

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

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

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

OPEN PUBLIC MEETINGS ACT
STATEMENT

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

Roll Call:

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

APPROVAL OF MINUTES

A motion was made by Council Member Maruca, seconded by Council Member Kubiell, and with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, to approve the **Regular Meeting of September 10, 2019**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS

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

Mayor Kelaher introduced and presented proclamation for retirement to Maria Sessa, who was a Township Liaison to Toms River Township for Jersey Central Power and Light. She was instrumental in troubleshooting issues with our township residents during Hurricane Sandy.

Township of Toms River
Proclamation

**Honoring Maria Sessa
On The Occasion Of Her Retirement
September 24, 2019**

WHEREAS, Maria Sessa, Area Manager of Jersey Central Power and Light is officially retiring effective October 1, 2019, after 36 years of outstanding and meritorious service to the residents of the Township of Toms River and;

WHEREAS, Maria Sessa serves as the External Affairs Manager for JCP&L and is the contact for 27 municipalities throughout Ocean and Burlington counties, including the Township of Toms River and;

WHEREAS, throughout her years of service, Maria has been an integral link to the Township through various weather-related events including Hurricane Irene in 2011 and Superstorm Sandy in 2012 and;

WHEREAS, here dedication to the community also includes her service as a board member of the Greater Toms River Chamber and;

WHEREAS, the Township Council wishes to publicly recognize the significant contributions of Maria Sessa to the Township of Toms River and the community during her many years of service.

NOW, THEREFORE, We, Mayor Thomas F. Kelaher and members of the Township Council, do hereby issue this proclamation in honor of Maria Sessa, and hereby extend our best wishes for a happy and healthy retirement, with special thanks for her professionalism and appreciation for her dedicated service to the Township of Toms River.

Mayor Thomas F. Kelaher

**George E. Wittmann
Council President**

Maurice B. Hill

Laurie A. Huryk

Brian S. Kubiel

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Mayor introduced and presented proclamation to Linda Ostakovich for October Pregnancy and Infant Loss Awareness Campaign. They provide financial and emotional support to families who have suffered a loss.

**Township of Toms River
Proclamation**

**Pregnancy and Infant Loss Awareness Month
September 24, 2019**

WHEREAS, October is Pregnancy and Infant Loss Awareness Month and the New Jersey Chapter of The TEARS Foundation is being honored for its 4th Annual “Break The Silence” campaign and;

WHEREAS, “Break the Silence” campaign brings support for hurting families in New Jersey for pregnancy and infant loss and;

WHEREAS, In 1988 President Ronald Reagan designated October as National Pregnancy and Infant Loss Awareness Month, and The Pregnancy and Infant Loss Remembrance Day Campaign began in 2002 as an American movement and;

WHEREAS, The TEARS Foundation is a 501(c)3 non-profit organization that seeks to compassionately lift the financial and emotional burden from families who have lost a baby and they are committed to helping grieving parents honor the life of their child and;

WHEREAS, The TEARS Foundation has been able to assist over 400 families with financial assistance for the funeral expenses for these precious babies and has helped countless numbers with emotional support.

NOW, THEREFORE, We, Mayor Thomas F. Kelaher and members of the Township Council, do hereby issue this proclamation to The TEARS Foundation for their Annual “Break the Silence” campaign and proclaim October, 2019 as National Pregnancy and Infant Loss Month.

Mayor Thomas F. Kelaher

**George E. Wittmann
Council President**

Maurice B. Hill

Laurie A. Huryk

Brian S. Kubiel

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

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

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

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

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council

President Wittmann announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith.

Paul Jeffries, 1661 Bay Blvd, Ortley Beach, asked if there is a change or a small modification to the Ordinance.

Township Planner Roberts explained the Ordinance.

On motion by Council Member Kubiel, seconded by Council Member Maruca and carried, the public hearing was closed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilman Hill spoke regarding the impact this Resolution would have on our senior citizens.

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

RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, OPPOSING S-2425/A-3851, WHICH WOULD IMPOSE NEW AND BURDENSOME REGULATIONS UPON AGE-RESTRICTED AND OTHER COMMON INTEREST COMMUNITIES

SEPTEMBER 24, 2019

WHEREAS, the state Senate recently passed S-2425, which would revise and expand the laws governing common interest communities, including age-restricted communities; and

WHEREAS, this legislation has been referred to the Assembly, where it is pending as A-3851; and

WHEREAS, this proposed legislation would establish a state agency authorized to oversee and interfere with the internal affairs of age-restricted and other common interest communities, essentially appointing Trenton as the overlord of these communities, usurping their autonomy and subjecting them to excessive and burdensome regulations; and

WHEREAS, this legislation infringes these communities' longstanding freedom to manage their own affairs, without interference from Trenton bureaucrats; and

WHEREAS, the Township Council unwaveringly supports right of age-restricted and other common interest communities to self-government, opposes any encroachment on this right by the state:

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

1. The Township Council firmly and strongly opposes S-2425/A-3851 and urges the Legislature to abandon the proposal.

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
- b. Business Administrator
- c. Division of Law
- d. 10th District Legislators
- e. 9th District Legislators
- f. 7th District Legislators

- g. Senate President
- h. Speaker of the Assembly

Alison Carlisle, Township Clerk read the following resolution by title only. Council President Wittmann then requested the following resolution be taken up for further consideration, with elected official comment, public hearing and final passage.

A motion was made by Council Member Hill, seconded by Council Member Rodrick to approve the following Resolution:

**RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY OPPOSING NEW JERSEY'S DESIGNATION
AS A SANCTUARY STATE AND THE GRANTING OF DRIVERS' LICENSES
AND COLLEGE AID TO UNDOCUMENTED IMMIGRANTS AND
SUPPORTING OCEAN COUNTY'S LAWSUIT AGAINST THE STATE
CHALLENGING LIMITS ON LOCAL GOVERNMENT'S COOPERATION WITH
FEDERAL IMMIGRATION AUTHORITIES**

September 24, 2019

WHEREAS, the Governor and Legislature of the State of New Jersey have declared New Jersey a "sanctuary state;" and

WHEREAS, cities throughout the nation and within the State of New Jersey have declared themselves "sanctuary cities;" and

WHEREAS, in May 2018, Governor Murphy signed into law a bill granting college aid to undocumented immigrants, which in its first year dispersed \$3.8 million in state-funded tuition, while over the same period, the Governor and the Legislature stripped millions in state aid from the Toms River Regional School System; and

WHEREAS, the Governor and the Legislature strongly support the issuance of drivers' licenses to undocumented immigrants; and

WHEREAS, the New Jersey Attorney General recently issued a directive to county and local law enforcement agencies severely limiting their ability to cooperate with the Federal Immigration and Customs Enforcement Agency ("ICE"); and

WHEREAS, in early August, the Ocean County Board of Freeholders filed suit against the State challenging that directive in federal court; and

WHEREAS, the Township Council finds that the State's actions declaring New Jersey a sanctuary city; limiting county and local law enforcement cooperation with ICE; supporting drivers' licenses for undocumented immigrants; and granting state-funded college aid to undocumented immigrants, while imposing draconian state aid cuts on the Toms River school system, are a disturbing misallocation of State resources that could better serve the needs of Toms River's and New Jersey's overtaxed citizens and that unconscionably undermines the safety, security, and general welfare of the entire State:

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

1. The Township Council strongly urge the Governor and the Legislature to rescind both New Jersey's designation as a sanctuary state and the Attorney General's directive limiting cooperation with ICE and instead focus State resources on ensuring that federal immigration laws are appropriately enforced.

