

October 8, 2019

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

The meeting was called to order by Council President Wittmann; presentation of the colors done by Boy Scouts Troop 92 from Silverton who led the salute to the Flag.

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

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

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

Roll Call:

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

A motion was made by Council Member Hill, seconded by Council Member Turnbach,, and Council Members Hill, Huryk, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Members Kubiel absent, to approve an excused absence for Council Member Kubiel.

**APPROVAL OF MINUTES**

A motion was made by Council Member Maruca, seconded by Council Member Huryk, and with Council Members Hill, Huryk, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Member Kubiel absent, to approve the **Regular Meeting of September 24, 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 Maruca, seconded by Council Member Turnbach, and carried with Council Members Hill, Huryk, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Members Kubiel absent, to make the following honoring proclamations a part of the Minutes.

Council Member Wittmann introduced Eagle Scout George John Rose IV from Troop 92 in Silverton. His project was at the American Legion Post 129, where he redid a sign for a fallen soldier.

# Township of Toms River

## Proclamation

### Eagle Scout Court of Honor

*October 8, 2019*

*WHEREAS, George John Rose IV is involved with the Boy Scout Program in Toms River; and*

*WHEREAS, George John Rose IV has progressed through the ranks of Cub Scouts and Boy Scouts, and has achieved the rank of Eagle Scout; and*

*WHEREAS, to achieve the rank of Eagle Scout, a scout must have a minimum of twenty-two months tenure, have earned at least seven skill awards, logged a minimum of eighteen hours community service time, served at least sixteen months as a troop leader in three of eleven leadership positions, and have amassed at least twenty-one merit badges (eleven of which are required by the Boy Scouts of America National Committee); and*

*WHEREAS, before receiving final approval for the rank of Eagle Scout, a scout's achievements must be reviewed and approved by the Board of Review with the Council District Advancement Chairman and if approved by said Board, then all paperwork is sent to the National Headquarters in Texas for approval. All of these requirements must be completed prior to a scout's 18<sup>th</sup> birthday; and*

*WHEREAS, George John Rose IV has successfully completed all requirements to receive the rank of Eagle Scout.*

*NOW, THEREFORE, I, THOMAS F. KELAHER, Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate **George John Rose IV** on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and effort for the good of his community.*

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*Mayor Thomas F. Kelaher*

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*George E. Wittmann, Jr.  
Council President*

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*Brian S. Kubiel*

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*Maria L. Maruca*

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*Maurice B. Hill, Jr.*

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*Laurie A. Huryk*

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*Daniel T. Rodrick*

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*Terrance T. Turnbach*

Mayor Kelaher introduced and presented a proclamation to the Bayville Elks. They delivered nine trucks worth of pet supplies, donated to the Toms River Animal Shelter.

# Township of Toms River Proclamation

**Honoring Bayville Elks Lodge #2394  
For Their Donation to Our Animal Shelter  
October 8, 2019**

**WHEREAS,** The Bayville Elks Lodge #2394 received a \$2,500 grant from the Elks National Federation and;

**WHEREAS,** The Bayville Elks Lodge matched that \$2,500 grant to support the Toms River Animal Shelter and;

**WHEREAS,** 32 members of The Bayville Elks Lodge and 4 non-members shopped for \$5,000 worth of supplies including pet food, cages, beds, leashes, cat litter, dog treats, and cleaning supplies. They also collected numerous blankets and towels from the public and;

**WHEREAS,** They filled 9 trucks and 5 SUVs with supplies and dropped off the donation to our Animal Shelter on September 29, 2019, and;

**WHEREAS,** The generosity of The Bayville Elks Lodge will help care for many homeless dogs and cats in our community and;

**WHEREAS,** All of the items we received will go a long way in helping us continue to ensure all of the animals at the shelter are well taken care of as they wait for that special someone to walk through the door and take them home and;

**NOW, THEREFORE,** We, Mayor Thomas F. Kelaher and members of the Township Council, do hereby issue this proclamation to recognize The Bayville Elks Lodge #2394 for their amazing and generous contribution to our Animal Shelter and We Thank Them All for making a difference in the lives of our furry friends.

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**Mayor Thomas F. Kelaher**

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**George E. Wittmann  
Council President**

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**Maurice B. Hill**

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**Laurie A. Huryk**

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**Brian S. Kubiel**

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**Maria L. Maruca**

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**Daniel T. Rodrick**

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**Terrance L. Turnbach**

Mayor Kelaher introduced and presented proclamation to Mrs. Marietti for Toms River Schools for the “Week of Respect/School violence Awareness” Week.

# Township of Toms River Proclamation

## *“Week of Respect” in Toms River Regional Schools*

October 8, 2019

**WHEREAS**, Bullying in schools is a pervasive problem that can have negative consequences for the school climate and for the right of students to learn in a safe environment without fear, and one that can have negative lifelong consequences, both for students who bully and for their targets; and

**WHEREAS**, Bullying is comprised of direct behaviors such as teasing, taunting, threatening, hitting, and stealing that are initiated by one or more students against a target, as well as indirect behaviors such as spreading rumors and acting in other ways to cause a student to be socially isolated through intentional exclusion, with all such behaviors, direct or indirect, amounting to physical or psychological intimidation occurring repeatedly over time to create an ongoing pattern of harassment and abuse; and

**WHEREAS**, Toms River Regional Schools and its constituent organizations endeavor, through programs, projects for parents, students, and school personnel, to bring about an atmosphere of zero tolerance for bullying behavior, and an attitude that bullying behavior is unacceptable and will not be tolerated in homes, schools, playgrounds, buses, school activities, or any place children congregate. Under New Jersey’s Anti-Bullying Bill of Rights Act, the week beginning with the first Monday in October of each year is designated as a “Week of Respect.” School districts are required to observe the week by providing age-appropriate instruction focusing on preventing this type of abuse, harassment, intimidation or bullying, per N.J.S.A. 18A:37-29.

**NOW, THEREFORE**, We, Mayor Thomas F. Kelaher and Council President George E. Wittmann of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, proclaim October 7<sup>th</sup> through the 11<sup>th</sup>, 2019, as the “Week of Respect” in our Toms River School District, Township of Toms River, State of New Jersey.

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**Mayor Thomas F. Kelaher**

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**George E. Wittmann, Council President**

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**Brian S. Kubiel**

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**Maria L. Maruca**

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**Maurice B. Hill, Jr.**

Mayor Kelaher presented the National Friends of the Library proclamation to honors “Friends of Library” who volunteers and do fundraisers to supports library’s operations on a daily basis.

# Township of Toms River Proclamation

## *National Friends of Libraries Week*

October 8, 2019

**WHEREAS**, Friends of the Ocean County Library –Toms River branch raise money that enables our library to move from good to great -- providing the resources for additional programming, much needed equipment, support for children’s summer reading, and special events throughout the year;

**WHEREAS**, the work of the Friends highlights on an on-going basis the fact that our library is the cornerstone of the community providing opportunities for all to engage in the joy of life-long learning and connect with the thoughts and ideas of others from ages past to the present;

**WHEREAS**, the Friends understand the critical importance of well funded libraries and advocate to ensure that our library gets the resources it needs to provide a wide variety of services to all ages including access to print and electronic materials, along with expert assistance in research, readers’ advisory, and children’s services;

**WHEREAS**, the Friends’ gift of their time and commitment to the library sets an example for all in how volunteerism leads to positive civic engagement and the betterment of our community;

**NOW, THEREFORE**, We, Mayor Thomas F. Kelaher and Council President George E. Wittmann of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, proclaim October 20-26, 2019, as Friends of Libraries week in Toms River, New Jersey and urge everyone to join the Friends of the Library to thank them for all they do to make our library and community so much better.

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**Mayor Thomas F. Kelaher**

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**George E. Wittmann, Council President**

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**Brian S. Kubiak**

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**Maria L. Maruca**

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**Maurice B. Hill, Jr.**

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**Laurie A. Huryk**

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**Daniel T. Rodrick**

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**Terrance L. Turnbach**

Mike Cruoglio, Township Clerk Office, made a presentation on SDL (Spatial Data Logic)...A Power Point on SDL's capabilities was presented and is available to the public via the website.

