

October 22, 2019

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

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

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

OPEN PUBLIC MEETINGS ACT
STATEMENT

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

Roll Call:

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

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

APPROVAL OF MINUTES

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and with Council Members Hill, Huryk, Rodrick, Turnbach, and Council President Wittmann voting yes, and Council Member Kubiel abstaining as he was not at the Regular Meeting October 8, 2019, and with Council Member Maruca absent, to approve the **Regular Meeting of October 8, 2019**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS

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

Councilman Hill introduced and presented proclamations to Sergeant Michael Robert Weigand and Sergeant John Elley, Grand Marshalls for the 2019 Ocean County Veterans Day Parade.

Township of Toms River Proclamation

Veterans Day
November 11, 2019

WHEREAS, Congress passed a Resolution in 1926 establishing an annual observance of Veterans Day to memorialize the ending of the fighting in World War I and honor all service men and women who fought for our great country; and

WHEREAS, through active combat, many veterans of war lost their lives or have been permanently disabled while protecting our citizens and their comrades; and

WHEREAS, on Veterans Day all veterans are honored, remembered and thanked by various organizations, marching bands, residents, the Toms River Veterans Commission, Mayor Thomas F. Kelaher and the entire Township Council of the Township of Toms River.

NOW, THEREFORE, We, Mayor Thomas F. Kelaher and Council President George 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, wish to thank, honor and salute our veterans today and every day for their many sacrifices and selfless acts while serving in the military.

Mayor Thomas F. Kelaher

George E. Wittmann
Council President

Maurice B. Hill

Laurie A. Huryk

Brian S. Kubiak

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River Proclamation

October 22, 2019

WHEREAS, Sergeant Michael Robert Weigand is being honored as the Grand Marshal for the 2019 Ocean County Veterans Day Parade and;

WHEREAS, Sergeant Michael Robert Weigand enlisted in the United States Marine Corps and graduated from the India Co; 3rd Battalion at Parris Island in 2000 and;

WHEREAS, Sergeant Michael Robert Weigand held several different jobs in the Marine Corps including heavy equipment operator, amphibious assault vehicle operator and II Marine Expeditionary Force Unit, attaining the rank of Sergeant and;

WHEREAS, Sergeant Michael Robert Weigand was deployed in Kuwait and Iraq in 2003, 2006 and 2008 as a heavy equipment operator and an amphibious assault vehicle operator. In addition, he was also a Marine Corps Recruiter and assisted with the Marine Corps Toys for Tots program and;

WHEREAS, Sergeant Michael Robert Weigand received numerous awards including the Combat Action Ribbon, Sea Service Deployment Ribbon, National Defense Medal, Iraq Campaign Medal, Good Conduct Medal, Rifle Expert Award, Pistol Expert Award, War on Terrorism Service Medal and the Marine Corps Armed Forces Reserve Medal.

NOW, THEREFORE, We, Mayor Thomas F. Kelaher and Council President George E. Wittmann, Jr. of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, hereby congratulate, **Sergeant Michael Weigand** for the honor of 2019 Ocean County Veterans Day Parade Grand Marshal.

Mayor Thomas F. Kelaher

*George E. Wittmann, Jr.
Council President*

Maurice B. Hill, Jr.

Laurie A. Huryk

Brian S. Kubiel

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River

Proclamation

October 22, 2019

WHEREAS, Sergeant John Elley is being honored as the Grand Marshal for the 2019 Ocean County Veterans Day Parade and;

WHEREAS, Sergeant John Elley graduated from Central Regional High School in 1999 and after speaking with a United States Army Recruiter, decided to enlist at age 17 after receiving permission from his mother for being under age 18 and;

WHEREAS, Sergeant John Elley left for basic training in Ft. Jackson, SC. He finished MOS Training in Mississippi in the field of carpentry and masonry specialist for the U.S. Army Corps of Engineers and;

WHEREAS, Sergeant John Elley was ordered to active duty with the 52nd Engineer Battalion at Ft. Carson in Colorado to mobilize and deploy in support of Operation Iraqi Freedom where he assisted with base camp security, building guard towers and also assisted in many humanitarian missions attaining the rank of Sergeant E-5 and;

WHEREAS, Sergeant John Elley is a life member at A. Jay Weeks VFW Post 6063 and loves to help veterans and their families. Sgt. Elley serves as Senior Vice Commander of Post 6063 in Toms River as well as District Commander of the Ocean County VFW.