2. The Township Council strongly urges the Governor and the Legislature to redirect the funds spent on college aid for undocumented immigrants and fully restore the aid unfairly taken from the Toms River Regional School System.

3. The Township Council strongly urges the Governor and the Legislature to refrain from authorizing drivers' licenses for undocumented immigrants.

4. The Township Council fully supports the Ocean County Freeholders' federal lawsuit against the State challenging the Attorney General's limitations on county and local law enforcement cooperation with ICE.

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

- a. Governor of the State of New Jersey
- b. President of the New Jersey Senate.
- c. Speaker of the General Assembly.
- d. Ocean County Legislative Delegation.
- e. Ocean County Board of Chosen Freeholders.

Council President Wittmann announced that they would conduct an elected official comment at this time.

Councilman Turnbach spoke concerning the language of the resolution. There is no clarification from state. Before Council votes, Did they review? Councilman Turnbach asked on two separate occasions for resolution to be removed. This has no place on this dais.

Councilwoman Maruca abstained due to conflict.

Councilwoman Huryk spoke regarding language in resolution and directive from state.

Councilman Rodrick spoke in his support of the resolution by the governing body.

Councilman Hill spoke in his support of the resolution by the governing body.

Councilman Kubiel had no comments.

Councilman Wittmann spoke in his support of the resolution and why.

Council President Wittmann asked if anyone present had anything to say in connection therewith.

Ted Foley, Dean of Christ Episcopal Church a sanctuary church, they reason why we did this is because the children were suffering. This resolution will create a hostile environment for the children.

Jeff Denter, Pine Beach, his children go to Toms River schools. He wants people to stop criminalizing refugees.

Chris Simoes spoke regarding the “Stars” program and who received those scholarships.

Rahed Jackson, local pastor and activist in the community, said terminology not worded correctly – words from her place – “We were all immigrants at one point”.

Erica Navo, 56 Greenwood, parent of three years old. She does not support the resolution. “When immigrants do better, we all do better”.

Dan Cummings, Brick, opposes the resolution.

Ramu Dasgupta, Professor Ameitus-CASA Freehold Volunteer- asked not to let politics get in the way.

Renald Diner spoke against the resolution.

Jerry Mascrusci spoke in regards to hiring undocumented workers and how this resolution supports unfair working conditions for undocumented immigrants.

Joseph Champagne, 394 Applegate Avenue, former councilman and mayor of South Toms River, we have to start seeing these people as human beings. He is an immigrant from Haiti, and asked why the word “sanctuary” now has such a negative connotation. This is not a political issue. This is a human issue, he said.

Stacy Creb, Rockaway Township, opposed the resolution.

Connie Pascale, opposed the resolution.

Jasmine Goran, Senior at High School South, opposed the resolution, called racist, sexist, and hateful.

Maier Garding, pastor at Grace and Peace, requests resolution be withdrawn, it will not serve community.

Emma Lemano opposed the resolution.

Geoff Ginter, Pine Beach, said politicians shouldn’t be trying to make certain things harder for groups of people.

Alexandro Regio spoke regarding the resolution. This is class warfare, and is insulted by Councilman Rodrick argument. Immigrants work hard and pay into taxes and social security.

Ron Way, South Toms River, Hispanic pastor from Grace and Peace, spoke regarding bringing sensitivity to Hispanic Community. This resolution would not help anyone.

Walter Healy, pastor at Grace and Peace, immigration system is broken – doesn't mean we should be broken – this resolution breeds confusion.

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

Council Member Turnbach moved to rescind the above resolution; Council Member Huryk seconded the motion:

The foregoing motion was **NOT APPROVED** on the following roll call vote:

Council Member Hill	No
Council Member Huryk	Yes
Council Member Kubiel	No
Council Member Maruca	Abstain
Council Member Rodrick	No
Council Member Turnbach	Yes
Council President Wittmann	No

A motion was made by Council Member Hill, seconded by Council Member Rodrick to approve the following Resolution:

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

Council Member Hill	Yes
Council Member Huryk	No
Council Member Kubiel	Yes
Council Member Maruca	Abstain
Council Member Rodrick	Yes
Council Member Turnbach	No
Council President Wittmann	Yes

Council President announced a 5 minute recess would be taken at 8:00 PM.

Council reconvened at 8:06 PM.

CONSENT AGENDA

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

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

RESOLUTION

SEPTEMBER 24, 2019

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

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>
FEIFER, YECHIEL & KERMAN, SIMA	13.08	9	2019/3	\$ 855.22
			2019/4	855.21
TOTALS:				\$1,710.43

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 24, 2019**

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO DUPLICATE TAX PAYMENTS MADE BY THE MORTGAGE CO. CORELOGIC,

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>
CORELOGIC CENTRALIZED REFUNDS	768	16.05	2019/3	\$1,073.70
CORELOGIC CENTRALIZED REFUNDS	920.06	43	2019/3	2,090.96
CORELOGIC CENTRALIZED REFUDS	984	8	2019/3	3,024.07
CORELOGIC CENTRALIZED REFUNDS	1462.08	6	2019/3	2,040.19

CORELOGIC CENTRALIZED REFUNDS	1501.36	10	2019/3	1,575.32
CORELOGIC CENTRALIZED REFUNDS	1501.39	21	2019/3	1,299.07
CORELOGIC CENTRALIZED REFUNDS	1502.17	4	2019/3	31.15
CORELOGIC CENTRALIZED REFUNDS	1502.18	5	2019/3	1,070.57
CORELOGIC CENTRALIZED REFUNDS	1694.03	21	2019/3	1,403.05
TOTALS:				\$13,608.08

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 24, 2019

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO DUPLICATE TAX PAYMENTS MADE BY THE MORTGAGE CO. CORELOGIC,

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>
CORELOGIC CENTRALIZED	61.06	8	2019/3	\$2,430.04