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

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 477-59 (SCHEDULE I: NO PARKING) OF CHAPTER 477 (VEHICLES AND TRAFFIC) OF THE TOWNSHIP CODE TO REPEAL THE REFERENCES TO:**

**BROAD STREET – NORTH SIDE FOR ITS ENTIRE LENGTH**

**BROAD STREET – SOUTH SIDE FROM A POINT 90 FEET WEST OF THE WESTERLY CURBLINE OF PARK AVENUE TO A POINT 50 FEET WEST THEREOF**

**BROAD STREET - SOUTH SIDE FROM A POINT 140 FEET WEST OF THE WESTERLY CURBLINE OF PARK AVENUE TO A POINT 100 FEET WEST THEREOF AND**

**TO ESTABLISH NO PARKING RESTRICTIONS ON THE SOUTH SIDE OF BROAD STREET FOR ITS ENTIRE LENGTH**

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

1. Section 477-59 (Schedule I: No Parking) of Chapter 477 (Vehicles and Traffic) of the Township Code is amended to repeal the following references:

NAME OF STREET: Broad Street  
SIDES: North  
LOCATION: Entire Length

NAME OF STREET: Broad Street  
SIDES: South  
LOCATION: From a point 90 feet west of the westerly curbline of Park Avenue to a point 50 feet west thereof

NAME OF STREET: Broad Street  
SIDES: South  
LOCATION: From a point 140 feet west of the westerly curbline of Park Avenue to a point 100 feet west thereof

2. Section 477-59 (Schedule I: No Parking) of Chapter 477 (Vehicles and Traffic) of the Code of the Township of Toms River, New Jersey is amended and supplemented to add the following:

NAME OF STREET: Broad Street  
SIDES: South  
LOCATION: Entire Length

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

4. If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.
5. This Ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.
6. This ordinance is subject to the receipt by the New Jersey Department of Transportation of the duly executed certification by the Toms River Township Engineer as required by law.
7. A copy of this Ordinance shall be provided by the Office of the Township Clerk to each of the following:
  - a) Mayor Thomas F. Kelaher
  - b) Chief Financial Officer
  - c) Township Engineer
  - d) Township Attorney
  - e) Public Works Department
  - f) Police Department

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

#### NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on October 8, 2019 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on October 22, 2019 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE  
TOWNSHIP CLERK

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, October 11, 2019.

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

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

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

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

1. Section 348-5.28 (Reserved) is amended and supplemented to add a requirement for a minimum pervious strip of two feet around the perimeter of all residential properties as follows:

**§ 348-5.28 \*Minimum pervious strip around property perimeter.**

A. A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer for any building or improvement constructed after the effective date of this ordinance. Exceptions can be made at the discretion of the Township Engineer or Assistant Township Engineer if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection.

2. Delete pervious strip as waiver in barrier island R zones as follows:

**§ 348-10.15 R-40A Residential Zone.**

E. Area, yard and building requirements

(12) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection.

**§ 348-10.15.1 R-B-1 Barrier Island Residential Zone 1.**

E. Area, yard and building requirements

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection.

**§ 348-10.15.2 R-B-1 Barrier Island Residential Zone 2.**

E. Area, yard and building requirements

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection.

**§ 348-10.15.3 R-B-1 Barrier Island Residential Zone 3.**

E. Area, yard and building requirements

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals



can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection.

**§ 348-10.15.4 R-B-1 Barrier Island Residential Zone 4.**

E. Area, yard and building requirements

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection.

**§ 348-10.15.1 R-B-5 Barrier Island Residential Zone 5.**

E. Area, yard and building requirements

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection.

**§ 348-10.15.6 R-B-1 Barrier Island Residential Zone 6.**

E. Area, yard and building requirements

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection.

**§ 348-10.15.7 R-B-1 Barrier Island Residential Zone 7.**

E. Area, yard and building requirements

(10) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection.

**§ 348-10.16 R-40B Residential Zone.**

E. Area, yard and building requirements

(12) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection.

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

E. Area, yard and building requirements

(12) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals

can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection.

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

E. Area, yard and building requirements

(12) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection.

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

E. Area, yard and building requirements

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection.

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

E. Area, yard and building requirements

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection.

3. Add design provisions for bus stops to Chapter 348, Section 348-8.38 by adding new subsection "F" as follows:

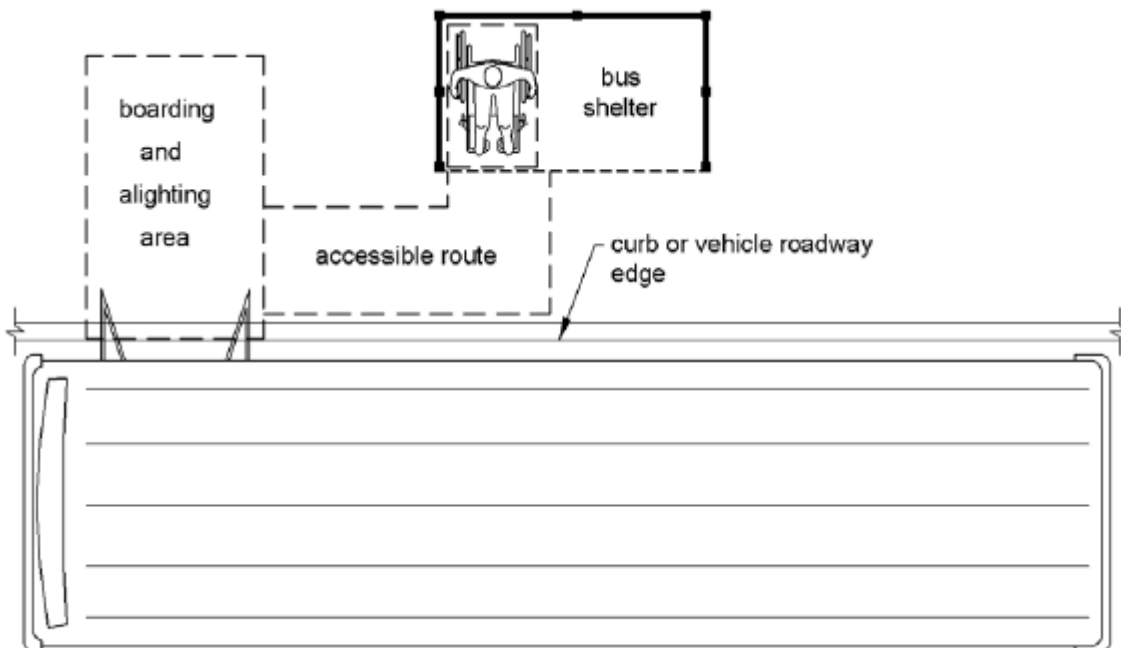
**§ 348-8.38 Handicapped facilities.**

F. Bus stops and shelters

To the extent that the construction of bus stops and shelters is within the control of Toms River Township or is constructed within a Township Right Of Way, the ADA requirements per Section 810.2 of the Federal Transportation Authority, as amended, shall be followed.

1. Bus boarding and alighting areas shall provide a clear length of 96 inches (2440 mm), measured perpendicular to the curb or vehicle roadway edge, and a clear width of 60 inches (1525 mm), measured parallel to the vehicle roadway.
2. Connection. Bus stop boarding and alighting areas shall be connected to streets, sidewalks, or pedestrian paths by an accessible route.
3. Slope. Parallel to the roadway, the slope of the bus stop boarding and alighting area shall be the same as the roadway, to the maximum extent practicable. Perpendicular to the roadway, the slope of the bus stop boarding and alighting area shall not be steeper than 1:48.
4. Bus Shelters. Bus shelters shall provide a minimum clear floor or ground space complying with Section 305 of the FTA ADA requirements, entirely within the shelter. Bus shelters shall be connected by an accessible route to a boarding and alighting area complying with Section 810.2.

