevelopment Law to coordinate the redevelopment of the Redevelopment Area in the most timely and efficient manner, pending the negotiation and execution of, among other agreements, a redevelopment agreement (the “Redevelopment Agreement”) with the Township; and

WHEREAS, on December 10, 2019, the Township adopted a resolution (i) designating Capodagli, or its designated urban renewal entity formed consistent with the provisions of the Long Term Tax Exemption Law (the “Long Term Tax Exemption Law”) N.J.S.A. 40A:20-1 et seq., as the Conditional Redeveloper of the Redevelopment Area for a period of two hundred seventy (270) days; and (ii) authorizing the execution of an interim costs agreement (the “Original Interim Costs Agreement”) with Capodagli to reimburse the Township for any and all costs incurred by the Township prior to the execution of a Redevelopment Agreement, including the Township’s reasonably incurred out-of-pocket fees, costs and expenses related to the designation of the Conditional Redeveloper, the drafting of amendments to the Redevelopment Plan, negotiation of the terms and conditions of a redevelopment agreement, financial or tax agreement, if applicable, and other documents related to the redevelopment of the Redevelopment Area including, but not limited to, fees for legal, real estate appraisal, accounting, engineering, planning and financial advisory services, including all such fees, costs and expenses incurred (the “Interim Costs”).

WHEREAS, the Township and Capodagli executed the Original Interim Costs Agreement in furtherance of the aforesaid resolution; and

WHEREAS, the Township and Capodagli have agreed to (i) continue the designation of Capodagli, or an affiliated entity, as the Conditional Redeveloper of the Redevelopment Area for an additional period of one hundred eighty (180) days to continue the negotiations of the

Redevelopment Agreement; and (ii) amend the Original Interim Costs Agreement to define the term of the agreement; and

WHEREAS, the Township desires to authorize the execution of an amendment to the Original Interim Costs Agreement (in the form attached hereto as Exhibit A, the “Amendment” and together with the Original Interim Costs Agreement, the “Interim Costs Agreement”) to define the term of the agreement.

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

Section 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. The designation of Capodagli as the Conditional Redeveloper of the Redevelopment Area pending the execution of the Redevelopment Agreement with the Township shall be continued for a period of one hundred eighty (180) days and is contingent upon Capodagli providing any additional project related information as may be requested by the Township.

Section 3. The within designation is further contingent upon (i) Capodagli agreeing to reimburse the Township for any and all Interim Costs in accordance with the Interim Costs Agreement and (ii) negotiating a formal Redevelopment Agreement between the Township and Capodagli.

Section 4. The Mayor of the Township is hereby authorized and directed to execute the Amendment, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Township's redevelopment counsel and other professionals.

Section 5. This resolution shall take effect immediately.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Acting Business Administrator
- d) Division of Engineering
- e) Township Planner
- f) Township Attorney
- g) Chief Financial Officer
- h) Planning Board
- i) Tax Collector
- j) Tax Assessor
- k) Capodagli Property Company, LLC
201 S. Wood Avenue
Linden, N.J. 07036
- l) McManimon, Scotland & Baumann, LLC
75 Livingston Avenue
Second Floor
Roseland, NJ 07068

CERTIFICATE

I HEREBY CERTIFY the foregoing to be a true copy of a Resolution adopted on September 8, 2020 by the Township Council of the Township of Toms River, in the County of Ocean, New Jersey.

Alison Carlisle, Municipal Clerk
Township of Toms River, New Jersey

Council Member Turnbach asked Council Members to table the following Resolution R from the agenda.

A motion was made by Council Member Turnbach, seconded by Council Member Huryk, and carried with Council Members Geoghegan, Huryk, Lotano, Turnbach, and Council President Maruca voting yes, and with Council Members Kopp and Rodrick absent to table the following Resolution to the next Council Meeting of September 22, 2020.

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

(resolution only listed by title since it was not adopted)

Lastly, Council Member Lotano spoke of item Y on the agenda and explained it is a mayoral appointment, and therefore asked Mayor Hill to speak regarding the Business Administrator position.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CONSENTING TO THE APPOINTMENT OF LOUIS A. AMORUSO AS BUSINESS ADMINISTRATOR

SEPTEMBER 8, 2020

WHEREAS, the Mayor has nominated Louis A. Amoruso as Business Administrator; and

WHEREAS, pursuant to N.J.S.A. 40:69A-43(b); N.J.S.A. 40:69a-44; and §40-1 of the Township Code, the appointment of the Business Administrator requires the advice and consent of the Township Council; and

WHEREAS, the Township Council has determined that, by virtue of his education and experience, Mr. Amoruso would effectively discharge the duties of Business Administrator;

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

1. Pursuant to N.J.S.A. 40:69a-43(B); N.J.S.A. 40:69A-44; and §40-1 of the Township Code, the Township Council consents to the appointment of Louis A. Amoruso as Business Administrator, at an annual salary within the range established under the prevailing salary ordinance.