REFUNDS				
CORELOGIC CENTRALIZED REFUNDS	135	2.02/ C3804	2019/3	1,372.12
CORELOGIC CENTRALIZED REFUNDS	166	3.02 C0704	2019/3	29.70
CORELOGIC CENTRALIZED REFUNDS	167	6.05	2019/3	3,330.50
CORELOGIC CENTRALIZED REFUNDS	172	3.09	2019/3	3,281.30
CORELOGIC CENTRALIZED REFUNDS	192.10	36	2019/3	508.26
CORELOGIC CENTRALIZED REFUNDS	192.22	7	2019/3	51.96
CORELOGIC CENTRALIZED REFUNDS	192.23	57	2019/3	401.90
CORELOGIC CENTRALIZED REFUNDS	192.30	43	2019/3	443.74
CORELOGIC CENTRALIZED REFUNDS	192.42	47	2019/3	1,092.77
CORELOGIC CENTRALIZED REFUNDS	232	1.04 C05D	2019/3	910.74
CORELOGIC CENTRALIZED REFUNDS	233.07	7	2019/3	1,250.16
CORELOGIC CENTRALIZED REFUNDS	394.54	99	219/4	1,412.36

CORELOGIC CENTRALIZED REFUNDS	507.45	6	2019/3	1,505.21
CORELOGIC CENTRALIZED REFUNDS	534.04	2	2019/3	1,152.17
CORELOGIC CENTRALIZED REFUNDS	644.06	5	2019/3	1,404.86
CORELOGIC CENTRALIZED REFUNDS	727	2	2019/3	1,126.19
TOTAL:				\$21,703.98

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 AWARD OF OPEN-ENDED CONTRACTS FOR JANITORIAL SUPPLIES TO THE VARIOUS VENDORS: Y-PERS INC., PHILIP ROSENAU CO., INC., COOPER FRIEDMAN ELECTRIC SUPPLY CO. INC. D/B/A COOPER ELECTRIC SUPPLY CO., BIO-SHINE, SPRUCE INDUSTRIES, IMPERIAL BAG & PAPER CO. LLC, UNITED SALES USA CORP., GENERAL CHEMICAL & SUPPLY INC., WB MASON CO. INC., CHEM-TEK INDUSTRIES INC., HOME DEPOT USA INC./THE HOME DEPOT PRO AND GENERAL LINEN & PAPER, WHO MEET ALL THE BID SPECIFICATIONS

SEPTEMBER 24, 2019

WHEREAS, bids were received on August 7, 2019, for the Supply of Janitorial Supplies and were reviewed by the Purchasing Division; and

WHEREAS, bids were received from the following vendors:

Y-Pers Inc
5622 Tulip Street, PO Box 9559
Philadelphia, PA 19124

Scoles Floorshine Industries
PO Box 2303
Farmingdale, NJ 07727

Philip Rosenau Co, Inc
750 Jacksonville Rd
Warminster, PA 18974

Cooper Friedman Electric Supply Co Inc
d/b/a Cooper Electric Supply Co
1 Matrix Dr
Monroe, NJ 08831

Central Poly-Bag Corp
2400 Bedle Place
Linden, NJ 07036

Bio-Shine, Inc
190 Summerhill Rd
Spotswood, NJ 08884

Spruce Industries
759 East Lincoln Ave
Rahway, NJ 07065

Imperial Bag & Paper Co. LLC
255 Route 1 & 9
Jersey City, NJ 07306

United Sales USA Corp
185 30th Street
Brooklyn, NY 11232

General Chemical & Supply Inc
858 N. Lenola Rd, Unit 1A
Moorestown, NJ 08057

WB Mason Co Inc
300 Prospect Plains Rd
Cranbury, NJ 08512

Chem-tek Industries Inc
31 Virginia Dr
Howell, NJ 07731

Home Depot USA Inc/The Home Depot
Pro
701 San Marco Blvd
Jacksonville, FL 32207

General Linen & Paper
2104 Bridge Ave
Pt. Pleasant, NJ 08742

WHEREAS, the bids have been reviewed by the Purchasing Division, and they have recommended that contracts be awarded to the following vendors:

Y-Pers Inc. – for Item Number: 93

Philip Rosenau Co., Inc. - for Item Numbers: 71, 72a, 72b, 75, 76, 96-101, 118, 120, 146 & 147

Cooper Friedman Electric Supply Co. Inc d/b/a Cooper Electric Supply Co. - for Item Numbers: 67, 133, 134, 140, 141, 151, 153, 155 & 157

Bio-Shine - for Item Numbers: 41, 53, 64, 81, 111, 117 and 138

Spruce Industries - for Item Numbers: 32, 46, 54, 58, 63 & 73

Imperial Bag & Paper Co. LLC - for Item Numbers: 6, 17-20, 22, 24, 26, 28, 30, 44, 49a, 49b, 51, 60, 62, 66, 68, 70, 84, 86, 90, 102, 106, 113 & 114

United Sales USA Corp. - for Item Numbers: 10, 11, 13, 14, 31, 39 & 40

General Chemical & Supply Inc. - for Item Numbers: 7, 36, 42, 48, 55, 61, 65, 69, 82, 91, 92, 94, 112, 128, 131, 136a, 136b, 137, 142 & 152

WB Mason Co. Inc. - for Item Numbers: 1, 2, 5, 8, 9, 12, 21, 23, 25, 27, 29, 34, 50, 74, 78, 85, 87, 88, 104, 115, 116, 130, 132, 139, 149, 150, 154 and 156

Chem-tek Industries Inc. - for Item Numbers: 37, 47, 52, 59 & 77

Home Depot USA Inc./The Home Depot Pro - for Item Numbers: 15, 16, 33, 38, 43, 45, 89, 103, 105, 107, 108, 110, 119, 121, 122-127, 129, 135, 143, 144 & 148

General Linen & Paper - for Item Numbers: 3, 4, 35, 56, 57, 79, 83, 95, 109 & 145

WHEREAS, Item 80 received no bid and will not be rebid. Quotes will be obtained prior to purchase; and

WHEREAS, Item 15 is a duplicate and will not be awarded; and

WHEREAS, Item Numbers 31, 33, 43, 67, 74, 83, 96-101 & 113 are awarded to the second lowest bidder because specifications were not met on the lowest bids.

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 Supply of Janitorial Supplies, as follows:

Y-Pers Inc. – for Item Number: 93

Philip Rosenau Co., Inc. - for Item Numbers: 71, 72a, 72b, 75, 76, 96-101, 118, 120, 146 & 147

Cooper Friedman Electric Supply Co. Inc d/b/a Cooper Electric Supply Co. - for Item Numbers: 67, 133, 134, 140, 141, 151, 153, 155 & 157

Bio-Shine - for Item Numbers: 41, 53, 64, 81, 111, 117 and 138

Spruce Industries - for Item Numbers: 32, 46, 54, 58, 63 & 73

Imperial Bag & Paper Co. LLC - for Item Numbers: 6, 17-20, 22, 24, 26, 28, 30, 44, 49a, 49b, 51, 60, 62, 66, 68, 70, 84, 86, 90, 102, 106, 113 & 114

United Sales USA Corp. - for Item Numbers: 10, 11, 13, 14, 31, 39 & 40

General Chemical & Supply Inc. - for Item Numbers: 7, 36, 42, 48, 55, 61, 65, 69, 82, 91, 92, 94, 112, 128, 131, 136a, 136b, 137, 142 & 152

WB Mason Co. Inc. - for Item Numbers: 1, 2, 5, 8, 9, 12, 21, 23, 25, 27, 29, 34, 50, 74, 78, 85, 87, 88, 104, 115, 116, 130, 132, 139, 149, 150, 154 and 156

Chem-tek Industries Inc. - for Item Numbers: 37, 47, 52, 59 & 77

Home Depot USA Inc./The Home Depot Pro - for Item Numbers: 15, 16, 33, 38, 43, 45, 89, 103, 105, 107, 108, 110, 119, 121, 122-127, 129, 135, 143, 144 & 148

General Linen & Paper - for Item Numbers: 3, 4, 35, 56, 57, 79, 83, 95, 109 & 145

who meet all of the bid specifications.

