

September 22, 2020

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

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

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

**OPEN PUBLIC MEETINGS ACT**  
**STATEMENT**

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

Roll Call:

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

**APPROVAL OF MINUTES**

A motion was made by Council Member Huryk, seconded by Council Member Lotano and carried with Council Members Geoghegan, Huryk, Lotano, and Council President Maruca voting yes, and with Council Members Kopp and Rodrick abstaining, to approve the **Regular Meeting of September 8, 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**

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

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

September 22, 2020

**WHEREAS**, New Jersey is in the midst of a life threatening opioid abuse epidemic; and

**WHEREAS**, the Partnership for a Drug-Free New Jersey has designated October 6<sup>th</sup>, 2020, as *Knock Out Opioid Abuse Day* – an initiative with a dual purpose: to educate families of the addictive qualities of opioid pain medicines and their link to heroin abuse rates in New Jersey, and outreach to physicians with safer prescribing messages found in the Centers for Disease Control and Prevention guidelines for prescribing opiates, which include considering other therapies, setting realistic treatment goals with patients and discussing with patients the pros and cons of opioids; and

**WHEREAS**, the State Senate and General Assembly jointly resolved that October 6<sup>th</sup> shall be permanently designated as *Knock Out Opioid Abuse Day* in New Jersey in order to raise awareness about the dangers of, and the link between, opioid abuse and heroin addiction and its effects throughout the State of New Jersey and across the country; and

**WHEREAS**, the Township of Toms River supports initiatives designed to raise awareness about opioid abuse in New Jersey and take steps to prevent addiction.

**NOW, THEREFORE**, We, Mayor Maurice B. Hill and Council President Maria L. Maruca of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, hereby proclaim that *October 6, 2020, is Knock Out Opioid Abuse Day* in Toms River and calls upon all citizens, businesses, hospitals and schools in town to cultivate a culture of caring and enhanced engagement around addiction and eliminate the stigma associated with addiction.

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*Mayor Maurice B. Hill, Jr.*

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*Maria L. Maruca  
Council President*

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*Kevin M. Geoghegan*

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*Laurie A. Huryk*

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*Joshua D. Kopp*

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*Matthew W. Lotano*

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*Daniel T. Rodrick*

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*Terrance L. Turnbach*

# Township of Toms River Proclamation

September 22, 2020

WHEREAS, hunger and poverty are issues of grave concern in the United States, the State of New Jersey; and

WHEREAS, Toms River Township is committed to taking steps to raise awareness about the need to combat hunger; and

WHEREAS, Toms River Township is committed to working with Fulfill, formerly The FoodBank of Monmouth and Ocean Counties, to educate people about the role and importance of food banks in addressing hunger and to devote more resources and attention to hunger issues; and

WHEREAS, more than 215,000 individuals in Monmouth and Ocean Counties now rely on food provided by Fulfill and its partners since the beginning of the pandemic; and

WHEREAS, the unemployment level is the highest it has ever been in the history of the State and the poverty level for a family of four is \$25,465 and 9.5% of families live below that level; and

WHEREAS, since March 13<sup>th</sup>, 2020, Fulfill has provided 1,986,909 meals including 16,000 **more** meals **per day** than the year before and 1,082,925 of those meals were provided to Ocean County residents; and

WHEREAS, due to the pandemic, one (1) in every six (6) people in Monmouth and Ocean Counties received “emergency” food from Fulfill and their network of food pantries, soup kitchens, shelters and other community organizations; and

WHEREAS, food banks across the country, including Fulfill, will host numerous events throughout the month of September to bring awareness and attention to encourage involvement in efforts to end hunger in their local community.

NOW, THEREFORE BE IT PROCLAIMED, that the Mayor and Township Council of the Township of Toms River, County of Ocean, State of New Jersey do hereby recognize September as HUNGER ACTION MONTH in Toms River Township, and call this observance to the attention of its citizens.

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**Mayor Maurice B. Hill, Jr.**

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**Maria Maruca  
Council President**

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**Kevin Geoghegan**

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**Laurie A. Huryk**

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**Joshua Kopp**

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**Matthew Lotano**

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**Daniel T. Rodrick**

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**Terrance L. Turnbach**

Council President Maruca spoke regarding Fulfill and the good work they are doing in the community and Council Member Huryk noted October 6<sup>th</sup> is knock out opioid day.

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

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

**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.

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

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

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

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

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

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

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

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and with Council President Maruca voting yes, **to go into executive session at 6:08 p.m.**

A motion was made by Council Member Huryk, seconded by Council Member Lotano and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and with Council President Maruca voting yes, **to go back into regular session at 7:05 p.m.**

### CONSENT AGENDA

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

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Turnbach, and Council President Maruca voting yes, and with Council Member Rodrick voting no, to approve all the following items listed on the Consent Agenda, except item **C, D, G, O, and P**, which were done separately.