Bus Shelters



4. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 348 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.
5. If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.
6. This Ordinance shall take effect following its final passage by the Township Council, approval by the Mayor and twenty days after publication as required by law.

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on October 8, 2019 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on October 22, 2019 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE  
TOWNSHIP CLERK

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, October 11, 2019.

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

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

**RESOLUTION TO URGE VOTERS TO SUPPORT THE REFERENDUM ON THE ELECTION BALLOT IN NOVEMBER SO THAT VETERANS OR WIDOWED SPOUSES OF VETERANS WHO RESIDE IN CONTINUING CARE RETIREMENT COMMUNITIES (CCRC) WILL BE ELIGIBLE FOR PROPERTY TAX DEDUCTION**

**OCTOBER 8, 2019**

**WHEREAS**, the State Constitution for New Jersey authorizes veterans and widowed spouses of veterans who served in active duty during war and other times of emergency to receive a property tax deduction, in the amount of \$250 per year, in well-deserved recognition of their service to our country; and

**WHEREAS**, veterans and widowed spouses of veterans who reside in Continuing Care Retirement Communities (CCRC) have been unfairly denied eligibility for the \$250 property tax deduction because they do not own their units, even though they instead contribute to property taxes through a monthly payment, and even though they have made the same sacrifices as all veterans in our great country; and

**WHEREAS**, there are twenty-five CCRCs in the State which collectively house approximately 2,500 veterans or widowed spouses who are being denied the property tax deduction.

**WHEREAS**, the extension of the deduction, because it requires an amendment to the State Constitution, must be approved by the voters at the ballot in November before it will become valid and effective; and

**WHEREAS**, the Mayor and Borough Council now desire to memorialize their support of the referendum on the ballot in November, and to urge the voters of this State to vote in favor of the property tax deduction for veterans and widowed spouses of veterans who reside in CCRCs;

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Toms River urges voters to support the referendum on the ballot in November 2019, so that veterans and widowed spouses of veterans who reside in Continuing Care Retirement Communities ("CCRC") will be eligible for the \$250 property tax deduction.

**BE IT FURTHER RESOLVED** that the Township of Toms River believes that this small benefit to our veterans and widowed spouses of veterans who reside CCRCs is a proper and warranted acknowledgment of the tremendous sacrifices that veterans have given to protect and serve our great nation.

**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, IN THE UNITED STATES OF AMERICA**, as follows:

The Municipal Clerk is directed to forward certified copies of this resolution to:

- a. Mayor
- b. Council
- c. Administration
- d. Attorney

**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 Maruca, seconded by Council Member Huryk, and carried with Council Members Hill, Huryk, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Members Kubiak absent, to approve all the following items listed on the Consent Agenda, except item **G, K, and U**, which were done separately.

**R E S O L U T I O N**

*OCTOBER 8, 2019*

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

<b>NAME</b>	<b>BLOCK</b>	<b>LOT</b>	<b>Qual,Year</b>	<b>Amount</b>
<i>Chase property tax refund dept</i>	<i>1080.16</i>	<i>17</i>	<i>2019/3</i>	<i>\$3,323.86</i>

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

**R E S O L U T I O N**

*OCTOBER 8, 2019*

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

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
<i>909 ROUTE 37 WEST</i>	<i>506.03</i>	<i>34</i>	<i>2019/3</i>	<i>\$90,675.00</i>
<i>SCADUTO, LOUIS &amp; SANDRA</i>	<i>172.02</i>	<i>1</i>	<i>2019/3</i>	<i>5,186.87</i>
<i>WOODROW, MICHAEL</i>	<i>794.32</i>	<i>32</i>	<i>2019/3</i>	<i>1,491.90</i>
<i>YISAREL, HIRSCH &amp; MIRIAM ROTH</i>	<i>298.04</i>	<i>82</i>	<i>2019/3</i>	<i>2,392.79</i>
<i>TOTALS:</i>				<i>\$99,746.56</i>

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

**RESOLUTION**

*OCTOBER 8, 2019*

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO PROPERTY IS A SYNAGOGUE AND IS TAX EXEMPT;

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
<i>BAIS, BRUCHA</i>	<i>191</i>	<i>1.01</i>	<i>2019/4</i>	<i>\$2,959.06</i>

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

**RESOLUTION**

*OCTOBER 8, 2019*

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO PROPERTY(IES) HAD AUTOMATIC WITHDRAWLS ON THEM AND THE PROPERTIES WERE SOLD AND THE TAX COLLECTOR NEVER NOTIFIED TO DISCONTINUE THE WITHDRAWL;

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
<i>JOSEPH J. JR. &amp; TAMMY HOWELL</i>	<i>312</i>	<i>1.25</i>	<i>2019/3</i>	<i>\$3,189.98</i>

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A ONE (1) TWO-YEAR CONTRACT EXTENSION OF AN OPEN-ENDED CONTRACT WITH AMERICAN WEAR, INC., FOR LAUNDERED MECHANICS UNIFORMS COMMENCING OCTOBER 22, 2019 THROUGH OCTOBER 21, 2021**

**OCTOBER 8, 2019**

**WHEREAS**, resolution of the Township Council dated October 25, 2016, authorized the award of an open-ended contract for Laundered Mechanics Uniforms to American Wear, Inc., 261 N. 18<sup>th</sup> Street, E. Orange, NJ, 07017, commencing October 22, 2016 through October 21, 2019; and

**WHEREAS**, the terms of the original contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15, which allows for the contract to be extended for up to two (2) additional one (1) year terms upon expiration of the original contract; and

**WHEREAS**, the Department of Purchasing has determined it is in the best interest of the Township of Toms River to extend the contract with American Wear, Inc. for one (1) two-year term, commencing October 22, 2019 through October 21, 2021; 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. It hereby authorizes a one (1) two-year term extension of the existing contract with American Wear, Inc. for Laundered Mechanics Uniforms, under the same terms and conditions as the original contract.

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

3. This will be an open-ended contract extension with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget.

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

5. 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 Public Works
- e) Bey Lea Golf Course
- f) Police Department
- g) American Wear, Inc.  
261 N. 18<sup>th</sup> Street  
E. Orange, NJ 07017

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the one (1) two-year extension of the open-ended contract with American Wear, Inc., for Laundered Mechanics Uniforms 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.

SHARON E. SMITH  
CHIEF FINANCIAL OFFICER

Dated: October 8, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN OPEN-ENDED  
CONTRACT FOR THE SUPPLY OF SNOW PLOW REPAIR PARTS AND SERVICE REBID  
ITEMS FOR THE DEPARTMENT OF PUBLIC WORKS TO  
TONY SANCHEZ LTD AND TRIUS, INC., WHO MEET ALL THE BID SPECIFICATIONS**

**OCTOBER 8, 2019**

WHEREAS, rebids were received on August 14, 2019 for the Supply of Snow Plow Repair Parts and Service; and

WHEREAS, rebids were received from the following vendors:

H.A. DeHart & Son, Inc.  
311 Crown Point Rd.  
Thorofare, NJ 08086  
Tony Sanchez LTD  
1685 Route 46  
Ledgewood, NJ 07852



Trius, Inc.  
5049 Industrial Road  
Farmingdale, NJ 07727

WHEREAS, the bids have been reviewed by the Purchasing Division and the Department of Public Works, and recommendation has been made to award a contract to the following vendors:

Tony Sanchez LTD – Items Nos. 1a, 1b, and 1c.  
Trius, Inc. – Item Nos. 5a and 5b.

Item No. 1d received no bids and will not be rebid. Quotes will be obtained prior to 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 awards an open-ended contract for the Supply of Snow Plow Repair Parts and Service to the following vendors, who meet all the specifications:

Tony Sanchez LTD – Items Nos. 1a, 1b, and 1c.  
Trius, Inc. – Item Nos. 5a and 5b.