NOW, THEREFORE, We, Mayor Thomas F. Kelaher and Council President George E. Wittmann, Jr. of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, hereby congratulate, **Sergeant John Elley** for the honor of 2019 Ocean County Veterans Day Parade Grand Marshal.

Mayor Thomas F. Kelaher

George E. Wittmann
Council President

Maurice B. Hill

Laurie A. Huryk

Brian S. Kubiak

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Councilman Hill announced Len Mayersohn, Parade Chairman, who introduced the Essay Contest Winners and each was given a congratulatory gift cards.

Craig Ambrosio, Director, Building and Grounds, introduced and presented Alan Simister with a retirement clock for his 30 years of service.

Township Engineer Chankalian gave presentation on Paving and Capital Improvements and on projects currently completed.

Shamrock and Thistle Pipes & Drums performed and were then presented a proclamation for Extra Mile Day by Councilman Hill.

Township of Toms River

Proclamation

Extra Mile Day

October 22, 2019

WHEREAS, Toms River Township is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Toms River Township is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Toms River Township is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, Toms River Township acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2019 and honor the **Shamrock & Thistle Pipes & Drums Band** and the **Ocean County St. Patrick’s Parade Committee** as the Toms River Extra Mile Organizations.

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 hereby proclaim **Shamrock & Thistle Pipes & Drums Band** and the **Ocean County St. Patrick’s Parade Committee** as the “2019 Extra Mile Day” honorees.

Mayor Thomas F. Kelaher

George E. Wittmann
Council President

Maurice B. Hill

Laurie A. Huryk

Brian S. Kubiel

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

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

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

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

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

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

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

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

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

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

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 Huryk, seconded by Council Member Kubiel, and carried with Council Members Hill, Huryk, Kubiel, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Member Maruca absent, to approve

all the following items listed on the Consent Agenda, except item **E, and I** which were done separately.

RESOLUTION

OCTOBER 22, 2019

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO HOMEOWNER HAD A DIRECT WITHDRAWL ON THE PROPERTY, AND SOLD THE PROPERTY WITHOUT NOTIFICATION TO THE COLLECTOR TO DISCONTINUE THE AUTOMATIC 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:*

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
LANCARIC, PHYLIS	135.03	46	2020/1	\$ 211.88
			2019/4	850.25
TOTAL:				\$1,062.13

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

Approved as to content:

RESOLUTION

OCTOBER 22, 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:

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
ARYA PROPERTIES , LLC	260	16.02	2019/4	\$ 907.59
CORELOGIC CENTRALIZED REFUNDS	135	2.02	C3804 2019/3	\$1,372.12
TOTALS:				\$2,279.71

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

Approved as to content:

Mary Maligiere, 101 Mapletree Road, asked why is Nobility Crest qualified as a pilot.

Township Planner Roberts explained the following Resolution.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CORRECTION FOR PAYMENT IN LIEU OF TAXES (PILOT) FOR NOBILITY CREST AT DOVER LLC (NOW TOMS RIVER LIHTC, LLC)

October 22, 2019

WHEREAS, the property located at Block 166, Lot 15.01, had an Agreement for Payment in Lieu of Taxes approved by the Township Council on February 9, 2016; and

WHEREAS, the agreement calls for the property to be billed from the date of the execution of the Agency Mortgage until the Substantial Completion of the Project at the real estate taxes amount for the year preceding the recording of the Agency Mortgage; and

WHEREAS, the 2016 tax year was the year of the real estate taxes preceding the recording of the Agency Mortgage; and

WHEREAS, the amount of the 2016 real estate taxes on Block 166, Lot 15.01 was \$43,944.16; and

WHEREAS, the property was subdivided in 2018 creating lots Block 166, 15.02 and 15.03 and

WHEREAS, real estate taxes on Block 166, Lot 15.01 for the tax year of 2017, was paid in the amount of \$45,002.36;