RESOLUTION

SEPTEMBER 22, 2020

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

WHEREAS, the following properties located in Toms River, and the County of Ocean, became Township owned property(ies) on April 24<sup>th</sup> and Feb. 20<sup>th</sup> 2020 and, taxes are now uncollectable for 2020,

AND;

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

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

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

Hereby cancelled;

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR/QTR</u>	<u>AMOUNT</u>
Township of Toms River	413	13.04	2020/4	\$30.85
			2020/3	31.43
	410	15.08	2020/4	5.78.
			2020/3	5.89
	412.41	43.06	2020/4	10.29
			2020/3	10.48

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

Approved to Content

*.RESOLUTION*

***SEPTEMBER 22, 2020***

*WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES FOR THE YEAR (S) INDICATED, DUE TO PROPERTIES HAD DIRECT WITHDRAWL ON THEM. SOLD PROPERTIES BUT FAILED TO NOTIFY THE TAX COLLECTOR TO DISCONTINUE THE DIRECT WITHDRAWLS.*

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
<b>GELDART, JOYCE</b>	<b>412.06</b>	<b>9</b>	<b>2020/3</b>	<b>\$ 378.80</b>
<b>WEISS, EDWIN</b>	<b>146</b>	<b>234</b>	<b>2020/3</b>	<b>6.55</b>
<b>TOTALS:</b>				<b>\$385.35</b>

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

Approved as to content:

**RESOLUTION**  
**SEPTEMBER 22, 2020**

*WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES FOR THE YEAR (S) INDICATED, DUE TO PROPERTIES BECAME CONSOLIDATED PROPERTIES.*

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
<b>AYRA PROPERTIES /GW PROP</b>	<b>235</b>	<b>5.02</b>	<b>2020/4</b>	<b>\$ 508.51</b>
<b>JAKIM PROPERTIES, LLC.</b>	<b>410</b>	<b>2</b>	<b>2020/4</b>	<b>8,146.61</b>
<b>TOTALS:</b>				<b>\$8,655.12</b>

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

Approved as to content:

**RESOLUTION**

**SEPTEMBER 22, 2020**

*WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES FOR THE YEAR (S) INDICATED, DUE TO PROPERTIES BECAME TAX EXEMPT IN 2020.*

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
<b>SERV PROPERTIES AND MANAGEMENT INC.</b>	<b>832</b>	<b>4</b>	<b>2020/3</b>	<b>\$1,100.83</b>

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

*Approved as to content:*

**RESOLUTION**

**SEPTEMBER 22, 2020**

*WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES FOR THE YEAR (S) INDICATED, DUE TO DUPLICATE 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:*

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
<b>ABSOLUTE TITLE AGE OF NJ ESCROW ACCT</b>	<b>1082.11</b>	<b>30</b>	<b>2020/3</b>	<b>\$1,270.36</b>



<i>INNOVATION TITLE INC. ESCROW</i>	<i>510.19</i>	<i>16</i>	<i>2020/3</i>	<i>1,521.85</i>
<i>SMITH, CATHERINE</i>	<i>579</i>	<i>7.02</i>	<i>2020/4</i>	<i>1,601.39</i>
<i>SURETY TITLE AGENCY COASTAL REGION NJ/PA RQ MICR TRST ACT</i>	<i>538</i>	<i>61.03</i>	<i>2020/3</i>	<i>1,843.26</i>
<i>SURETY TITLE AGENCY COASTAL REGION NJ/PA RQ MICR TRUST ACT</i>	<i>943.05</i>	<i>27</i>	<i>2020/3</i>	<i>4,884.78</i>
<i>MADISON TITLE AGENCY, LLC N.J. TRUST</i>	<i>13.01</i>	<i>6</i>	<i>2020/3</i>	<i>2,967.98</i>
<i>UNIVERSITY TITLE INSURANCE AGENCY INC. ESCROW TRUST ACCT</i>	<i>13.08</i>	<i>1</i>	<i>2020/3</i>	<i>\$ 3,290.77</i>
<i>TOTALS:</i>				<i>\$17,380.39</i>

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

*Approved as to content:*

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SECOND AND FINAL EXTENSION OF AN OPEN-ENDED CONTRACT FOR MICROFILM SERVICES FOR THE OFFICE OF CONSTRUCTION AND INSPECTION SERVICES, TAX COLLECTOR, AND VARIOUS DEPARTMENTS, AS NEEDED, TO ALTERNATIVE MICROGRAPHICS, INC., FOR ONE (1) YEAR EFFECTIVE FROM SEPTEMBER 25, 2020 THROUGH SEPTEMBER 25, 2021**

**SEPTEMBER 22, 2020**

WHEREAS, resolution of the Township Council dated September 26, 2017, authorized the award of an open-ended contract for Microfilm Services for the Office of Construction and Inspection Services, Tax Collector, and Various Departments, as Needed, to Alternative Micrographics, commencing September 26, 2017 through September 25, 2019; and

WHEREAS, the terms of the original contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15 (45), which allows for the contract to be extended for no more than one (1) two-year, or two (2) one (1) year extensions upon expiration of the original contract; and

WHEREAS, resolution of the Township Council dated July 23, 2019, authorized the first extension for the above mentioned contract to Alternative Micrographics, Inc., for Microfilm Services for the Office of Construction and Inspection Services, Tax Collector, and Various Departments, as Needed, for a one (1) year term, effective September 26, 2019 through September 25, 2020; and

WHEREAS, the Purchasing Division has determined that it would be in the best interest of the Township to extend the contract for the second and final term;

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 second and final extension of the contract with Alternative Micrographics, Inc., for Microfilm Services for the Office of Construction and Inspection Services, Tax Collector, and Various Departments, as Needed, for a second and final one (1) year term, effective from September 26, 2020 through September 25, 2021. The extension of this contract shall be subject to all the terms and conditions of the original contract award.