Item No. 1d received no bids and will not be rebid. Quotes will be obtained prior to purchase.

Term of Contract: commencing retroactive to August 8, 2019 through August 7, 2021. All terms and conditions of the bid specifications are applicable on this contract. This will be an open-ended contract with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Purchasing Division
  - b) Chief Financial Officer
  - c) Township Attorney
  - d) Public Works Department
  - e) All Aforementioned Bidders

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended contracts awarded to Tony Sanchez LTD and Trius, 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.

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: October 8, 2019

**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, ONE (1) YEAR CONTRACT WITH**

**QUALITY FENCE OF PEEKSKILL, INC., FOR THE INSTALLATION, REPAIR AND MAINTENANCE OF FENCING FOR THE TOWNSHIP OF TOMS RIVER, COMMENCING DECEMBER 31, 2019 THROUGH DECEMBER 30, 2020**

**OCTOBER 8, 2019**

WHEREAS, resolution of the Township Council dated November 7, 2016, authorized the award of an open-ended contract for the Installation, Repair and Maintenance of Fencing for the Township of Toms River to Quality Fence of Peekskill, Inc., as lowest responsive and responsible bidder, for a two (2) year term, effective commencing December 31, 2016 through December 30, 2018; and

WHEREAS, resolution of the Township Council dated November 27, 2018, authorized the first one (1) year extension of the current contract with Quality Fence of Peekskill, Inc., for the Installation, Repair and Maintenance of Fencing for the Township of Toms River, effective December 31, 2018 through December 30, 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 up to two (2) additional one (1) year terms upon expiration of the original contract, or one (1) additional two-year term; 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; and

WHEREAS, Quality Fence of Peekskill, Inc., has agreed to extend their current contract for the Installation, Repair, and Maintenance of Fencing for the second and final one (1) year term, effective December 31, 2019 through December 30, 2020, under the same terms and conditions as the original contract; 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. It hereby authorizes the second and final extension of the contract with Quality Fence of Peekskill, Inc., for the Installation, Repair and Maintenance of Fencing for the Township of Toms River, for the second and final one (1) year term, commencing December 31, 2019 through December 30, 2020, under the same terms and conditions as the original contract.

2. This will be an open-ended contract extension 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 extension of this contract is subject to all the terms and conditions of the original contract.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Public Works Department
- e) Parks, Buildings & Grounds
- f) Quality Fence of Peekskill, Inc.  
1223 Lincoln Terrace  
Peekskill, NY 10566

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended, second and final one year extension of the contract with Quality Fence of Peekskill, Inc., are available 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 SMITH  
CHIEF FINANCIAL OFFICER

Dated: October 8, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SECOND AND FINAL EXTENSION OF THE EXISTING CONTRACT WITH DOWN THE SHORE ICE CREAM, LLC, FOR THE LEASE OF THE TOWNSHIP OF TOMS RIVER VETERANS RECREATION COMPLEX CONCESSION, COMMENCING NOVEMBER 1, 2019 THROUGH OCTOBER 31, 2020, FOR A TOTAL COST OF \$3,200.00, PAYABLE TO THE TOWNSHIP OF TOMS RIVER**

**OCTOBER 8, 2019**

WHEREAS, resolution of the Township Council dated March 8, 2018, authorized the award of contract to Down the Shore Ice Cream, LLC, for the Lease of the Township of Toms River Veterans Recreation Complex Concession, commencing April 1, 2016 through October 31, 2018, in the amount of \$3,200.00 per season/\$9,600.00 over three (3) years/seasons, payable to the Township of Toms River; 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 up to two (2) additional one (1) year terms or one (1) additional two (2) year term upon expiration of the original contract; and

WHEREAS, resolution of the Township Council dated August 28, 2019, authorized the first extension of the contract with Down the Shore Ice Cream, LLC, for the Lease of the Township of Toms River Veterans Recreation Complex Concession, for a one (1) year term, commencing November 1, 2018 through October 31, 2019, at a total of \$3,200.00, payable to the Township of Toms River; and

WHEREAS, the Purchasing Division and the Department of Recreation have determined that it is in the best interest of the Township to extend the contract for one (1) final year term; and

WHEREAS, Down the Shore Ice Cream, LLC, has agreed to extend their contract for one (1) final year, commencing November 1, 2019 through October 31, 2020; 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. It hereby authorizes the second and final one (1) year extension of the contract with Down the Shore Ice Cream, LLC, for the Lease of the Township of Toms River Veterans Recreation Complex Concession, commencing November 1, 2019 through October 31, 2020, at a total cost of \$3,200.00, payable to the Township of Toms River, with a payment schedule as follows:

- April 15, 2020 - \$1,600.00
- July 15, 2020 - \$1,600.00

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

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) Recreation Department

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SECOND AND FINAL EXTENSION OF THE EXISTING OPEN-ENDED CONTRACT WITH GRANTURK EQUIPMENT COMPANY, INC., FOR THE SUPPLY OF LEACH PACKER REPAIR PARTS FOR THE DEPARTMENT OF PUBLIC WORKS**

**OCTOBER 8, 2019**

**WHEREAS**, resolution of the Township Council dated October 25, 2016, authorized the award of an open-ended contract to GranTurk Equipment Company, Inc., One Schuylkill Parkway, Bldg. B, Bridgeport, PA, 19405, for the Supply of Leach Packer Repair Parts for the Department of Public Works, for a two (2) year term effective December 7, 2016 through December 6, 2018; and

**WHEREAS**, the terms of the original contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15, which allows for the contract to be extended for up to two (2) additional one (1) year terms, or one (1) additional two-year term upon expiration of the original contract; and

**WHEREAS**, resolution of the Township Council dated October 23, 2018, authorized a first extension of the existing contract for Leach Packer Repair Parts for the Department of Public Works with GranTurk Equipment Company, Inc., at the same rates as the original contract award, effective December 7, 2018 through December 6, 2019; and

**WHEREAS**, the Department of Public Works has determined that it is in the best interest of the Township to extend this contract for the second and final one (1) year term; and

**WHEREAS**, GranTurk Equipment Company, Inc., has agreed to extend their current contract for the second and final one (1) year term, commencing December 7, 2019 through December 6, 2020, under the same terms and conditions as the original 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 the second and final extension of the existing open-ended contract with GranTurk Equipment Company, Inc., for the Supply of Leach Packer Repair Parts for the Department of Public Works, for the final one (1) year term, commencing December 7, 2019 through December 6, 2020.

2. The extension of this contract shall be subject to all the terms and conditions of the original contract award at the following rate: Discount off current Leach Repair Parts Price List: 20%.

3. This will be an open-ended contract extension with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget.

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

5. 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 Public Works
- e) GranTurk Equipment Company, Inc.  
One Schuylkill Parkway, Bldg. B  
Bridgeport, PA 19405

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the second and final one (1) year extension of the open-ended contract with GranTurk Equipment Company, Inc., for the Supply of Leach Packer Repair Parts, 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.

SHARON E. SMITH  
CHIEF FINANCIAL OFFICER

Dated: October 8, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CONTRACT TO VENDOR WITH STATE CONTRACT, CFE EQUIPMENT CORPORATION, FOR THE PURCHASE OF ONE (1) NEW, UNUSED NISSAN CF80LP REPLACEMENT FORKLIFT FOR THE DEPARTMENT OF PUBLIC WORKS, FROM STATE CONTRACT NO. 40076, IN THE TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$29,430.81**

**OCTOBER 8, 2019**

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

1. In accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and the regulations promulgated thereunder, the following purchase without competitive bids from a vendor with a State contract are hereby approved.