2. The Term of Contracts shall be effective September 25, 2019 through September 24, 2020. The award of these contracts is subject to all the terms and conditions of the bid specifications. 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 year.

3. 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) Department of Parks, Buildings & Grounds
- e) All Aforementioned Bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contracts for the supply of Janitorial Supplies awarded to Y-Pers Inc., Philip Rosenau Co., Inc., Cooper Friedman Electric Supply Co. Inc. d/b/a Cooper Electric Supply Co., Bio-Shine, Spruce Industries, Imperial Bag & Paper Co. LLC, United Sales USA Corp., General Chemical & Supply, Inc., WB Mason Co. Inc., Chem-tek Industries Inc., Home Depot USA Inc./The Home Depot Pro and General Linen & Paper, 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.

SHARON E. SMITH
CHIEF FINANCIAL OFFICER

Dated: September 24, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CHANGE ORDER NO. 1 TO HGAC BUY CONTRACT #AM10-18 WITH VCI EMERGENCY VEHICLES

SPECIALISTS, FOR THE PURCHASE OF ONE (1) AMBULANCE REMOUNT FOR OFFICE OF EMERGENCY MANAGEMENT, IN THE MAXIMUM AMOUNT NOT TO EXCEED AN ADDITIONAL \$14,738.05, FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED \$185,184.37

SEPTEMBER 24, 2019

WHEREAS, resolution of the Township Council dated April 9, 2019, authorized an award of contract to VCI Emergency Vehicles Specialists, for the purchase of One (1) Ambulance Remount, in the total maximum contract price not to exceed \$170,446.32;

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. Change Order No. 1 – for the addition of one (1) ambulance remount with VCI Emergency Vehicles Specialists, to wit:

DESCRIPTION OF CHANGE:

Addition of new Ferno Power X1 cot and mount with installation	\$ 22,689.05
Delete Ferno Washing 35X Cot and Stat Trac	\$ - 7,951.00

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	X
Total Extras This C.O.	\$14,738.05	X
Total Supplementary This C.O.	X	X
Total This C.O.	\$4,738.05	X
Previous Change Orders	X	X
Total Change Orders to Date	\$14,738.05	X
Net Change in Contract	\$14,738.05	
ORIGINAL CONTRACT BID PRICE		\$170,446.32
NEW CONTRACT PRICE		\$185,184.37

be and the same is hereby ratified and confirmed.

2. Funds in the additional amount of \$14,738.05, are available in Account No. X-04- -243-005.

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) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing Division
- e) VCI Emergency Vehicles Specialists
43 Jefferson Avenue
Berlin, NJ 08009

CERTIFICATION

THIS IS TO CERTIFY that the funds for Change Order No. 1 to HGAC Buy Contract #AM10-18 for the purchase of one (1) Ambulance Remount from VCI Emergency Vehicles Specialists, in the additional amount not to exceed \$14,738.05, are available in Account No. X-04- -243-005.

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.

SHARON E. SMITH
CHIEF FINANCIAL OFFICER

Dated: September 24, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF OPEN-ENDED CONTRACTS FOR THE SUPPLY OF MOTOR OILS, ANTIFREEZE, GREASES AND LUBRICANTS, TO PRIME LUBE INC. AND JOHNSON & TOWERS, INC, AS THE LOWEST BIDDERS, MEETING ALL OF THE BID SPECIFICATIONS

SEPTEMBER 24, 2019

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

WHEREAS, bids were received from the following vendors on September 12, 2019, and reviewed by the Purchasing Division and Department of Public Works:

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

Johnson & Towers, Inc.
2021 Briggs Road
Mt. Laurel, NJ 08054

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:

Prime Lube Inc. - Item Nos.: 6a.

Johnson & Towers, Inc. – Item Nos. 7a, 16a, 19a and 23a.

WHEREAS, Item Numbers 17b and 20a received no bids. Quotes will be obtained prior to purchase of these items.

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 bidders, meeting all of the bid specifications:

Prime Lube, Inc.: Item Nos.: 6a.

Johnson & Towers, Inc.: Item Nos. 7a, 16a, 19a and 23a.

2. Term of Contracts shall be effective from August 22, 2019, through August 21, 2020. These will be open-ended contracts with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget.
3. 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.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Purchasing Division

- b) Chief Financial Officer
- c) Township Attorney
- d) Public Works Department
- e) Police Department
- f) Office of Emergency Management
- g) Department of Parks, Buildings & Grounds
- h) Prime Lube Inc.
800 Roosevelt Ave.
Carteret, NJ 07008
- i) Johnson & Towers, Inc.
2021 Briggs Road
Mt. Laurel, NJ 08054

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contracts awarded to Prime Lube, Inc. and Johnson & Towers Inc. 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.

SHARON E. SMITH
CHIEF FINANCIAL OFFICER

Dated: September 24, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE
PURCHASING DIVISION TO ADVERTISE FOR AND RECEIVE SEALED BIDS FOR
ONE (1) NEW OR UNUSED FORD F550 XO 4X4 EXTENDED CAB WITH ALTEC
MODEL AT37G TELESCOPIC ARTICULATING CONTINUALLY ROTATIONAL
AERIAL DEVICE OR EQUAL FOR THE DEPARTMENT OF PARKS, BUILDINGS,
GROUNDS AND CODE ENFORCEMENT, NOT EXPECTED TO EXCEED
\$120,000.00**

SEPTEMBER 24, 2019

WHEREAS, the Purchasing Division is desirous of advertising and receiving sealed bids for One (1) New or Used Ford F550 XL 4x4 Extended Cab with Altec Model AT37G Telescopic Articulating Continually Rotational Aerial Device or Equal for the Department of Parks, Buildings, Grounds and Code Enforcement; and

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

1. The Purchasing Division is hereby authorized to advertise and receive sealed bids for One (1) New or Used Ford F550 XL 4x4 Extended Cab with Altec Model AT37G Telescopic Articulating Continually Rotational Aerial Device or Equal for the Department of Parks, Buildings, Grounds and Code Enforcement, not expected to exceed \$120,000.00.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing Division
 - b) Chief Financial Officer
 - c) Township Attorney

d) Department of Parks, Buildings, Grounds
and Code Enforcement

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF ONE (1) VENTRAC TRACTOR FOR BEY LEA GOLF COURSE FROM WILFRED MACDONALD, INC., USING ESCNJ COOPERATIVE CONTRACT, #18/19-25, IN THE TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$40,916.10