2. This will be an open-ended contract extension with funds being encumbered each time service is placed, contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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) Construction Department
- e) Tax Collector
- f) Alternative Micrographics, Inc.  
704 Challenger Way  
Forked River, NJ 08731

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the second and final one (1) year extension of the existing open-ended contract with Alternative Micrographics, Inc., are contingent upon the availability of funds in the appropriate municipal budget.

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

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

Dated: 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**

**SEPTEMBER 22, 2020**

WHEREAS, bids were invited on August 12, 2020 for Emergency Medical Third Party Billing and Collection Services; and

WHEREAS, bids were received, as follows:

<u>Vendors</u>	<u>Percentage Bid on Fees Collected</u>
Farnsworth-Semptimpfelter, LLC 692 Main Street PO Box 462 Lumberton, NJ 08048	2.79%
Cape Professional Billing d/b/a Cape Medical Billing 5 Locust Lane Cape May Court House, NJ 08210	2.99%
Regional Medical Resources, Inc. 601 21 <sup>st</sup> Street Suite 300 Vero Beach, FL 32960	3.65%
DM Medical Billings, LLC 88 Lakeview Drive Gibbsboro, NJ 08026	4.00%
Revenue Guard Medical Claims Management 50-B Route 9 North Morganville, NJ 07751	6.50%
EMS Consultants LTD 101 Lukken Industrial Dr. East LaGrange, GA 30241	4% + \$0.75 per private pay statement attempts to collect

EMS Consultants LTD was rejected for additional fees.

WHEREAS, the bids have been reviewed by the Purchasing Division, and recommendation has been made to award a contract to Farnsworth-Semptimpfelter, LLC, as the lowest responsible bidder meeting all the bid 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 a contract for Emergency Medical Third Party Billing and Collection Services Rebid to Farnsworth-Semptimpfelter, LLC, as lowest responsible bidder meeting all the bid specifications, at 2.79% (percentage bid on fees collected). 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. 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. Term of contract shall be effective retroactive to June 29, 2020 through June 28, 2022.

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) Office of Emergency Management
- e) All aforementioned bidders

## CERTIFICATION

**THIS IS TO CERTIFY** that the contract awarded to Farnsworth-Semptimphelter, LLC, at 2.79% (percentage bid on fees collected), 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.

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 22, 2020

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT TO HUNTER JERSEY PETERBILT, AS SOLE BIDDER MEETING ALL THE BID SPECIFICATIONS, FOR THE PURCHASE OF ONE (1) ADDITIONAL FRONT LOAD COLLECTION TRUCK, CAB AND CHASSIS FOR THE DEPARTMENT OF PUBLIC WORKS, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$269,783.00**

**SEPTEMBER 22, 2020**

**WHEREAS**, bids were invited on February 6, 2020 for the Purchase of One (1) Front Load Collection Truck, Cab and Chassis with the option to purchase one (1) additional unit over the next twelve months for the Department of Public Works; and

**WHEREAS**, on February 25, 2020, the Township Council awarded a contract to Hunter Jersey Peterbilt for the purchase of One (1) Front Load Collection Truck, Cab and Chassis for the Department of Public Works, in the amount of \$269,783.00 less a Trade-In of \$15,000.00, for a total contract not to exceed \$254,783.00;

**WHEREAS**, it is the recommendation of the Purchasing Division and the Department of Public Works to award a contract for one (1) additional Front Load Collection Truck, Cab and Chassis to Hunter Jersey Peterbilt, as the sole bidder meeting all of the bid specifications, as follows:

Hunter Jersey Peterbilt  
524 Monmouth Rd (PO Box 729)  
Clarksburg, NJ 08510

**Price Per Each**

<b>FRONT LOAD REFUSE COLLECTION SYSTEMS CAB &amp; CHASSIS NEW AND UNUSED 2020 MODEL OR NEWER</b>	<u>\$269,783.00</u>
<b>MAKE CAB /CHASSIS BID:</b> _____	<u>Peterbilt</u>
<b>MODEL BID:</b> _____	<u>520/WITTKKE 40 yd Starlight</u>
<b>YEAR BID:</b> _____	<u>2021 / 2020</u>
<b>DELIVERY DATE:</b> _____	<u>180 - 250 days ARO</u>
<b>GRAND TOTAL BID COLLECTION SYSTEM LESS TRADE IN</b>	<u><b>\$269,783.00</b></u>

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

1. It hereby awards a contract for the Purchase of One (1) Front Load Collection Truck, Cab and Chassis for the Department of Public Works to Hunter Jersey Peterbilt, as the sole bidder meeting all of the specifications, for a total contract amount not to exceed \$269,783.00. The award of this contract is subject to all terms and conditions of the bid specifications.

2. Funds in the amount of \$269,783.00 are available in Account No. X-04-46-732-004. 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) Public Works
- e) Hunter Jersey Peterbilt  
524 Monmouth Rd (PO Box 729)  
Clarksburg, NJ 08510

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for purchase of One (1) Additional Front Load Collection Truck Cab and Chassis from Hunter Jersey Peterbilt, for a total contract amount not to exceed \$269,783.00, are available in Account No. X-04-46-732-004.