2. Contract for the Purchase of One (1) New, Unused Nissan CF80LP Replacement Forklift, for the Department of Public Works, from CFE Equipment Corporation, 818 Widgeon Road, Norfolk, VA, 23513, from State Contract No. 40076, in the total maximum amount not to exceed \$29,430.81. This will replace a 1978 Caterpillar forklift – Vehicle 46. Funds in the amount of \$29,430.81 are available in the following accounts:

X-04- -223-003	\$ 5,163.00
X-04- -237-004	\$ 22,027.47
X-04- -248-001	\$ 2,240.34

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) Business Administrator
- d) Township Attorney
- e) Department of Public Works
- f) CFE Equipment Corporation  
818 Widgeon Road  
Norfolk, VA 23513

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract with CFE Equipment Corporation, with State Contract No. 40076, in the total maximum amount of \$29,430.81, are available in the following account numbers:

Account No. X-04- -223-003	\$ 5, 163.00
Account No. X-04- -237-004	\$ 22,027.47
Account No. X-04- -248-001	\$ 2,240.34

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: October 8, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION AND THE ENGINEERING DIVISION TO ADVERTISE AND RECEIVE BIDS FOR DRAINAGE IMPROVEMENTS AT RIVER TERRACE**

**OCTOBER 8, 2019**

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

**DRAINAGE IMPROVEMENTS AT RIVER TERRACE**

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN AMENDMENT TO**

**THE RESOLUTION DATED MAY 14, 2019, FOR PROFESSIONAL TRAFFIC PLANNING SERVICES WITH REGARD TO THE TOMS RIVER DOWNTOWN REDEVELOPMENT PLAN, TO BRIGHT VIEW ENGINEERING, LLC, IN THE AMOUNT OF \$34,900.00, IN ORDER TO INCREASE THE SCOPE OF WORK FOR THE DOWNTOWN LOOP TRAFFIC STUDY FOR TRAFFIC MODELING & ANALYSIS, IN THE ADDITIONAL AMOUNT OF \$45,000.00, AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO AN AGREEMENT WITH BRIGHT VIEW ENGINEERING, LLC**

**OCTOBER 8, 2019**

WHEREAS, resolution of the Township Council dated March 26, 2019, authorized the retention of Bright View Engineering, LLC, for professional traffic planning services with regard to the Toms River Downtown Redevelopment Plan in the amount of \$22,500.00; and

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

WHEREAS, resolution dated May 14, 2019, increased the Scope of Work for Bright View Engineering LLC, in connection with the Downtown Loop Traffic Study based on additional traffic count data requested by the County of Ocean, for an additional amount of \$34,900.00; and further increase the Scope of Work for Bright View Engineering, LLC for the Downtown Loop Traffic Study, for re-calibration of the traffic model from updated traffic counts requested by the County and updated proposed modeling as per recent proposals from the developer, for an additional amount of \$45,000.00; 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. It hereby authorizes an amendment to the resolution dated May 14, 2019 with Bright View Engineering, LLC, for the Downtown Loop Traffic Study, for re-calibration of the traffic model from updated traffic counts requested by the County and updated proposed modeling as per recent proposals from the developer, per Bright View Engineering LLC Proposal No. 191451D dated September 5, 2019, in the additional amount of \$45,000.00, and funds are available in Account No. X-04- -224-002 for this purpose.

2. The Mayor is hereby authorized to execute and the Township Clerk to attest to an Agreement with Bright View Engineering, LLC, a copy of which will be kept on file in the Office of the Township Clerk.

3. A notice of this action shall be advertised once by the Clerk in the Asbury Park Press.

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

- a) Mayor Thomas Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Purchasing Division
- g) Engineering Division
- h) Township Planner
- i) Bright View Engineering LLC  
5 Pitcairn Drive  
Roseland, NJ 07068  
Attn: John Jahr, Principal

## CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the contract with Bright View Engineering, LLC, in the amount of \$45,000.00 are available in Account No. X-04- -224-002.

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

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: October 8, 2019

### RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS FOR TOMS RIVER POLICE DEPARTMENT- 24/7 OPIOID RESPONSE TEAM GRANT

**OCTOBER 8, 2019**

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

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

WHEREAS, the Township has received a grant from the State of New Jersey, Department of Law and Public Safety, Office of the Attorney General, Toms River Police Department 24/7 Opioid Response Team Grant and wishes to amend its 2019 Budget to include a portion of this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, County of Ocean, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2019 Budget the sum of \$149,999.80 which is now available as revenue from:

Miscellaneous Revenues -

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

Appropriations:

Toms River Police Department 24/7 Opioid Response Team Grant..... \$149,999.80

pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$149,999.80 is and the same is hereby appropriated under the caption of:

General Appropriations:



(A) Operations - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

Toms River Police Department 24/7 Opioid Response Team  
Grant..... \$149,999.80

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

- A) Division of Local Government Services (done electronically)
- B) Chief Financial Officer
- C) Township Auditor
- D) Police Department

Approved as to Content:

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH THE FIRM OF FRENCH & PARRELLO ASSOCIATES, TO ASSIST THE TOWNSHIP ENGINEERING DIVISION FOR THE ROADWAY ELEVATION CONSTRUCTION PROJECT, IN THE DESIGN OF STREET ELEVATIONS PROJECTS FOR HARBOR COURT, HARBOR DRIVE AND CANAL LANE, FOR A TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$169,680.00**

**OCTOBER 8, 2019**

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

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

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

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

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

Principal Engineer	\$148.00/hour
Project Manager (PE)	\$128.00/hour
Design Engineer (EIT)	\$107.00/hour
Design Engineer	\$ 97.00/hour
Professional Land Surveyor (PLS) (As a principal or partner)	\$133.00/hour
Professional Land Surveyor (PLS) (As an associate)	\$112.00/hour
Senior Designer	\$ 77.00/hour
Computer Technician	\$ 77.00/hour
Engineering Technician	\$ 77.00/hour
Survey Technician	\$ 66.00/hour

Senior CADD Operator	\$ 77.00/hour
CADD Operator	\$ 61.00/hour
Field Survey Crew	\$138.00/hour
Senior Inspector	\$ 87.00/hour
Inspector Level 1	\$ 51.00/hour
Inspector Level 2	\$ 71.00/hour
Secretary/Clerical	\$ 33.00/hour
Delivery	\$ 33.00/hour
Prints	\$ 0.25/sq.ft.
Mylars	\$ 1.53/sq.ft.
Cloths	\$ 2.10/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost,

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

WHEREAS, the Township requires professional engineering services to assist the Township Engineering Division for the Roadway Elevation Construction Project for the Design of Street Elevations for Harbor Court, Harbor Drive & Canal Lane; and

WHEREAS, French & Parrello Associates, has submitted Proposal No. 1744.034 dated July 31, 2019, for the Roadway Elevation Construction Project for Harbor Court, Harbor Drive and Canal Lane, in the total contract amount not to exceed \$169,680.00; and

WHEREAS, the Township Engineer has reviewed the Proposal submitted by French & Parrello Associates, and has recommended award of contract to this firm for this project;

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

1. It hereby authorizes a contract with the firm of French & Parrello Associates, to perform all professional services for the Roadway Elevation Construction Project to assist the Township Engineering Division in the design of street elevations project for Harbor Court, Harbor Drive and Canal Lane, in the total contract amount not to exceed \$169,680.00, in accordance with their Proposal No. FPA No. 1744-034 dated July 31, 2019, at the following rates:

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

for a total project amount not to exceed \$169,680.00.

All paperwork in connection with this project is on file in the Engineering Division. Contract term: Commencing October 9, 2019 through completion of the project.

3. Funds in the maximum amount not to exceed \$169,680.00, are available in Account No. X-04- -247-002. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

4. The Mayor is authorized to execute and the Township Clerk to attest to an Agreement with the firm of French & Parrello Associates. A copy of the Agreement and Proposal dated July 31, 2019 shall be attached to this resolution as Schedule "A", and made a part hereof.