SEPTEMBER 24, 2019

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 Wilfred MacDonald, 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) Ventrac Tractor for Bey Lea Golf Course for the Department of Recreation, in an amount not to exceed \$40,916.10, from the Educational Services Commission of New Jersey, Contract #18/19-25, using the following vendor:

Wilfred MacDonald, Inc.
10 New Maple Avenue, Unit 303
Pine Brook, NJ 07058

ESCNJ CONTRACT
MRESC #18/19-25

Equipment	Model #	Cost
4500Z 32 HP Liquid Cooled Kubota Gas Tractor	#39.51208	\$ 20,836.50
Full Suspension Seat	#70.4111-99	\$ 461.10
Arm Rest Seat Kit	#47.0325	\$ 134.85
Dual Wheel Kit	#70.4067	\$ 1,100.55
Digital Indicator Kit	#70.4140	\$ 308.85
12-Volt Switch Cntrl	#70.4104	\$ 230.55
Hyd. Dual Valve Kit	#70.4109	\$ 365.40
Foot Pedal Kit	#70.4107	\$ 73.95
Canopy	#70.0098	\$ 522.00
MJ840 Mower	#39.55160	\$ 6,920.85
Mulching Kit MJ840	#70.8087	\$ 300.15
KP540 Power Rake	#39.55435	\$ 6,411.90
KR502 Terra Rake	#39.55431	\$ 2,040.15
Heght Adj. Cylinder	#70.8035	\$ 426.30
Terra Rake Ext. Kit	#70.8034	\$ 334.95
EC240 Sod Cutter	#39.55520	\$ 448.05
	Total Amount:	\$ 40,916.10

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) Ventrac Tractor for Bey Lea Golf Course for the Department of Recreation, from Wilfred MacDonald, Inc., in an amount not to exceed \$40,916.10 using the Educational Services Commission of New Jersey, Contract #18/19-25, as stated above.

2. Funds in the amount of \$40,916.10 are available in Account No. X-04- -248-007. 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) Department of Recreation
- e) Wilfred MacDonald, Inc.
10 New Maple Ave., Unit 303
Pine Brook, NJ 07058

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of one (1) Ventrac Tractor for Bey Lea Golf Course from Wilfred MacDonald, Inc. in the total maximum amount not to exceed \$40,916.10, are available in Account No. X-04- -248-007.

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.

SHARON E. SMITH
CHIEF FINANCIAL OFFICER

Dated: September 24, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF ONE (1) FERNO POWER X1 COT FOR THE OFFICE OF EMERGENCY MANAGEMENT FROM V.E. RALPH & SONS, INC., WHO PROVIDED THE LOWEST QUOTE, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$24,237.10, MAKING THE TOTAL PURCHASES FROM THIS VENDOR EXCEED \$17,500.00 OVER THE LAST TWELVE MONTHS

SEPTEMBER 24, 2019

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

WHEREAS, V.E. Ralph & Sons, Inc. 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 of one (1) Ferno Power X1 Cot for the Office of Emergency Management from V.E. Ralph & Sons, Inc., 320 Schuyler Avenue, PO Box 633, Kearny, NJ, 07032-0633, which provided the lowest quote for this item. The total expenditure for this will be \$24,237.10, making the total purchases from this vendor exceed \$17,500.00 over the last twelve months.

2. Funds for this purchase are available in Account Nos. X-04- -236-001 and X-04- -243-005.

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) Division of Purchasing
- b) Chief Financial Officer
- c) Township Attorney
- d) Office of Emergency Management
- e) V.E. Ralph & Sons, Inc.
320 Schuyler Avenue
PO Box 633
Kearny, NJ 07032-0633

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of One (1) Ferno Power X1 Cot for the Office of Emergency Management from V.E. Ralph & Sons, Inc. in the total contract amount not to exceed \$24,237.10, is available in Account Nos. X-04- -236-001 and X-04- -243-005, making the total purchases from this vendor exceed \$17,500.00 over the last twelve months.

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

SHARON E. SMITH
CHIEF FINANCIAL OFFICER

Dated: September 24, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING FINAL CLOSE OUT OF THE RED CARPET INN DEMOLITION, RELEASE OF PERFORMANCE BOND, AND REQUESTING FINAL PAYMENT TO SITE ENTERPRISES INC. IN THE AMOUNT OF \$33,745.00

SEPTEMBER 24, 2019

WHEREAS, resolution of the Township Council dated May 28, 2019, awarded a contract to Site Enterprises Inc. as the lowest responsible, responsive bidder meeting all the specifications, for the Demolition of the Red Carpet Inn, in the total contract price not to exceed \$345,000.00; and

WHEREAS, Change Order No. 1 – for additional site demolition and restoration, to wit:

DESCRIPTION OF CHANGE:

Maintenance & Protection of Traffic		\$ - 14,680.00
General Construction Allowance		\$ - 1,100.00
Soil Erosion & Sediment Control		\$ 5,000.00
Removal of additional asphalt surfaces		\$ 36,025.00
Additional topsoil and seed areas		\$ 8,500.00
	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	\$ 15,780.00
Total Extras This C.O.	\$ 5,000.00	X

Total Supplementary This C.O.	\$ 44,525.00	X
Total This C.O.	\$ 33,745.00	X
Previous Change Orders	X	X
Total Change Orders to Date	\$ 33,745.00	X
Net Change in Contract	\$ 33,745.00	
ORIGINAL CONTRACT BID PRICE	\$ 345,000.00	
NEW CONTRACT PRICE	\$ 378,745.00	

be and the same is hereby ratified and confirmed.

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) Release of original Performance Bond;
- b) Approval of Contractor's Application for final payment and authorize final payment in the amount of \$33,745.00.

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 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 this project, release the Performance Bond, and authorize final payment to Site Enterprises Inc. in the amount of \$33,745.00.
2. Funds in the amount of \$33,745.00 are available in Account No. X-04- -241-001.
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) Chief Financial Officer
 - b) Division of Engineering
 - c) Township Attorney
 - d) Division of Purchasing
 - e) Site Enterprises Inc.
6861 Washington Avenue
Egg Harbor Township, NJ 08234

CERTIFICATION

THIS IS TO CERTIFY that the funds for the final close out and change order to Site Enterprises Inc., for the additional site demolition and restoration, in the amount of \$33,745.00, are available in Account No. X-04- -241-001.

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 account at the time.

SHARON E. SMITH

CHIEF FINANCIAL OFFICER

Dated: September 24, 2019

RESOLUTION

September 24, 2019

WHEREAS, the following application has been filed for **TAXI DRIVER / TAXI CAB / TAXI CAB COMPANY** in accordance with Chapter 457.