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

ALEXANDER DAVIDSON  
CHIEF FINANCIAL OFFICER

Dated: September 22, 2020

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A CONTRACT FOR THE PURCHASE OF ONE (1) POWER X1 POWER COT AND ACCESSORIES FOR THE OFFICE OF EMERGENCY MANAGEMENT, FROM FERNO WASHINGTON, INC., FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$20,439.50**

**SEPTEMBER 22, 2020**

**WHEREAS**, the Purchasing Division has requested the Township to authorize a contract for the purchase of One (1) Power X1 Power Cot and Accessories for the Office of Emergency Management; and

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

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

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

1. It hereby authorizes a contract for the purchase of One (1) Power X1 Power Cot and Accessories for the Office of Emergency Management, with Ferno Washington, Inc., for the total amount not to exceed \$20,439.50.

2. Funds for this contract are available in Account No. X-04-46-732-007.

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

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Acting Business Administrator
- d) Division of Purchasing
- e) Chief Financial Officer
- f) Township Attorney
- g) Office of Emergency Management
- h) Ferno Washington, Inc.  
70 Weil Way  
Wilmington, OH 45177

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for purchase of One (1) Power X1 Power Cot and Accessories from Ferno Washington, Inc., for a total contract amount not to exceed \$20,439.50, are available in Account No. X-04-46-732-007.

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 22, 2020

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF ONE (1)  
NEW/UNUSED REPLACEMENT TORO GROUNDSMASTER 4000 FOR THE DIVISION OF  
PARKS, BUILDINGS AND GROUNDS, FROM TURF EQUIPMENT & SUPPLY CO. INC.,  
UTILIZING ESCNJ COOPERATIVE CONTRACT, #18/19-25, IN THE TOTAL  
CONTRACT AMOUNT NOT TO EXCEED \$68,003.62**

**SEPTEMBER 22, 2020**

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

**WHEREAS**, pursuant to bids received, a contract was awarded to Turf Equipment & Supply Company Inc. 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 One (1) New/Unused Replacement Toro Groundsmaster 4000 for the Division of Parks, Buildings and Grounds, utilizing Educational Services Commission of New Jersey, Contract #18/19-25, in the total contract amount not to exceed \$68,003.62, from the following vendor:

Turf Equipment & Supply Co. Inc.  
 8015 Dorsey Run Road  
 Jessup, MD 20794  
 Contract #18/19-25

<u>Item</u>	<u>Description</u>	<u>MSRP Pricing</u>	<u>Discount</u>	<u>Total</u>
30609	Toro Groundsmaster 4000	\$ 84,393.00	(\$16,878.60)	\$67,514.40
108-1450	Atomic Blade Pack	\$ 192.12	(\$ 38.42)	\$ 153.70
131-6691	Seat Cover Grey	\$ 44.94	(\$ 8.99)	\$ 35.95
44967	800 Hr MVP Filter Kit	\$ 374.46	(\$ 74.89)	\$ 299.57
<b>TOTAL:</b>			<b>\$68,003.62</b>	

**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 One (1) New/Unused Replacement Toro Groundsmaster 4000 for the Division of Parks, Buildings and Grounds, from Turf Equipment and Supply Co. Inc., utilizing Educational Services Commission of New Jersey, Contract #18/19-25, in the total contract amount not to exceed \$68,003.62.

2. Funds in the amount of \$68,003.62 are available in Account No. X-04-46-732-005.

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) Division of Parks, Buildings and Grounds
- e) Turf Equipment & Supply Company Inc.  
 8015 Dorsey Run Road  
 Jessup, MD 20794

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the purchase of One (1) New/Unused Replacement Toro Groundsmaster 4000 from Turf Equipment & Supply Company Inc., in the total maximum amount not to exceed \$68,003.62, is available in Account No. X-04-46-732-005.

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.

CHIEF FINANCIAL OFFICER

Dated: September 22, 2020

RESOLUTION

CANCELLING STALE-DATED OUTSTANDING CHECKS

September 22, 2020

WHEREAS, there exists various outstanding checks on the books and records of the Township;

WHEREAS, the various contracts creating these outstanding checks have been investigated and it has been determined that these checks should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, County of Ocean, State of New Jersey, that the following outstanding checks listed below in the amount of \$5,209.09 are hereby cancelled:

<u>Disbursement Account</u>		<u>XXXXXXXX7859</u>
102820	June 11, 2019	\$2,030.60
102830	June 11, 2019	\$156.00
102940	June 25, 2019	\$489.50
103764	Aug 25, 2019	\$277.15
103943	Aug 25, 2019	\$786.00
105132	Dec 10, 2019	\$1,469.84

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**\$5,209.09**

<b>Total</b>	<b>\$5,209.09</b>
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The Township Clerk shall send a certified copy hereof to each of the following:

- a) Township Auditor
- b) Director of Finance/CFO

Approved as to content:

RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSES FOR 2020-2021

September 22, 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:

1507-33-003-010  
AR Seashore, LLC d/b/a Mellow Mushroom  
1111 Route 37 West  
Toms River, NJ 08755

1507-33-012-006  
Malbar Inc.  
1250 Hooper Ave  
Toms River, NJ 08753

2. Each of the licenses referred to in the preceding paragraph 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**.

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) 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 22, 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:

1507-31-029-001  
Toms River Elks Lodge#1875  
600 Washington Street  
Toms River, NJ 08753

1507-31-060-001  
Normandy Beach Yacht Club Inc.  
236 South Court  
Normandy Beach, NJ 08739