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

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

- a) Mayor Thomas Kelaher
- b) Purchasing Division
- c) Chief Financial Officer
- d) Township Attorney
- e) Township Engineer
- f) French & Parrello Associates  
1800 Route 34, Suite 101  
Wall, NJ 07719  
Attn: Brian R. Decina, P.E.  
Senior Vice President

**SCHEDULE "A"**

**"SEE ATTACHMENTS"**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AWARDED A PROFESSIONAL SERVICE CONTRACT TO TRC ENVIRONMENTAL CORPORATION FOR ADDITIONAL TESTING AT THE TOWNSHIP LANDFILL (FORMERLY DOVER TOWNSHIP MUNICIPAL LANDFILL), AS REQUIRED BY THE NJDEP, IN AN AMOUNT NOT TO EXCEED AN INITIAL ESTIMATED AMOUNT OF \$28,000.00**

**OCTOBER 8, 2019**

WHEREAS, since 1997, the Township of Toms River, Ocean County, New Jersey has utilized the services of TRC Environmental Corporation, ("TRC") to conduct periodic testing of water samples and monitoring of the water quality at, and near, the former Dover Township Municipal Landfill; and

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") issued a notice in March 2019, concerning new interim specific Groundwater quality Standards testing at the Landfill; and

WHEREAS, resolution of the Township Council dated April 23, 2019, authorized the professional services contract with TRC Environmental Corp, for landfill testing, for calendar year 2019, at the following hourly rates:

Technical Assistant	\$60.00/hour
Field Technician	\$70.00/hour
Computer Design and Drafting	\$90.00/hour
Sr. Computer Design and Drafting	\$105.00/hour
Hydrogeologist I/Scientist I/Engineer I	\$75.00/hour

Hydrogeologist II/Scientist II/Engineer II	\$90.00/hour
Hydrogeologist III/Scientist III/Engineer III	\$105.00/hour
Associate Project Manager	\$125.00/hour
Project Manager	\$140.00/hour
Sr. Project Manager	\$160.00/hour
Sr. Scientist/Engineer	\$170.00/hour
Project Director	\$180.00/hour
Sr. Project Director	\$185.00/hour
Principal Consultant	\$200.00/hour
Sr. Principal Consultant	\$225.00/hour
Sr. Principal Consultant II	\$260.00/hour
Equipment: TRC costs + 10%	
Office expenses: TRC labor force + 4%	

WHEREAS, TRC has prepared and submitted a Proposal dated August 30, 2019, outlining the scope of work and cost estimate to provide such services with an initial estimated budget cost of \$28,000.00, a copy of which is on file in the Office of the Township Clerk; and

WHEREAS, the Township Council finds that past services provided by TRC Environmental Corporation have been competent and professional; and

WHEREAS, the certification of funds availability statement with respect to this resolution is on file in the Office of the Township Clerk; and

WHEREAS, TRC Environmental Corporation has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure form which certifies that the firm has not made any contributions in contravention of New Jersey's "Pay-to-Play Law", *N.J.S.A. 19:44A-20.4, et. seq.*, and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*, and TRC Environmental Corporation acknowledges that the contract will prohibit it from making any such contributions through the term of 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. It hereby authorizes a professional services contract with TRC Environmental Corp., for additional testing at the landfill, as required by the NJDEP, for an initial estimated budget amount of \$28,000.00, in accordance with Proposal dated August 30, 2019, TRC Project No. 188045, a copy of which is on file in the Office of the Township Clerk. Funds in the amount of \$28,000.00, are available in Account No. 9-01- -U24-418 for this purpose
2. It hereby authorizes the Mayor to execute and the Township Clerk to attest to an agreement with TRC Environmental Corporation, for additional testing at the landfill, commencing October 9, 2019 through completion of the project.
3. A notice of this action shall be advertised once by the Township Clerk in the Asbury Park Press.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Mayor Thomas F. Kelaher
  - b) Township Engineer
  - c) Township Attorney
  - d) Chief Financial Officer
  - e) TRC Environmental Corporation  
41 Spring Street, Suite 102  
New Providence, NJ 07974  
Attn: Peter Grogan, Project Leader  
Attn: Daniel A. Nachman
  - f) Patrick Mottola  
Chiesa, Shahinian & Giantomasi PC  
1 Boland Drive

**“SCHEDULE A”**

**“SEE ATTACHMENTS”**

**CERTIFICATION**

**THIS IS TO CERTIFY** that funds for the professional services contract with TRC Environmental Corporation, with an initial estimated budget cost of \$28,000.00, are available in Account No. 9-01- -U24-418.

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

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: October 8, 2019

**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**

**OCTOBER 8, 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) Helms Group LLC  
95 Avenue E  
Bayonne, NJ 07002
- j) Osmanski, Craig  
425 Oak Brook Terrace  
Palm Harbor, FL 34684
- k) Farinella, Anthony W. & Bilinski, J.  
4 Holly Street  
Toms River, NJ 08753
- m) Jersey Lot LLC% C.F. McInnis  
153 Brook Street  
Garden City, NY 11530
- n) Safeguard Properties  
7887 Safeguard Circle  
Valley View, OH 44125
- o) Finocchio, Vincent  
487 Whittier Avenue  
Piscataway, NJ 08854

**SCHEDULE "A"**

**CERTIFICATION OF COSTS**

	<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>PROPERTY ADDRESS</u></b>	<b><u>TOTAL</u></b>
1.	691	14	671 Batchelor Street	\$1415.43
2.	1501.29	1	1034 Yellowbank Road	\$582.50
3.	697	12	4 Holly Street	\$701.66
4.	444.28	15.01	919 Fischer Boulevard	\$1086.69
5.	192.01	44	2245 Hovsons Boulevard	\$440.48
6.	724.03	274	58 Cove Road	\$708.56

\*\*\*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, SUPPORTING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S REQUEST/ REQUIREMENT TO LEGALLY PROHIBIT LEFT TURN MOVEMENTS AT THE PROPOSED ROUTE 70 DRIVEWAY FOR THE PROPOSED ALDI FOOD MARKET, AT THE ALDI-TRACTOR SITE ON ROUTE 70, BLOCK 145.01, LOTS 1.04 AND 1.05, IN THE TOWNSHIP OF TOMS RIVER**

**OCTOBER 8, 2019**

WHEREAS, the subject site plan for an Aldi's food market and a tractor supply retail store were approved by the Township Planning Board in September, 2018, as the commercial component of a Planned Unit Development near the intersection of

Massachusetts Avenue and Route 70, Block 145.01, Lots 1.04 and 1.05, in the Township of Toms River; and

WHEREAS, the approved site plan proposed a driveway entrance from Route 70 between the two commercial uses that was intended for right in and right out turning movements only; and

WHEREAS, the New Jersey Department of Transportation is requiring a resolution of support from the Township of Toms River to legally prohibit left turn movements at the proposed Route 70 driveway for the proposed Aldi site, as a condition of their highway access permit;

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

1. It hereby supports the New Jersey Department of Transportation's requirement/request to legally prohibit left turn movements at the proposed Route 70 driveway for the proposed Aldi site for a food market near the intersection of Massachusetts Avenue and Route 70, Block 145.01, Lots 1.04 and 1.05, in the Township of Toms River.