WHEREAS, Block 166, Lot 15.03 continues to make tax payments on 7.08 AC of the property paying \$32,529.61 for 2018;

WHEREAS, the Township and PILOT owner Toms River LITHC LLC would like to amend the yearly payment due on Block 166, Lot 15.02 to the tax rate (2.355) and land value (542,400) for 2018 in the amount of \$12,773.52 until the annual audit is submitted allowing the Township to bill at the greater amount of \$26,943 or 6.5 percent of the Project Revenues;

WHEREAS, all PILOT payments made to BLOCK 166, Lot 15.02 to date in the amount of \$53,342.90 need to be reapplied to the corrected bill amount for 2018 and 2019 with the remaining credits to applied to future billings;

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 PILOT payment on Block 166 Lot 15.02 before the first annual audit submitted will be \$12,773.52 per year;
2. Block 166 Lot 15.02 PILOT Payments in the amount of \$53,342.90 will be applied to the amended annual amount due before the first annual audit and forward as credits;
3. The minimum amount of due for Block 166 Lot 15.02 will be the greater amount of \$26,943 or 6.5 percent of the Project Revenues once the first annual audit is submitted;
4. A certified copy of this resolution shall be provided by the Office of the Township to each of the following:
 - a) Township Council
 - b) Chief Financial Officer
 - c) Tax Assessor
 - d) Tax Collector
 - e) Township Attorney
 - f) Township Planner
 - g) Township Auditor

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE
DIVISION OF PURCHASING TO ADVERTISE AND RECEIVE PROPOSALS
FOR SERVICES EXEMPT FROM THE BIDDING PROCESS FOR THE
2020 CALENDAR YEAR**

OCTOBER 22, 2019

WHEREAS, the Township Council of the Township of Toms River is desirous of receiving proposals for certain services exempt from the bidding process for the 2020 calendar year; and

WHEREAS, some services are subject to the Campaign Finance Reform Act, as set forth in N.J.S.A. 19:44A-20.5 and awarded under the “Open and Fair Process”, N.J.S.A. 19:44A-20.1, *et. seq.* and Chapter 84 of the Toms River Township Administrative Code; and

WHEREAS, the criteria to be considered is as follows:

- (a) Name and business address of proposed contractor. The names and roles of the individuals who will perform the task, and a description of their experience with projects similar to the matter being advertised.

(b) References which include evidence of successful transactions for provision of similar goods or services.

(c) Description of ability to provide the goods or services in a timely fashion (for service contracts, include staffing, familiarity, and location of key staff).

(d) Cost details, including the hourly rates of each of the individuals who will perform services, time estimates for each individual, all expenses, and, where appropriate, a total cost of "not to exceed" amount.

(e) Qualifications of the individuals who will perform the tasks and the amounts of their respective participation.

(f) Other relevant experience.

(g) Ability to perform the task or provide goods in a timely fashion.

(h) Cost consideration, including, but not limited to, as applicable, historical costs for similar goods or services, expertise involved and comparable costs for comparable public entities; and

WHEREAS, proposals by vendors are to be sealed and opened at a time certain as determined by the Division of Purchasing, and such proposals shall become available to the public at that time:

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:

1. The Division of Purchasing is hereby authorized to advertise for the receipt of proposals for services exempt from the bidding process described below under a fair and open process as set forth in Chapter 84, "Contracts, Public", of the Toms River Township Administrative Code utilizing the following criteria:

(a) Name and business address of proposed contractor. The names and roles of the individuals who will perform the task, and a description of their experience with projects similar to the matter being advertised.

(b) References which include evidence of successful transactions for provision of similar goods or services.

(c) Description of ability to provide the goods or services in a timely fashion (for service contracts, include staffing, familiarity, and location of key staff).

(d) Cost details, including the hourly rates of each of the individuals who will perform services, time estimates for each individual, all expenses, and, where appropriate, a total cost of "not to exceed" amount.

(e) Qualifications of the individuals who will perform the tasks and the amounts of their respective participation.

(f) Other relevant experience.

(g) Ability to perform the task or provide goods in a timely fashion.

(h) Cost consideration, including, but not limited to, as applicable, historical costs for similar goods or services, expertise involved and comparable costs for comparable public entities.