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, AUTHORIZING AWARD OF A CONTRACT TO  
COMMONWEALTH EQUIPMENT CORP., AS THE LOWEST RESPONSIVE, RESPONSIBLE  
BIDDER MEETING ALL OF THE BID SPECIFICATIONS, FOR ONE NEW/UNUSED  
TROMMEL SCREENER WITH OPTIONAL EQUIPMENT ITEMS 1) HYDRAULIC TIPPING  
GRID, AND 2) AUTO REVERSING FAN, FOR PUBLIC WORKS, IN THE TOTAL  
CONTRACT PRICE NOT TO EXCEED \$165,000.00**

**SEPTEMBER 22, 2020**

WHEREAS, bids were invited on September 3, 2020, for One New/Unused Trommel Screener with Optional Equipment Items 1) Hydraulic Tipping Grid, and 2) Auto Reversing Fan for Public Works; and

WHEREAS, bids were received from the following vendors:

	Commonwealth Equipment Corp	RJ Sherman & Associates Inc.
	36 Hazelton St Ashley, PA 18706	dba Vermeer North Atlantic Sales and Service 7 Maple Ave Lumberton, NJ 08048
<b>New Unused Trommel Screener as Described in the Specifications</b>	\$ 195,000.00	\$ 310,947.00
<b>Less Trade In</b>		
Re-Tech 723A Portable Trommel Screen VIN #1R9TR4728TM216124	\$ 30,000.00	\$ 30,000.00
<b>GRAND TOTAL BID</b>	\$ 165,000.00	\$ 280,947.00
<b>Optional Equipment</b>		
1. Hydraulic Tipping Grid	no charge	\$ 14,000.00
2. Auto Reversing Fan	no charge	Included with the machine

WHEREAS, the bids were reviewed by the Purchasing Division and Public Works, and they have recommended that the award of contract be made to Commonwealth Equipment Corp, as the lowest responsive, responsible bidder meeting all of the bid specifications, for a total contract price not to exceed \$165,000.00;

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

1. It hereby awards a contract for One New/Unused Trommel Screener with Optional Equipment Items 1) Hydraulic Tipping Grid, and 2) Auto Reversing Fan for Public Works, to Commonwealth Equipment Corp., as the lowest responsive, responsible bidder meeting all the bid specifications, for a total contract price not to exceed \$165,000.00. The award of this contract is subject to all the terms and conditions of the bid specifications.

2. Funds are available in the following accounts:

Account No. X-99- -907-740	\$ 24,956.58
Account No. X-99- -907-765	\$140,043.42

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) Public Works
- e) Commonwealth Equipment Corp.  
36 Hazelton St.  
Ashley, PA 18706
- f) RJ Sherman & Associates Inc. dba  
Vermeer North Atlantic Sales and Service  
7 Maple Ave.  
Lumberton, NJ 08048

## CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the contract awarded to Commonwealth Equipment Corp. in the amount not to exceed \$165,000.00, are available in following accounts:

Account No. X-99- -907-740	\$ 24,956.58
Account No. X-99- -907-765	\$140,043.42

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 22, 2020

## RESOLUTION APPOINTING TIMOTHY RUSSELL, AS PRINCIPAL PUBLIC WORKS MANAGER, FOR THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY

**SEPTEMBER 22, 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. Timothy Russell is hereby appointed as the Principal Public Works Manager, for the Township of Toms River, Ocean County, New Jersey, pursuant to N.J.S.A. 40A:9-154.6 et. seq.

2. Mr. Russell's Certified Public Works Manager Certification Number is M-0510.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Chief Financial Officer
- e) Township Attorney
- f) Personnel
- g) Purchasing Division
- h) Public Works Department
- i) Public Works Department, Attn: Timothy Russell
- j) State of New Jersey  
Certification Unit  
Division of Local Government Services  
P.O. Box 803  
Trenton, N.J. 08625-0803

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, RE-APPOINTING ALISON CARLISLE AS FULL-TIME  
MUNICIPAL CLERK OF THE TOWNSHIP OF TOMS RIVER, FOR A THREE (3) YEAR  
TERM, COMMENCING AUGUST 1, 2020 THROUGH JULY 31, 2023**

**SEPTEMBER 22, 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. Alison Carlisle is hereby re-appointed to the position of full-time Municipal Clerk of the Township of Toms River, for a term of three (3) years, commencing August 1, 2020 through July 31, 2023. The re-appointment is made pursuant to N.J.S.A 40A:9-133.1, and Section 14-6A of the Township Code.

2. 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
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Municipal Clerk
- f) Deputy Municipal Clerk
- g) Chief Financial Officer
- h) Human Resources
- i) Alison Carlisle
- j) All Department Heads
- k) Payroll

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, RE-APPOINTING DESTINY REYNOLDS AS FULL-TIME  
DEPUTY MUNICIPAL CLERK OF THE TOWNSHIP OF TOMS RIVER, FOR A THREE (3)  
YEAR TERM, COMMENCING AUGUST 1, 2020 THROUGH JULY 31, 2023**

**SEPTEMBER 22, 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. Destiny Reynolds is hereby re-appointed to the position of full-time Deputy Municipal Clerk of the Township of Toms River, for a term of three (3) years, commencing August 1, 2020 through July 31, 2023. The re-appointment is made pursuant to N.J.S.A. 40A:9-135, and Section 14-6A of the Township Code.