<u>Name</u>	<u>Type of License</u>	<u>Taxi Company</u>
25-Charles Raab	Taxi Driver	All Pro Taxi
26-Lisa Raab	Taxi Driver	All Pro Taxi

WHEREAS, the Township Clerk has reported to this Council that said applications and requirements are in order;

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 the Clerk of this Township is hereby authorized and directed to issue the TAXI LICENSE to the applicants listed above, in accordance with Chapter 457 (Taxicab and Taxicab Drivers) the "Code of the Township of Toms River".
2. The applicant is required to conform to all provisions of Chapter 457 (Taxi cabs and Taxi Drivers)
3. The Township Clerk shall send a certified copy of Resolution to the:

- a. Police Department
- b. Licensee (s)
- c. Clerk's File

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE COUNTY OF OCEAN, FOR CLEAN COMMUNITIES EDUCATIONAL SERVICES

SEPTEMBER 24, 2019

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to a Shared Services Agreement between the Township of Toms River and the County of Ocean for Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 to 35, for Clean Communities Educational Services, attached hereto as Schedule "A".
2. A certified copy of this Resolution shall remain on file in the Office of the township Clerk and be provided to each of the following parties:

- a) Mayor Thomas F. Kelaher
- b) Members of the Township Council
- c) Donald Guardian, Business Administrator
- d) Kenneth B. Fitzsimmons, Township Attorney
- e) Sharon E. Smith, Chief Financial Officer
- f) Purchasing Division
- g) County of Ocean
Mary Ann Cilento, Clerk of the Board
101 Hooper Avenue
Toms River, NJ 08753

SCHEDULE "A"

"See Attachments"

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE
TOWNSHIP TO RESCIND A CONTRACT AWARDED TO ALAIMO GROUP FOR
ASSISTING THE DIVISION OF ENGINEERING IN THE DESIGN OF SITE
IMPROVEMENTS FOR THE POLICE DEPARTMENT, FOR A TOTAL MAXIMUM
CONTRACT AMOUNT NOT TO EXCEED \$71,000.00**

SEPTEMBER 24, 2019

WHEREAS, by resolution of the Township Council dated August 27, 2019, a contract was awarded to Alaimo Group to assist the Division of Engineering in the design of site improvements for the Police Department, based on hourly rates established by the township Engineering Department, for a total maximum amount not to exceed \$71,000.00 (the "Contract"); and

WHEREAS, the Township of Toms River has received a letter dated September 3, 2019, from Alaimo Group, stating that it does not accept the award of Contract on an hourly basis; and

WHEREAS, the Township Council has determined that it would be in the best interest of the Township to rescind the contract awarded to Alaimo Group, effective immediately, upon the condition that no monies shall be due to Alaimo Group for work performed, if any, under the 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. The Contract awarded to Alaimo Group is cancelled and shall be null and void, effective immediately.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Mayor Thomas F. Kelaher
- b) Purchasing Division
- c) Chief Financial Officer
- d) Township Attorney
- e) Township Engineer
- f) Business Administrator
- g) Alaimo Group
200 High Street
Mount Holly, NJ 08060
Attn: Richard A. Alaimo, P.E., President

**RESOLUTION IMPOSING CHARGES INCURRED UNDER SECTION 111 OF THE
2006 INTERNATIONAL PROPERTY MAINTENANCE CODE AS A LIEN ON REAL**

PROPERTY, AND DIRECTING THE TAX COLLECTOR TO COLLECT THESE COSTS, AND IMPOSE INTEREST ON UNPAID COSTS, IN THE SAME MANNER AS PROVIDED FOR IN THE COLLECTION OF REAL ESTATE TAXES IN THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY

SEPTEMBER 24, 2019

WHEREAS, the Township of Toms River adopted the 2006 International Property Maintenance Code (the "Code") as part of Chapter 335 (Housing and Rental Property Standards) of the Township Code; and

WHEREAS, Section 111 of the Code provides that costs incurred by the Township in remediating conditions on properties in violation of the Code are to be assessed and levied upon lands, and bear interest at the same rate as real property taxes, and be collected and enforced in the same manner as provided for the collection of real property taxes; and

WHEREAS, the Housing and Property Maintenance Supervisor, has filed a Certification of Costs incurred by the Township, which costs are outlined on Schedule "A", attached to and made part of this resolution;

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

- 1) The Township Council determines the Certification of Costs as set forth as Schedule "A" to be accurate.
- 2) The Tax Collector is authorized and directed to collect the costs listed on the Certification of Costs. The amount shown on the Certification of Costs shall be charged, become, and form part of the real estate taxes next to be assessed and levied upon such property, and shall bear interest at the same rate as real property taxes, and shall be collected and enforced in the same manner as provided for in the collection of real property taxes.
- 3) A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor Thomas F. Kelaher
 - b) Business Administrator
 - c) Chief Financial Officer
 - d) Tax Collector
 - e) Township Attorney
 - f) Housing & Property Maintenance
 - g) Code Enforcement
 - h) Director, Parks, Buildings & Grounds
 - i) Browne, Francis X. & Christine E.
66 Cattus Street
Toms River, NJ 08753
 - j) PHH Mortgage Corp.
1 Mortgage Way
Mount Laurel, NJ 08054
 - k) M & M Mortgage Service
12901 SW 132 Avenue
Miami, FL 33186
 - l) Pensabene, Elisa
14 Mt. Ararat Lane
Toms River, NJ 08753
 - m) Lazzara, Donna
P.O. Box 245
Rutherford, NJ 07070

SCHEDULE "A"

CERTIFICATION OF COSTS

	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TOTAL</u>
1.	285.01	14	66 Cattus Street	\$336.52
2.	1093.04	16	203 Flack Street	\$582.50
3.	192.02	18	24 Newport Place	\$448.03
4.	192.17	6	14 Mt. Ararat Lane	\$582.50
5.	1462.15	18	1822 Compass Court	\$582.50

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS ROUTE 37 WEST MEDICAL & DENTAL GROUP, LLC, BLOCK 536, LOTS 2 AND 3 (AKA BLOCK 536, LOT 9) (530 LAKEHURST ROAD)

September 24, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Route 37 West Medical & Dental Group, LLC, Block 536, Lots 2 and 3 (Lot 9).

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) Cash Bond for the Access Easement in the amount of \$10,000.00 currently on deposit in account # 9-14- -902-101 is hereby released with applicable interest of any;
Township Clerk shall send a certified copy hereof to each of the following:
 - a. Township Engineer
 - b. Chief Financial Officer
 - c. Township Attorney
 - a. Route 37 West Medical & Dental Group, LLC
530 Lakehurst Road
Toms River, NJ 08755

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING REDUCED PERFORMANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS BLOCK 710, LOT 174.02 (Longfellow Avenue)

September 24, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision, known as, Block 710, Lot 174.02.

WHEREAS, Reduced Performance Bonds have been posted as follows:

- 1) Reduced Performance Cash Bond in the amount of \$3,210.00, previously reduced to \$7,276.00 and originally accepted by way of Resolution dated May 24, 2016, in the amount of \$10,700.00, is hereby accepted.