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

- a) Mayor Thomas Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Engineering Division
- f) Chief Financial Officer
  
- g) Township Planner
- h) Assistant Township Planner
- i) New Jersey Department of Transportation  
PO Box 600  
Trenton, NJ 08625-0600  
Attn: Kenneth Spiegler  
Project Engineer  
Major Access Permits
- j) Harvey L. York, Esq.  
Novins, York & Jacobus  
202 Main Street  
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A NONFAIR AND OPEN PROFESSIONAL SPECIAL LEGAL SERVICE CONTRACT WITH THE LAW FIRM OF McMANIMON, SCOTLAND & BAUMANN, LLC, TO ADVISE, CONSULT, AND REPRESENT THE TOWNSHIP OF TOMS RIVER IN REDEVELOPMENT MATTERS FOR A TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$70,000.00, AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO ANY AND ALL DOCUMENTS, INCLUDING ANY RETAINER AGREEMENTS, ASSOCIATED WITH THE CONTRACT APPROVED HEREUNDER**

**OCTOBER 8, 2019**

WHEREAS, the Township of Toms River has a need to obtain professional legal services to advise, consult, and represent the Township of Toms River in Redevelopment matters; and

**WHEREAS**, on November 13, 2018 the firm of McManimon, Scotland & Baumann, LLC was awarded a contract for legal redevelopment services provided through a fair and open basis and subject to campaign contribution reform laws as set forth in *N.J.S.A. 19:44A-20.5 et. seq.*, and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 *et. seq.*; and

**WHEREAS**, on August 12, 2019, the contract with McManimon, Scotland & Baumann, LLC, was amended from an amount not to exceed \$20,000.00 to an amount not to exceed \$70,000.00 due to continuing litigation in this matter; and

**WHEREAS**, the Township Council has determined that it would be in the best interest of the Township of Toms River to retain McManimon, Scotland & Baumann, LLC for an additional year in these matters; and

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

**WHEREAS**, recommendation has been made to award a contract to McManimon, Scotland & Baumann, LLC, for a total contract amount not to exceed \$70,000.00 at the rate of compensation shown on the attached Agreement for services commencing November 16, 2019, for a period of twelve months:

**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. It hereby awards a professional special legal counsel services contract to McManimon, Scotland & Baumann, LLC, to serve as special legal counsel to advise, consult and represent the Township of Toms River in redevelopment matters, for a total contract amount not to exceed \$70,000.00 at the rate of compensation shown on the attached Agreement. Funds in the amount of \$70,000.00, are available in Account No. 9-01- -L21-534. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

2. This contract will be effective commencing November 16, 2019, for a period of twelve months.

3. The Mayor is hereby authorized to execute and the Township Clerk to attest to any and all documents, including any retainer agreements, associated with the contract approved hereunder.

4. A notice of this contract award shall be published 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) Township Council
- c) Chief Financial Officer
- d) Business Administrator
- e) Township Attorney
- f) Township Planner
- g) McManimon, Scotland & Baumann, LLC  
75 Livingston Avenue, #201  
Roseland, NJ 07068  
Attn: Joseph P. Baumann, Jr., Esq.

## **CERTIFICATION**



**THIS IS TO CERTIFY** that funds for the professional services contract with McManimon, Scotland & Baumann, LLC, are available in Account No. 9-01- -L21-534.

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

SHARON SMITH  
CHIEF FINANCIAL OFFICER

Dated: October 8, 2019

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, SUPPORTING TOMS RIVER PROFESSIONAL ASSOCIATION, AFSCME NEW JERSEY COUNCIL 63 LOCAL 3186 (“AFSCME”) UNIT PETITION TO AMEND CERTIFICATION**

**OCTOBER 8, 2019**

**WHEREAS**, the Toms River Professional Association (“TRPA”) is the certified majority representative of a negotiations unit, including all full-time and part-time white collar employees and excluding blue collar employees, craft employees, police, professionals, Deputy Tax Collector, Deputy Tax Assessor and supervisors; and

**WHEREAS**, the TRPA was last certified as the majority representative by the New Jersey Public Employment Relations Commission on December 17, 2013; and

**WHEREAS**, the TRPA filed an “Amendment of Certification Petition” on September 16, 2019, proposing to amend the Certification to affiliate with Toms River Professional Association, AFSCME New Jersey Council 63 Local 3186, as the majority representative; and

**WHEREAS**, the TRPA membership was given advanced and adequate notice of the election and an election was conducted by secret ballot vote on August 20, 2019; and

**WHEREAS**, the majority of the negotiations unit represented by the TRPA voted in favor of the change in name and affiliation to Toms River Professional Association, AFSCME New Jersey Council 63 Local 3186; and

**WHEREAS**, the composition and approximate size of the negotiations unit represented by the TRPA has continued unchanged since the affiliation vote on August 20, 2019; and

**WHEREAS**, the TRPA officers have continued as officers since the affiliation vote and will continue in those positions until the next election cycle; and

**WHEREAS**, the Township has been advised that the TRPA does not object to the affiliation and name change;

**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 does not object to the proposed amendment to the Certification and hereby recognizes Toms River Professional Association, AFSCME New Jersey Council 63 Local 3186, as the majority representative of the unit, including all full-time and part-time white collar employees and excluding blue collar employees, craft employees, police, professionals, Deputy Tax Collector, Deputy Tax Assessor and supervisors.

2. A 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) Chief Financial Officer
- f) New Jersey Public Employment Relations Commission  
PO Box 429  
Trenton, New Jersey 08625-0429

**RESOLUTION AUTHORIZING PLACE-TO-PLACE  
TRANSFER OF PLENARY RETAIL DISTRIBUTION  
LICENSE NUMBER 1507-44-048-004 ISSUED TO RETAIL, LLC.,  
LOCATED AT 1922 HOOPER AVE, UNITS 8-11  
TOMS RIVER, NJ 08753**

**OCTOBER 8, 2019**

WHEREAS, an application has been filed for PLACE-TO-PLACE TRANSFER of Plenary Retail Distribution License #1507-44-048-004 issued to Retail, LLC., to be located at 1922 Hooper Ave Toms River, NJ; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinance and conditions consistent with Title 33;

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 authorize; the Place-To-Place Transfer to place Plenary Retail Distribution License Number 1507-44-048-004, held by "Retail, LLC. d/b/a Buy Rite Liquors of Silverton" located at 1922 Hooper Ave, Toms River, NJ, 08753.

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

- a) Police Department
- b) Chief Financial Officer
- c) Council
- d) Attorney
- e) State of New Jersey Division of Taxation  
PO Box 999  
Trenton, NJ 08646-0999
- f) Retail, LLC  
782 Route 9  
Bayville, NJ 08721

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS  
RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE  
GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MAJOR  
SUBDIVISION KNOWN AS MONROE AVENUE, BLOCK 412.41, LOTS 43 AND 44  
(Monroe Avenue)**

**October 8, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision, known as Monroe Avenue, Block 412.41, Lots 43 and 44.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Surety Bond #CT021019M in the amount of \$47,940.00, which represents the 15% Maintenance Guarantee is hereby accepted;

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

WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees and the acceptance of the Maintenance 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 Performance Surety Bond accepted by way of Resolution 'T' dated August 11, 2015 in the original amount of \$287,640.00, and reduced by Resolution 'P' dated February 7, 2017 to \$143,820.00, is hereby released;
- 2) Previously posted Cash Performance Bond accepted by way of Resolution 'T' dated August 11, 2015 in the original amount of \$31,960.00, and reduced by Resolution 'R' on February 27, 2018 to \$15,980.00, and is currently on deposit in account #X-19 - -902-101, is hereby released with applicable interest;
- 3) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- a. Jankim Properties, LLC  
501 Manchester Avenue  
Toms River, NJ 08755

**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 SUBDIVISION KNOWN AS CLUBHOUSE CORNER, BLOCK 724.70, LOT 134 (Garfield Avenue)**

**October 8, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision, known as Clubhouse Corner, Block 724.70, Lot 134.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount of \$1,840.00 which represents the 10% Maintenance Guarantee, accepted by way of Resolution 'C' dated April 25, 2017 in the original amount of \$18,400.00, and reduced by Resolution 'O' on December 26, 2017 to \$9,384.00, and is currently on deposit in account # X-19- -902-101 and will remain on account to represent the Maintenance Cash Bond;

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

WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees and the acceptance of the Maintenance 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 \$7,544.00 currently on deposit in account #X-19 - -902-101, 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 to each of the following:

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. ARYA Properties, LLC  
130 Central Avenue  
PO Box 145  
Island Heights, NJ 08732

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RESCINDING A PROPERTY MAINTENANCE LIEN WHICH WAS ERRONEOUSLY PLACED ON BLOCK 285.01, LOT 14, 66 CATTUS STREET, TOMS RIVER, NJ, BY RESOLUTION DATED SEPTEMBER 24, 2019, IN THE AMOUNT OF \$336.52, AND AUTHORIZING THE TOWNSHIP TAX COLLECTOR TO REMOVE THE LIEN FROM THE TOWNSHIP RECORDS**

**OCTOBER 8, 2019**

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

**WHEREAS**, Section 111 of the Township 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**, a resolution of the Township Council dated September 24, 2019, imposed charges incurred under Section 111 of the 2006 International Property Maintenance Code as a lien against Block 285.01, Lot 14, 66 Cattus Street, Toms River, NJ, in the amount of \$336.52 for property maintenance; and

**WHEREAS**, it has come to the Township's attention that the lien was erroneously placed on this property;

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

1. It hereby rescinds the lien erroneously placed on Block 285.01, Lot 14, 66 Cattus Street, Toms River, NJ, for property maintenance, in the amount of \$336.52.