2. 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
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Municipal Clerk
- f) Destiny Reynolds
- g) Chief Financial Officer
- h) Human Resources
- i) All Department Heads

A motion was made by Council Member Huryk, seconded by Council Member Geoghegan, and carried with Council Members Geoghegan, Huryk, Kopp, Turnbach, and Council President Maruca voting yes, and Council Member Lotano abstaining, and with Council Member Rodrick voting no, to approve the following Resolution.

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS  
RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SECOND AND  
FINAL EXTENSION OF AN OPEN-ENDED CONTRACT FOR VEHICLE COLLISION  
REPAIRS (TRIACPS) TO KREAN'S AUTO BODY, INC., AND COMPLETE  
COLLISION CENTER, INC. T/A JACKSON AUTOBODY, FOR THE TOWNSHIP OF  
TOMS RIVER AS LEAD AGENCY OF THE TOMS RIVER INTER-AGENCY  
COOPERTIVE PRICING SYSTEM (#49 TRIACPS), FOR ONE (1) YEAR EFFECTIVE  
SEPTEMBER 21, 2020 THROUGH SEPTEMBER 20, 2021**

**SEPTEMBER 22, 2020**

**WHEREAS**, resolution of the Township Council dated September 26, 2017, authorized the award of master contracts for Vehicle Collision Repairs on behalf of the Toms River Inter Agency Cooperative Pricing System (#49 TRIACPS), of which the Township of Toms River is lead agency, to Krean's Auto Body Repairs and Complete Collision Center, Inc. t/a Jackson Auto Body, on an open-ended basis, effective retroactive to September 21, 2017 through September 20, 2019; and

**WHEREAS**, the terms of the original contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15 (45), which allows for the contract to be extended for no more than one (1) two-year, or two (2) one (1) year extensions upon expiration of the original contract; and

**WHEREAS**, resolution of the Township Council dated July 23, 2019, authorized the first extension for the award of master contracts for Vehicle Collision Repairs on behalf of the Toms River Inter Agency Cooperative Pricing System (#49 TRIACPS), of which the Township of Toms River is lead agency, to Krean's Auto Body Repairs and

Complete Collision Center, Inc. t/a Jackson Auto Body, on an open-ended basis for the first additional one-year term effective September 21, 2019 through September 20, 2020, and

**WHEREAS**, the Purchasing Division has determined that it would be in the best interest of the Township to extend the contracts with Krean's Auto Body, Inc., and Complete Collision Center, Inc. t/a Jackson Autobody, for the second and final one-year term;

**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 second and final extension of the contract with Krean's Auto Body, Inc., and Complete Collision Center, Inc. t/a Jackson Autobody, for the Township of Toms River as Lead Agency of the Toms River Inter-Agency Cooperative Pricing System (#49 TRIACPS) for Vehicle Collision Repairs, for the second and final one (1) year term, effective September 21, 2020 through September 20, 2021.

2. The extension of these contracts shall be subject to all the terms and conditions of the original contract award.

3. These will be open-ended contract extensions with funds being encumbered each time service is placed, contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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) Public Lands
- f) Bey Lea Maintenance Shop
- g) Public Works Department
- h) Bey Lea Golf Course
- i) Toms River Municipal Utilities Authority  
340 West Water Street  
Toms River, NJ 08753
- j) Krean's Auto Body Repairs  
301 West Water Street  
Toms River, NJ 08753
- k) Complete Collision Center, Inc.  
t/a Jackson Autobody  
133 E. Commodore Blvd.  
Jackson, NJ 08527

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the second and final one (1) year extension of the existing open-ended contract with Kreans Auto Body, Inc. and Complete Collision Center, Inc. t/a Jackson Autobody for the Township of Toms River as Lead Agency of the Toms River Inter-Agency Cooperative Pricing System (#49-TRIACPS), 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 DAVIDON  
CHIEF FINANCIAL OFFICER

Dated: Sept 22, 2020

Item "O" and "P" were added from the floor and were next to vote on by Council, but due to comments made out of order from Councilman Rodrick, two consecutive five Minute recesses were moved to be made. The first recess was made with a motion by Councilman Turnbach, seconded by Councilwoman Huryk, with all in favor from 7:15pm to 7:20pm. Discussion out of order ensued, and therefore the second recess was made on motion by Councilwoman Huryk, seconded by Council Vice President Geoghegan from 7:20 to 7:25pm, with all in favor.

Motion to reconvene was made by Councilwoman Huryk, seconded by Council Vice President Geoghegan with all in favor at 7:25pm. Council President Maruca asked Assistant Township Attorney Anthony Merlino to read the following resolution into the record.

A motion was made by Council Member Rodrick, seconded by Council Vice President Geoghegan, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Turnbach, and Council President Maruca voting yes, and with Council Member Rodrick voting no, to approve the following Resolution.

**RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, CENSURING AND DEMANDING THE  
RESIGNATION OF DANIEL T. RODRICK FROM THE TOWNSHIP COUNCIL FOR  
IMPROPER, UNETHICAL, AND DISHONORABLE CONDUCT**

**SEPTEMBER 22, 2020**

**WHEREAS**, on January 3, 2018, Daniel T. Rodrick began a four-year term as a member of the Township Council representing Ward 2, following his victory in the 2017 general election; and

**WHEREAS**, throughout his tenure on the Township Council, Mr. Rodrick has repeatedly committed infractions that degrade his office and violate his sworn civic duty and moral obligation to behave ethically and honorably; and

**WHEREAS**, on June 11, 2019, the Township Council was forced to formally censure Mr. Rodrick for a lurid mayoral campaign with undeniably anti-Semitic overtones, deliberately intended to exploit religious bias for political gain; and

**WHEREAS**, on May 12, 2020, the Township Council was forced to censure Mr. Rodrick a second time for impermissibly, unethically, and illegally breaching the confidentiality; and

**WHEREAS**, these censures are unprecedented in the Township's history; and

**WHEREAS**, Mr. Rodrick was recently accused of inappropriately photographing, from his position on the dais, an attendee in the audience at the August 25, 2020, meeting of the Township Council and transmitting those photographs to certain social media sites; and

**WHEREAS**, the Council President directed Assistant Township Attorney Anthony Merlino, who did not attend the August 25 council meeting in either his personal or professional capacity, to conduct an independent investigation into the accusations against Mr. Rodrick; and



**WHEREAS**, Mr. Merlino conducted a thorough investigation of the incident, which included interviews with complainant and two members of the Township Council who directly witnessed the incident; the official video recording of the August 25 meeting; and information posted on various social media platforms on which the alleged photographs appeared; and

**WHEREAS**, Mr. Merlino's investigation confirmed by clear and convincing evidence that (1) Mr. Rodrick photographed an attendee from the dais during the August 25 proceedings of the Township Council; and (2) either directly or through a surrogate had those photographs posted on certain social media sites, where they were "photo-shopped" to maliciously denigrate this particular citizen; and

**WHEREAS**, Mr. Merlino reported the findings of his investigation to the Administration Committee which recommended to the full council that Mr. Rodrick be censured a third time for improper, unethical, and irresponsible conduct; and

**WHEREAS**, all people, regardless of their identity and background, have an inviolable right to peacefully attend and speak at meetings of legislative bodies, and to petition elected representatives, without reproach or reprisal; and

**WHEREAS**, Mr. Rodrick's rogue behavior disrespects and discourages people from exercising that right, with potentially costly legal implications for the Township; and

**WHEREAS**, Mr. Rodrick's misuse of his privileged position on the dais to mock and ridicule a citizen rightfully in attendance shows that his attention is diverted to matters other than his sworn duty to govern in the public interest; and

**WHEREAS**, as an elected official, Mr. Rodrick is morally and ethically obligated to act above such schoolyard antics and engage citizens in a civil dialogue — not use the council's proceedings to procure fodder to feed salacious social media attacks; and

**WHEREAS**, Mr. Rodrick's behavior disrespects the public he serves and disgraces the office he holds; and

**WHEREAS**, the Township Council vehemently and unequivocally disavows and denounces Mr. Rodrick's perversion of the legislative process and reaffirms the public's fundamental right to petition their government without being personally vilified by an elected official:

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

1. The Township Council hereby censures and condemns Daniel T. Rodrick for improperly and unethically exploiting his elective office to photograph and smear a citizen rightfully in attendance at the August 25, 2020, meeting of the Township Council, actions which debase the Council's proceedings and dishonor the public's right to participate in the legislative process.

2. The Township Council finds that Mr. Rodrick's recidivist conduct renders him unfit to continue in elective office and hereby demands his immediate resignation from the Township Council.

3. A certified copy of this resolution shall remain on file in the Office of the Township Clerk.

Councilman Rodrick retorted regarding his actions.

Council President called Assistant Township Attorney Anthony Merlino to microphone to read the mailed correspondence received by Council from the Department of Justice into the record, explaining the reason for resolution "P".

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Turnbach, and Council President Maruca voting yes, and with Council Member Rodrick voting no, to approve the following Resolution.

**RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS  
RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE  
TOWNSHIP ATTORNEY'S OFFICE AND SPECIAL COUNSEL TO  
ENTER INTO PRE-LITIGATION NEGOTIATIONS WITH THE U.S.  
DEPARTMENT OF JUSTICE UNDER RLUIPA**

**SEPTEMBER 23, 2020**

**WHEREAS**, on September 17, 2020, the United States Department of Justice ("DOJ") issued a notice of suit advising that the Attorney General had authorized a federal lawsuit against the Township alleging that the Township's land use ordinances pertaining to religious institutions violate the Religious Land Use and Institutionalized Persons Act ("RLUIPA"); and

**WHEREAS**, the DOJ's notice invited the Township to enter into pre-suit negotiations in order to resolve the matter without litigation; and

**WHEREAS**, both the Township's Legal Department and special counsel for RLUIPA matters, Professor Marci A. Hamilton, recommend that the Township accept the DOJ's offer to engage in pre-suit negotiations to avoid a costly and protracted litigation with the Federal Government and reach a reasonable resolution that satisfies the Township's obligations under RLUIPA while still furthering the goals of responsible development, public safety, and quality of life; and

**WHEREAS**, based on the advice of counsel, the Township Council finds that it is in the Township's best interest initially to negotiate rather than litigate in order to resolve this dispute:

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

1. The Department of Law and Professor Hamilton are hereby authorized to enter into pre-suit negotiations in accordance with the Department of Justice as provided in the September 17, 2020, notice of suit.

2. A certified copy of this resolution shall 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. Business Administrator
- d. Chief Financial Officer

- e. Township Attorney
- f. Professor Marci A. Hamilton  
36 Timber Knoll Drive  
Washington Crossing, PA 18977

## REPORTS - NONE

## APPROVAL OF BILLS

Council President Maruca asked for a report on the bills.