WHEREAS, the Township Engineer has made an inspection of said Minor Subdivision and finds that 32 percent of all improvements have been satisfactorily completed; and

WHEREAS, the Township Engineer has recommended the partial release of the Performance Guarantees;

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) Previously posted Cash Bond in the amount of \$3,424.00 currently on deposit in account # 9-14- -902-101, is hereby released;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Rakesh Patel

220 Emerson Court

Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS UNISON-ALTO HOOPER, LLC, BLOCK 394.06, LOT 74 (1358 HOOPER AVENUE)

September 24, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Unison-Alto Hooper, LLC, Block 394.06, Lot 74.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00, which represents the Safety and Stabilization Guarantee amount.
- 2) Check in the amount of \$500.00 which represents the initial required escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Unison-Alto Hooper, 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. Unison-Alto Hooper, LLC

177 Huntington Avenue

Suite 1901

Boston, Ma 02115

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING
PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE
GUARANTEES FOR A MINOR SITE PLAN KNOWN AS FRANK DUELLY
HOLDINGS, BLOCK 159, LOT 6.01 (2345 Route 9)**

September 24, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Frank Duelly Holdings, Block 159, Lot 6.01.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount \$500.00 which represents the 10% Maintenance Guarantee, currently on account # X-19- -601-833, is accepted and will remain on account to represent the Maintenance Cash Bond;

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

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

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

- 1) Previously posted Surety Bond #72136777 in the amount of \$4,500.00, is hereby released;
- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Frank Duelly Holdings
2345 Route 9
Toms River, NJ 08755

RESOLUTION

September 24, 2019

WHEREAS, the following application has been filed for TAXI DRIVER / TAXI CAB / TAXI CAB COMPANY in accordance with Chapter 457.

<u>Taxi Company</u>	<u>License #, Year, Car Description, Vin#</u>	
DKR Cab	736-19	2016 Toyota 34320

WHEREAS, the Township Clerk has reported to this Council that said applications and requirements are in order;

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 the Clerk of this Township is hereby authorized and directed to issue the TAXI LICENSE to the applicants listed above, in accordance with Chapter 457 (Taxicab and Taxicab Drivers) the "Code of the Township of Toms River".
2. The applicant is required to conform to all provisions of Chapter 457 (Taxi cabs and Taxi Drivers)
3. The Township Clerk shall send a certified copy of Resolution to the:
 - a. Police Department
 - b. Licensee (s)
 - c. Clerk's File
 - d. Law Dept.

Council Member Maruca asked Township Engineer Chankalian to give background of the following resolution.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, SUPPORTING A PRELIMINARY PREFERRED ALTERNATIVE FOR THE REPLACEMENT OF CHADWICK BEACH ISLAND BRIDGE (STRICKLAND BOULEVARD) OVER THE INWARD THOROFARE OF BARNEGAT BAY, TOMS RIVER TOWNSHIP
SEPTEMBER 24, 2019**

WHEREAS, the Chadwick Beach Island Bridge over Barnegat Bay (Ocean County Bridge #07007) carries Strickland Boulevard over the Inward Thorofare of Barnegat Bay, and provides the only access to homes located on Chadwick Beach Island; and

WHEREAS, the existing structure is an all-timber bridge with a timber substructure (load bearing piles and timber bulkhead) that date back to the 1950's, and its existing timber superstructure (timber deck boards, pile caps, and railings) was replaced in 1985; and

WHEREAS, due to its age, the timber structure is deteriorating and has reached the end of its service life; and

WHEREAS, the Office of the Ocean County Engineer has determined that the bridge is in need of replacement and, through a federally funded Local

Concept Development process administered by North Jersey Transportation Planning Authority (NJTPA), has performed an alternatives analysis to identify and evaluate viable and feasible alternatives to replace the bridge; and

WHEREAS, the NJTPA and the New Jersey Department of Transportation have been project team members with Ocean County; and

WHEREAS, the project team held two (2) project stakeholders meetings and (2) public information centers to inform the public and receive comments and input on the project; and

WHEREAS, the project team met with respective municipal representatives to inform them and receive comments and input on the project; and

WHEREAS, based on the alternatives analysis and the public and municipal comments, the project team's Preliminary Preferred Alternative, referred to as Alternative 3B: Steel Stringer and Concrete Deck Modular Superstructure Units; utilizing Accelerated Bridge Construction techniques under staged construction; and providing one lane of alternating traffic during non-summer months; and

WHEREAS, the bridge will be founded on drilled shafts; and will provide 10' travel lanes, 5' shoulders, and 5' sidewalks, which provides the least impact to adjacent properties; and

WHEREAS, the County of Ocean is desirous of completing the Local Concept Development phase and proceeding to the preliminary and final design phases; and

WHEREAS, to qualify to receive federal funding for the preliminary and final design phases, a resolution of support of the project from the Township of Toms River is desired for inclusion within the Local Concept Development phase project documentation.

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

1. It hereby supports the Preliminary Preferred Alternative, referred to as Alternative 3B: Steel Stringer and Concrete Deck Modular Superstructure Units utilizing Accelerated Bridge Construction techniques under staged construction and providing one lane of alternating traffic during non-summer months.

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

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Township Engineer
- f) Township Planner
- g) Township Clerk

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

RESOLUTION TO AMEND A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, DATED JUNE 25, 2019, AWARDED PROFESSIONAL SERVICE CONTRACTS TO CUMMINGS VETERINARY SERVICES, VECTOR OF TOMS RIVER, LLC AND VAC ANIMAL HOSPITALS, INC. TO INCREASE

**THE AMOUNT OF FUNDS FROM \$5,000.00 TO 9,000.00 FOR SERVICES IN
THE POLICE DEPARTMENT**

SEPTEMBER 24, 2019

WHEREAS, on June 25, 2019 Township of Toms River Council awarded a contract to Vector of Toms River, LLC d/b/a Calling All Creatures for pool non-emergency veterinary services through a Fair and Open Process pursuant to the provisions of *N.J.S.A. 19:44-20.4 et seq.*; and

WHEREAS, the allocation of funds for Vetcor of Toms River, LLC d/b/a Calling All Creatures was for a total maximum amount not exceeding \$53,000.00, from Account No. 9-13- -911-011 in the amount of \$40,000.00, from Account No. 9-13- -911-012 in the amount of \$8,000.00, and Account No. 9-01- -P45-534 in the amount of \$5,000.00; and

WHEREAS, on August 27, 2019 the Township of Toms River Council amended the contract to Vector of Toms River, LLC d/b/a Calling All Creatures for pool non-emergency veterinary services by switching account numbers from account no. 9-13- -911-012 to account no. 9-13- -911-002; and

WHEREAS, the Toms River Police Department has a need for additional funds in their K-9 Unit for unanticipated costs and expansion of their K-9 unit:

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

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

2. It amends the Resolution dated August 27, 2019 in Police Department account number 9-01- - P45-534 from \$5,000.00 to \$9,000.00 as follows: The allocation of funds to Cummings Veterinary Services d/b/a East Coast New Jersey Spay Clinic shall be for a total maximum amount not exceeding \$7,500.00 from Account No. 9-13- -911-011. The allocation of funds for Vetcor of Toms River, LLC d/b/a Calling All Creatures shall be for a total maximum amount not exceeding \$57,000.00, from Account No. 9-13- -911-011 in the amount of \$40,000.00, from Account No. 9-13- -911-002 in the amount of \$8,000.00, and Account No. 9-01- -P45-534 in the amount of \$9,000.00. The allocation of funds for VCA Animal Hospitals, Inc. d/b/a Toms River Veterinary Hospital shall be for a total maximum amount not exceeding \$7,500.00 from Account No. 9-13- -911-011. All funds are contingent upon the availability of funds and the execution of a contract. The amended certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

3. All remaining provisions of the August 27, 2019 Resolution not amended, modified or otherwise affected by this Resolution, shall remain in full force and effect.

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

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

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

AMENDED CERTIFICATION

THIS IS TO that the allocation of funds to Cummings Veterinary Services d/b/a East Coast New Jersey Spay Clinic shall be for a total maximum amount not exceeding \$7,500.00 from Account No. 9-13- -911-011. The allocation of funds for Vetcor of Toms River, LLC d/b/a Calling All Creatures shall be for a total maximum amount not exceeding \$57,000.00, from Account No. 9-13- -911-011 in the amount of \$40,000.00, from Account No. 9-13- -911-002 in the amount of \$8,000.00, and Account No. 9-01- -P45-534 in the amount of \$9,000.00. The allocation of funds for VCA Animal Hospitals, Inc. d/b/a Toms River Veterinary Hospital shall be for a total maximum amount not exceeding \$7,500.00 from Account No. 9-13- -911-011.

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

SHARON E. SMITH
CHIEF FINANCIAL OFFICER

Dated: September 24, 2019

REPORTS

NONE

APPROVAL OF BILLS

Council President Wittmann asked for a report on the bills.

The Bill List, dated **September 20, 2019** was approved on motion by Council Member Turnbach, seconded by Council Member Kubiel, and carried with Council Members , Hill, Huryk, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 19-04646, payable to Remington and Vernick Engineers (Toms River Yacht Club) in the amount of \$382.50.

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

Purchase Order 19-03423, payable to Toms River Schools Board of Education in the amount of \$12,110,811.40

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

Purchase Order 19-05005, payable to Toms River Schools Board of Education in the amount of \$7,598.35.

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

Purchase Order 19-04646 & 19-04780, payable to Remington and Vernick Engineers in the amount of \$19,687.25.

Purchase Order 19-05202, payable to Recreation Salaries in the amount of \$8,619.25.

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

Purchase Order 19-01519, payable to Board of Fire Commission District Two taxes in the amount of \$686,695.50.

Purchase Order 19-01515, payable to Board of Fire Commission District One taxes in the amount of \$1,387,502.84.

Purchase Order 18-07098, payable to Board of Fire Commission Radio Freq. License Renewal in the amount of \$5,490.00.

Purchase Order 19-02224, payable to Vetcor of Toms River LLC in the amount of \$3,037.70.

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

Purchase Order 19-00863, 19-04353, 19-04647, & 19-04782, payable to Dasti, McGuckin-Attorneys at Law, in the amount of \$8,537.05.

Purchase Order 19-04939, payable to NJ Motor Vehicle Commission in the amount of \$120.00.

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

Purchase Order 19-00863, 19-04353, 19-04647, & 19-04782, payable to Dasti, McGuckin-Attorneys at Law, in the amount of \$8,537.05.

Purchase Order 19-05202, payable to Magistrate Salaries in the amount of \$7,635.44.

ELECTED OFFICIALS COMMENTS

Mayor spoke regarding the responders who delivered a baby on the parkway Sunday night 3:00 a.m.

Councilman Turnbach spoke regarding Township agenda, concerned that Council is voted politically on Land Use Ordinance issue. Spoke publically of land use ordinance and comments being made to public and news outlets. "Let's do the job we've been elected to do by those people".

Councilwoman Maruca spoke regarding negotiations on Surf Club property. Events coming up Monday night "Vest a Cop" 4-9 p.m. at Pizza Hut. Grunin foundation will match up to \$20,000. Silverton Fire Company their event on October 5th.

Councilwoman Huryk said this week has been very difficult regarding Land Use Ordinance. Township documents speak for themselves. We are being investigated by Department of Justice. We can decide zoning or they can decide for us.

Councilman Kubieli spoke regarding Ortleigh Beach property.

Councilman Rodrick spoke regarding the sanctuary resolution. It was passed in Brick and why he supported it.

Councilman Hill spoke regarding the People's Pantry Casino Night on Thursday night. He also spoke about the Softball C complex – needs scoreboards and increased seating, requested to be put in capital budget.

Councilman Wittmann spoke regarding Land Use Ordinance; agenda; executive session, and political tactics being used for the election.

PUBLIC COMMENTS

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

Chris Hollingsworth requested that sanctuary resolution be put on the website.

Scott Gartner spoke regarding the sanctuary resolution. He spoke about his hopes for Toms River.

Art Anderson asked why some people get more than 5 minutes to speak and others don't..

Chet Pryzboko, Ortley Beach, hopes Council comes together and ramps up deal on the Ortley Beach Surf Club. He also said Toms River needs Open Space in Ortley Beach.

Mike Mulling spoke regarding Open Space in Ortley Beach.

Bob Hayes, Ortley Beach, requested to ramp up the Ortley Surf Club deal. Leadership is missing. Make it happen.

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

A motion was made by Council Member Kubiell, seconded by Council Member Turnbach, and carried to enter into a private Executive Session at 9:08 PM.

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

RESOLUTION

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

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

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

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

Matters of Personnel
Matters of Litigation
Land Acquisitions
Contract Negotiations

3. The following specific topics were announced.
 1. Executive Session Minutes Review: September 10, 2019 Regular Meeting
 2. Personnel:Issues
 3. Review of status of all real property acquisitions (voluntary acquisitions and eminent domain actions).
 4. Review with Township Development Council of downtown projects.
 5. SDL/Public Advocate Presentation and discussion of legal implications.

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

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

Council Member Huryk	- Present
Council Member Kubiell	- Present

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

The Council **reconvened** the public portion at 9:28 P.M., a motion was made by Council Member Maruca, seconded by Council Member Hill, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes.

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

**RESOLUTION APPROVING
EXECUTIVE SESSION MINUTES**

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

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

1. The following Executive Session Minutes are approved:

September 10, 2019 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 9:30 P. M., on motion with Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and with Council President Wittmann voting yes.

COUNCIL PRESIDENT GEORGE WITTMANN

ALISON CARLISLE, TOWNSHIP CLERK