2. Additionally, pursuant to N.J.S.A. 40:69A-44 and §40-1 of the Township Code, Mr. Amoruso may reside outside the Township of Toms River during his tenure as Business Administrator.

3. Mr. Amoruso's appointment is effective September 9, 2020.

4. A certified copy of this resolution shall be remain on file in the office of the Township Clerk and provided to the following parties:

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Chief Financial Officer
- d) Human Resources
- e) Payroll Division
- f) All Department Heads
- g) Township Attorney
- h) Louis A. Amoruso

REPORTS

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

	2020	2019
Bey Lea Golf Course – August	\$240,044.95	\$186,130.69
Bey Lea Golf Course – YTD through August	\$935,313.23	\$895,270.49
Winding River Ice Rink – August	-(\$400.00)	\$41,361.55
Winding River Ice Rink – YTD through August	\$329,434.50	\$501,804.72
Building Permits - August	\$244,900.00	\$208,016.00
Building Permits – YTD through August	\$1,804,589.00	\$1,801,882.00
Beach Badges – YTD through August	\$572,580.00	\$500,434.00
Pool Badges – YTD through August	\$50,579.00	\$103,768.00

APPROVAL OF BILLS

Council President Maruca asked for a report on the bills.

The Bill List, dated **September 3, 2020** was approved on motion by Council Member Turnbach, seconded by Council Member Huryk, and carried with Council Members Geoghegan, Huryk, Lotano, Turnbach, and Council President Maruca voting yes, and with Council Members Kopp and Rodrick absent.. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 20-04474, payable to MVC Lease Program in the amount of \$4,300.00.

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

Purchase Order 20-04474, payable to Recreation Salaries in the amount of \$8,646.81.

Purchase Order 20-04474, payable to Recreation Overtime Wages in the amount of \$97.70.

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

Purchase Order 20-03562, payable to Mr. Keys Inc., in the amount of \$95.00.

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

Purchase Order 20-04474, payable to Magistrate Salaries in the amount of \$6,549.48.

Council Vice President Geoghegan did not have any abstentions.

ELECTED OFFICIALS COMMENTS

Mayor Hill spoke regarding Don Guardian's reappointment and the appointment of Louis Amoruso, explaining Mr. Guardian's term expired with term of Mayor Kelaher; and gave comments on Governors Conference Call.

Councilman Turnbach spoke regarding food distribution every Friday; and thoughts and prayers to the Shimonovich family, who lost their police officer son Nicklas in Lakewood.

Councilwoman Huryk spoke of being very grateful that former Administrator Don Guardian made full recovery, thanked him for his service and noted how he helped get Code Blue into Riverwood Building. Councilwoman Huryk also spoke of Huddy Park Goose Control Program and Dog Park still being worked on.

Councilman Lotano spoke regarding Mr. Amoruso appointment; first day of school; farmers' market, and downtown night out.

Councilman Geoghegan thanked Mr. Amoruso for coming on board.

Council President Maruca spoke on food distribution; and downtown dining. She also expressed gratitude for Don Guardian's recovery and thanked him for his hard work while he was Township Administrator. Congratulations to Mr. Amoruso, and reminded the public of the Mathis House's seafood festival on Sunday.

PUBLIC COMMENTS

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

Sam Foster, spoke regarding Toms River Chess Club, and asked when they will be able to start up.

NOTE: It was reported that public comments were not be audible online. Council President Maruca said it would be looked into.

No further comments from the public appearing, a motion was made by Council Member Huryk, seconded by Council Member Turnbach and carried to enter into a private Executive Session at 7:16 p.m.

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

R E S O L U T I O N

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

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

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

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

Matters of Personnel
 Attorney Client Privilege
 Land Acquisitions
 Contract Negotiations

3. The following specific topics were announced.

1. Executive Session Minutes: August 25, 2020 Regular Meeting
2. Personnel Issues
3. Review of status of all real property acquisitions. (voluntary acquisitions and eminent domain actions)
4. Request of Parking Authority to borrow money as a result of reduced income due to COVID-19

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

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

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

The Council **reconvened** the public portion at 8:05pm P.M., a motion was made by Council Member Huryk, seconded by Council Member Geoghegan and carried with Council Members Geoghegan, Huryk, Lotano, Turnbach, and Council Present Maruca voting yes, and with Council Members Kopp and Rodrick absent.

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

RESOLUTION APPROVING EXECUTIVE SESSION MINUTES

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

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

1. The following Executive Session Minutes are approved:

August 25, 2020 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 8:09 P. M., on motion with Council Member Geoghegan, seconded by Council Member Huryk, and carried with Council Members Geoghegan, Huryk, Lotano, Turnbach, and Council President Maruca voting yes, and with Council Members Kopp and Rodrick absent.

MARIA L. MARUCA, COUNCIL PRESIDENT

ALISON CARLISLE, TOWNSHIP CLERK