2. It hereby authorizes and directs the Township Tax Collector to remove the lien erroneously placed on Block 285.01, Lot 14, 66 Cattus Street, Toms River, NJ, for property maintenance, in the amount of \$336.52.

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) Donald Guardian, Business Administrator
- c) Sharon E. Smith, Chief Financial Officer
- d) Carl DiLeo, Tax Collector
- e) Kenneth B. Fitzsimmons, Township Attorney
- f) John Winton, Housing & Property Maintenance
- g) Craig Ambrosio, Director, Parks, Buildings, Grounds and Code Enforcement
- h) Tracy Lasky, Bey Lea Maintenance/Public Lands
- i) Browne, Francis X. & Christine E.  
66 Cattus Street  
Toms River, NJ 08753

Pat Klaslo questioned item G on the following Resolution.  
Township Administrator announced location is not yet decided.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO ADVERTISE AND RECEIVE BIDS FOR AN OUTDOOR FITNESS COURSE**

**OCTOBER 8, 2019**

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

**OUTDOOR FITNESS COURSE**

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

1. The Purchasing Division is hereby authorized to prepare bid specifications for the above-mentioned items/project.
2. The Purchasing Division of the Township of Toms River is hereby authorized to advertise for the receipt of bids for the above-mentioned items/project.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

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

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

**RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS FOR FY20 NJ MOTOR VEHICLE COMMISSION L. E. A. S. E. PROGRAM**

OCTOBER 8, 2019

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

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

WHEREAS, the Township has received a grant from the State of New Jersey, Division of Purchase and Property, NJ Motor Vehicle Commission L.E.A.S.E Program and wishes to amend its 2019 Budget to include a portion of this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, County of Ocean, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2019 Budget the sum of \$129,929.28 which is now available as revenue from:

Miscellaneous Revenues -

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

Appropriations:

NJ Motor Vehicle Commission L.E.A.S.E Program FY20 .....\$129,929.28 pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$129,929.28 is and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

NJ Motor Vehicle Commission L.E.A.S.E Program FY20 .....\$129,929.28

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

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

Approved as to Content:

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE**

**GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MINOR  
SUBDIVISION KNOWN AS BLOCK 260, LOT 16 and 44  
(246 Alabama Avenue)**

**October 8, 2019**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision, known as Block 724.70, Lot 134.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount of \$5,930.00 which represents the 10% Maintenance Guarantee, accepted by way of Resolution 's' dated December 26, 2017, and is currently on deposit in account # X-19- -902-101 and will remain on account to represent the Maintenance Cash Bond;

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

WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees and the acceptance of the Maintenance 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 Surety Bond #CT023258 in the amount of \$53,370.00 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 to each of the following:

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- a. ARYA Properties, LLC  
130 Central Avenue  
PO Box 145  
Island Heights, NJ 08732

**REPORTS**

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

	2019	2018
Bey Lea Golf Course – September	\$151,330.01	\$125,800.32
Bey Lea Golf Course – YTD through September	\$1,046,600.50	\$981,810.92
Winding River Ice Rink – September	\$45,082.90	\$50,426.50
Winding River Ice Rink – YTD through September	\$589,675.62	\$579,990.57
Building Permits - September	\$161,164.00	\$157,216.00
Building Permits – YTD through September	\$1,965,383.00	\$1,866,629.00

**APPROVAL OF BILLS**

Council President Wittmann asked for a report on the bills.

The Bill List, dated **October 4, 2019** was approved on motion by Council Member Turnbach, seconded by Council Member Maruca, and carried with Council Members , Hill, Huryk, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Member Kubiel absent. 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 19-05365 and 19-05366, payable to Arya Properties in the amount of \$2,000.00

Purchase Order 19-05256, payable to Remington & Vernick Engineers (pertaining to GW Development, LLC) in the amount of \$222.00

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

Purchase Order 19-04612, payable to Owen Little & Association in the amount of \$4,821.00.

Purchase Order 19-02203, payable to Ocean County Board of Health in the amount of \$128.00.

Purchase Order 19-05246, payable to Community Medical Center in the amount of \$42.50.

Purchase Order 19-00456, payable Terry Brady, Esquire, in the amount of \$3,916.68.

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

Purchase Order 19-00248, 19-05247, & 19-05256, payable to Remington and Vernick Engineer in the amount of \$25,861.75.

Purchase Order 19-05475, payable to Recreation Department in the amount of \$8,519.25.

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

Purchase Order 19-00863, payable to Dasti, McGuckin, Attorneys at Law, in the amount of \$958.50.

Purchase Order 19-00994, 19-04614, & 19-04740, payable to Greg McGuckin, Esquire, in the amount of \$2,889.00.

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

Purchase Order 19-00455, payable to Citta, Holzapfel & Zabarsky, Esquire, in the amount of \$7,100.00.

Purchase Order 19-00863, payable to Dasti, McGuckin, Attorneys at Law, in the amount of \$958.50.

Purchase Order 19-00994, 19-04614, & 19-04740, payable to Greg McGuckin, Esquire, in the amount of \$2,889.00.

Purchase Order 19-05475, payable to Magistrates in the amount of \$7,635.44.

## **ELECTED OFFICIALS COMMENTS**

Mayor Kelaher commended Silverton Fire Department for the nice job they did on their Fall Fest this past weekend.



Council Member Turnbach spoke regarding Yom Kippur holy days observers, and; Opioid Response Program.

Council Member Maruca spoke regarding Vest-A-Cop at Pizza Hut, and Yom Kippur Holy Days.

Council Member Huryk spoke of different event every Saturday.

Council Member Rodrick had no comments.

Council Member Hill spoke regarding Bayville Elks donation; Fall Festival, and wished Jewish residents Happy Yom Kippur.

Council Member Wittmann had no comments.

## **PUBLIC COMMENTS**

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

Chris Golembeski, First Aid Squad #39, spoke regarding annual open house for Halloween parade.

Sam Foster, Brick, spoke regarding the Council Members and Mayor leaving our Council, and Exit 82 production.

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

A motion was made by Council Member Maruca, seconded by Council Member Huryk, and carried to enter into a private Executive Session at 6:57 PM.

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

## **RESOLUTION**

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

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

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

1. The Township Council will now conduct a private Executive Session.
2. The general nature of the subject matter to be discussed and/or acted upon is as follows:
  - Matters of Personnel
  - Attorney Client Privilege
  - Land Acquisitions
  - Contract Negotiations
3. The following specific topics were announced.
  1. Executive Session Minutes Review: September 24, 2019 Regular Meeting
  2. Personnel Issues
  - 3) Review of status of all real property acquisitions (voluntary acquisitions and eminent domain actions):

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	- Absent
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 7:08P.M., a motion was made by Council Member Hill, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Member Kubiell absent.

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

#### **RESOLUTION APPROVING EXECUTIVE SESSION MINUTES**

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

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

1. The following Executive Session Minutes are approved:

#### **September 24, 2019 Regular Meeting**

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

No other business appearing, the meeting was **adjourned** at 7:10 P. M., on motion with Council Member Maruca, seconded by Council Member Turnbach, and carried with Council Members Hill, Huryk, Maruca, Rodrick, Turnbach, and with Council President Wittmann voting yes, and with Council Member Kubiell absent.

\_\_\_\_\_  
COUNCIL PRESIDENT GEORGE WITTMANN

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