The Bill List, dated **September 18, 2020** was approved on motion by Council Member Turnbach, seconded by Council Member Huryk, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council President Maruca voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

Councilman Geoghegan abstained due to Business conflicts on the following:

Purchase Order 20-01385, payable to Board of Fire Commissioner District Two in the amount of \$708,603.75.

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

Purchase Order 20-00893, & 20-04792, payable to Dasti McGuckin Attorneys at Law in the amount of \$4,428.00.

Purchase Order 20-04790, payable to NJ MVC Lease Program in the amount of \$4,493.50.

Councilwoman Huryk abstained due to Business conflicts on the following:

Purchase Order 20-00162, payable to Borough of Lavallette in the amount of \$576.62.

Purchase Order 19-00248, 20-00569 & 20-04573, payable to Remington & Vernick Engineers in the amount of \$6,007.30.

Purchase Order 20-04790, payable to Recreation Salaries in the amount of \$8,646.82.

Purchase Order 20-04790, payable to Recreation Overtime Wages in the amount of \$70.56.

Councilman Kopp abstained due to Business conflicts on the following:

Purchase Order 20-04557, 20-04558, 20-04558, & 20-04562, payable to Owen Little & Associates, Inc., in the amount of 49,240.00.

Purchase Order 20-01385, payable to Board of Fire Commissioner District 2 in the amount of \$708,603.75.

Councilman Lotano abstained due to Business conflicts on the following:

Purchase Order 20-04441, payable to Mr. Keys Inc., in the amount of \$410.00.

Purchase Order 19-03911, payable to O'Donnell, Stanton & Associates, Inc., in the amount of \$813.75.

Councilman Rodrick – no on all bills.

Councilman Turnbach abstained due to Business conflicts on the following:

Purchase Order 20-00485, & 20-04622, payable to Citta, Holzapfel, Zabarsky in the amount of \$7,900.00.

Purchase Order 20-00893, & 20-04792, payable to Dasti McGuckin Attorneys at Law in the amount of \$4,428.00.

Purchase Order 20-04790, payable to Magistrate Salaries in the amount of \$6,549.48.

## **ELECTED OFFICIALS COMMENTS**

Mayor Hill asked Governor Murphy to reconsider the vote by mail mandate. He also spoke regarding the opening of the Adult Fitness Center at Veteran's Park.

Councilman Lotano spoke regarding indoor dining and to supporting small businesses. He also spoke to public regarding conduct of Council.

Councilman Kopp had no comments.

Councilman Rodrick spoke on negotiations to land use, and public should recall Mayor and Council on prior issues.

Councilwoman Huryk spoke on land use committee (RLUIPA) and described how it works; during election mail in ballots, machines for visually impaired; 9/12 Exit 82 holding its Disney concert; 9/19 Fire Department fundraiser and Veterans Park Fitness Center.

Councilman Geoghegan commented on negativity that's been going on at the Council Meetings. He asked legal staff to look up citation "2C33E" Disorderly Persons offense to see if it applied to Council Meetings.

Councilman Turnbach offered an apology to the PLE students in audience and said "it's about the person, not the party" and the importance to try to understand each other's position and learn from it.

Council President Maruca spoke regarding bipartisan comments. She also spoke regarding Ruth Ginsberg; mail-in ballots; OCB elect website; Farmers Market will continue; comments on the Harvest Arts Festival, and the Police Department's September 28th Pizza Hut "Vest-A-Cop" event.

## **PUBLIC COMMENTS**

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

Sam Foster, Brick, thanked Councilwoman Maruca on ""Vest-a-cop event; commented on disruptive behavior during council meeting; spoke on mayor Hill; spoke on public positions, and Councilman Rodrick resignation.

Arthur Anderson, 12 Park Street, asked Council President Maruca who would make litigation decision. Council President Maruca explained.

Richard Ciullo, Seaside Heights, apologized to Council and students for outburst, thanked Council for censure; comments on RLUIPA case and supports decision.

No further comments from the public appearing, a motion was made by Council Member Turnbach, seconded by Council Member Huryk, and carried to enter into a private Executive Session at 8:23 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  
Contract Negotiations

3. The following specific topics were announced.
  1. Executive Session Minutes: September 8, 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 COVID19
  5. DM Medical Billings LLC – possible challenge to award of bid
  6. Response to US DOJ letter concerning RLUIPA litigation
  7. Report of investigation re: photographing at Council Meeting
4. It is anticipated that deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

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

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

The Council **reconvened** the public portion at 9:05 P.M., a motion was made by Council Member Huryk, seconded by Council Member Rodrick and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Turnbach, and Council Present Maruca voting yes, and Council Member Rodrick absent.

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

## R E S O L U T I O N A P P R O V I N G E X E C U T I V E S E S S I O N M I N U T E S

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:

**September 8, 2020 Regular Meeting**

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

No other business appearing, the meeting was **adjourned** at 9:06 P. M., on motion with Council Member Huryk, seconded by Council Member Kopp, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Turnbach, and Council President Maruca voting yes, and with Council Member Rodrick absent.

\_\_\_\_\_  
MARIA L. MARUCA, COUNCIL PRESIDENT

\_\_\_\_\_  
ALISON CARLISLE, TOWNSHIP CLERK