2. The services exempt from the bidding process sought for the 2020 calendar year are:

Administrative Agent for Affordable Housing Units; not to exceed \$15,000.00, in Account No. X-19- -600-027

Bankruptcy Counsel at \$220.00 per hour, paralegals at \$95.00 per hour

Board of Adjustment Counsel: \$135.00 per hour, plus administrative fees and costs

Board of Adjustment Engineer: \$135.00 per hour, plus administrative fees and costs

Certified forester services at \$85.00 per hour

COAH legal services for general legal COAH services at \$195.00/hr. and paralegal services at \$95.00/hr. in Account No. X-19- -600-027

Conflict Board of Adjustment Counsel: \$135.00 per hour, plus administrative fees and costs

Conflict Board of Adjustment Professional Planner: \$135.00 per hour, plus administrative fees and costs

Conflict Planning Board Counsel: \$125.00 per hour, plus administrative fees and costs

Conflict Planning Board Professional Planner: \$135.00/hour, plus administrative fees and costs

Conflict Municipal Auditor/Municipal Court Auditor: not to exceed a total maximum amount of \$4,000.00 (\$3,200.00- 2019 statutory audit of the Toms River Municipal Court and \$800.00- preparation of the 2019 statutory municipal court report)

Conflict Prosecutor, at \$350.00 per court session, not to exceed \$5,000.00

Emergency veterinarian services for a total maximum amount not to exceed \$9,000.00; \$8,000.00 in Account No. 0-13- -911-011, and \$1,000.00 in Account No. 0-01- -P45-534

Eminent Domain Counsel at \$195.00/hr. for attorneys and \$75.00/hr. for paralegals, not to exceed \$100,000.00

Employee Assistance Program (EAP) Administrator, for a total maximum amount not to exceed \$30,000.00; \$20,000.00 available in Account No. 0-01- -F41-401 for the Township of Toms River, and \$10,000.00 to be paid by Toms River Fire District No. 1

Six (6) sessions EAP model – assessment and counseling shall be available to employees and their immediate family members. In the event that referrals to additional external providers are deemed clinically appropriate, the EAP staff shall work with the employee’s health benefits insurance carrier to assist in locating appropriate covered providers and agree to accept all of Toms River Township’s Horizon health insurance plans (Direct Access, Point of Service or EPO Option) for payment following the initial six (6) visits at no charge to the employee and/or their family. The EAP Consulting Group shall offer day and evening appointments with more than one office location, convenient to the employee and their family members. Locations must be in Ocean County or within a 25-mile radius of Toms River. Pricing is to include all travel and expenses.

EAP Services shall include the following:

- Employee and Supervisory Orientation(s) at start-up,
- Yearly Employee and/or Supervisory training (4),
- DOT/SAP Evaluations of CDL employees testing positive, and consultations to the DER (as required),
- Critical Incident Debriefing (CISD) or Crisis Intervention on an as needed basis,
- On Site Crisis Response
- Supervisory Consultations as needed, particularly to Management staff who refer employees for performance concerns,
- Quarterly Utilization reports,
- Employee promotional materials distributed regularly, via hard copy and electronic file

- Referral support, tracking, follow up and reporting
 - 24-hour phone access handling routine appointments within 72 hours
 - Emergent appointments scheduled within 24 hours,
 - Face-to-face consultation as opposed to just phone consultation.
- The fee to be submitted shall be per employee / per month, for approximately 522 full-time employees and 44 part-time employees of the Township of Toms River and approximately 200 full time employees of Toms River Fire District #1.

The Township of Toms River and Toms River Fire District No. 1 shall have the right to increase or decrease the number of full time and/or part time employees based upon the actual number of persons covered by this service. The cost of services shall be adjusted based upon the cost per individual as established by the successful bidder.

Employee Benefits Consultancy and Brokerage Services for Medical/Prescription/Dental/Vision Coverage

Environmental Consultant expert on CIBA/BASF tax appeals in Account 9-01- -L21-534, not to exceed \$150,000.00 at the following rates:

Executive Principal	\$ 275.00/hr.
Principal	\$ 225.00/hr.
Senior Technical Director	\$ 200.00/hr.
Senior Project Manager	\$ 190.00/hr.
Technical Director	\$ 180.00/hr.
Project Manager	\$ 170.00/hr.
Senior Project Specialist	\$ 160.00/hr.
Senior Technical Professional	\$ 150.00/hr.
Technical Professional	\$ 140.00/hr.
Technical Specialist	\$ 130.00/hr.
Specialist	\$ 120.00/hr.
Senior Data Technician	\$ 110.00/hr.
Senior Technical Assistant	\$ 100.00/hr.
Technical Assistant	\$ 90.00/hr.
Data/Field Technician	\$ 75.00/hr.
Survey Crew – 2 Man	\$ 200.00/hr.
Survey Crew – 1 Man w/Robotic Equipment	\$ 175.00/hr.
Expert Witness	\$ 325.00/hr.
Sr. LSRP	\$ 275.00/hr.
LSRP	\$ 215.00/hr.
General Expenses	Cost + 15%
Travel (Hotel, Airfare, Meals)	Cost + 15%
Sub-Consultants/Sub-Contractors	Cost + 20%
Mileage Reimbursement*	\$ 0.56/per mile
Plotting	\$ 3.75/each
Computer Mylars/Color Plots	\$ 50.00/each
Photo Copies	\$.10/each
Color Photo Copies	\$ 1.75/each
Document Binding	\$ 3.00/each
Portable Media	\$ 75.00/each
Exhibition Lamination (24” x 36” or larger)	\$ 50.00/each
Initial Digital Signature	\$250.00/each
Additional Digital Signature	\$ 50.00/each

* Mileage reimbursement subject to change based on IRS standard mileage rate.

Environmental Legal Counsel, including but not limited to applications to the N.J.D.E.P., and State House Commission matters, at \$220.00 per hour, and paralegals at the rate of \$95.00 per hour

Financial Advisor and Counseling Services, \$145.00/hour for professionals and \$50.00/hour for administrative purposes

General legal and litigation services at \$135.00 per hour

Landfill Environmental Consultants: not to exceed a total maximum amount of \$98,000.00 for CY20, at the rate of:

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: costs + 10%	
Office expenses: labor force + 4%	

Municipal Auditor services Partners: \$145.00; Manager: \$115.00; Supervisor \$90.00; Senior Staff: \$75.00 and Staff: \$65.00 in Account No. 0-01- -F12-206

Municipal Bond counsel services, at \$250.00/hr. for tax attorney services, \$225.00 per hour for bond attorney services, and between \$80.00 per hour to \$135.00 per hour for legal assistants, and at rates for the following services:

- a. For services rendered or in connection with each bond sale, a fee of \$3,500.00 plus \$1.00 per thousand dollars of bonds issued.
- b. For services rendered in connection with the preparation or review of each ordinance and the compiling of a certified record of proceedings in connection therewith, a fee of \$400.00 for each single purpose ordinance and \$600.00 for each multipurpose ordinance. If the preparation of the ordinance involves consultations, meetings or discussions that are out of the ordinary, there will be additional fees to be charged at the hourly rates of the attorneys and paralegals providing such services, as described above. The fees for services in connection with the ordinances will be charged periodically during the course of the year.
- c. The fee for any temporary financing involving a private placement and not involving numerous notes, preparation of an Official Statement, complicated arbitrage analysis, investment yield restrictions or attendance at closing, shall be billed at the hourly rates for attorneys and paralegals as described above, with a minimum fee of \$750.00.
- d. Written post issuance tax compliance procedures will be provided by Bond Counsel at the request of the CFO at a fixed cost of not more than \$5,000.00 for a template; with any modifications thereto billed at Bond Counsel's normal hourly rates for attorneys and paralegals as described above.
- e. Services rendered beyond the scope of those described herein will be billed at the hourly rates for attorneys and paralegals as described above depending on the attorney or paralegal involved. Such services may include attendance at meetings, all work required in connection with any financing through a borrowing through the New Jersey Environmental Infrastructure Trust Program, extraordinary work involved in the preparation of the Official Statement, attention to any litigation that may occur, complicated arbitrage analysis, implementation of procedures required by IRS Circular 230 or applications to the Federal Reserve Bank for investments of bond or note proceeds in State and Local Government Series federal obligations. If the Bond sale involves the

sale of minibonds, the sale of obligations to the United States Department of Agriculture, Farmers Home Administration, or an application to the Local Finance Board, such services will be billed for attorneys and paralegals at the hourly rates described above with a minimum fee of \$750.00. In the event that bond insurance, a letter of credit or similar credit enhancement facility is used in connection with a bond issue, an additional fee based on the responsibility assumed and time involved will be charged.

- f. In the event of a refunding bond issue providing for an escrow agreement and an investment of the proceeds consistent with the restrictions of the Internal Revenue Code to provide for the payment of a prior issue of bonds, there will be a fee of \$10,000.00 in addition to the fees described herein.
- g. In the event that a bond sale is held but all bids are rejected or the sale is canceled, the fee to be charged shall be a reasonable one, based on the services performed.
- h. Customary disbursements for postage, telephone, photocopying, travel and out-of-pocket expenses shall be added to the fees referred to in this Agreement.

Municipal Prosecutor and Assistants \$75,000.00 annually not to exceed \$6,250.00 on a monthly basis, plus \$2,600.00 for 4 special sessions at \$650.00 for each session and \$10,200.00 for 12 special driving while intoxicated sessions at \$850.00 for each session, for a total of \$87,800.00

Municipal Public Defender \$47,000.00 annually not to exceed \$3,916.66 on a monthly basis, plus \$400.00 for each special trial session in Toms River Municipal Court at \$250.00 for each bail review session in Ocean County Superior Court

Planning Board Counsel: \$135.00/hour, plus administrative fees and costs

Planning Board Engineer: \$135.00/hour, plus administrative fees and costs

Police emergency medical service director, not to exceed the maximum amount of \$18,500.00, at \$1,541.66 per month, which includes 10 hours per month spent for the aforementioned activities.

Pool Architectural Services: to be placed on a pre-approved list to receive bids, requests or solicitations as required by law for future architectural capital improvement projects and general architectural services.

Three Pool Conflict Municipal Public Defenders, at \$350.00 per court session, not to exceed \$5,000.00 for each public defender for a total maximum amount not to exceed \$15,000.00

Pool Inspection and general engineering services rates at:

Principal Engineer	\$ 160.00/hr.
Project Manager (PE)	\$ 155.00/hr.
Design Engineer (EIT)	\$ 127.00/hr.
Design Engineer	\$ 110.00/hr.
Professional Land Surveyor (PLS)	\$ 140.00/hr.
(As a principal or partner)	
Professional Land Surveyor (PLS)	\$ 130.00/hr.
(As an associate)	
Senior Designer	\$ 93.00/hr.
Computer Technician	\$ 93.00/hr.
Engineering Technician	\$ 93.00/hr.
Survey Technician	\$ 79.00/hr.
Senior CADD Operator	\$ 93.00/hr.
CADD Operator	\$ 73.00/hr.
Field Survey Crew	\$ 165.00/hr.
Senior Inspector	\$ 105.00/hr.
Inspector Level 1	\$ 61.00/hr.
Inspector Level 2	\$ 85.00/hr.
Secretary/Clerical	\$ 39.00/hr.

Delivery	\$ 39.00/hr.
Prints	\$ 0.25/sq.ft.
Mylars	\$ 1.53/sq.ft.
Cloths	\$ 2.10/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost

Pool Non-emergency veterinary services not to exceed \$77,000.00 from Account No. 0-13- -911-011 - \$60,000.00; Account No. 0-13- -911-002 - \$8,000.00; and Account No. 0-01- -P45-534 - \$ 9,000.00

Real estate appraisers

MAI Designated Appraiser:	\$160.00/hour
State Certified General Appraiser Staff:	\$115.00/hour
Field Personnel/Research Assistants:	\$100.00/hour
Clerical:	\$ 55.00/hour
File preparation including owner notification, project control, sheets and deed research:	\$ 315.00
Report and Exhibit Copies:	
Copy fees - \$0.35/sheet/Color - \$0.95/sheet	
Binders, photos, exhibits and maps @ \$120% of cost.	

Real estate appraisal services for property tax appeals

MAI Designated Appraiser:	\$160.00/hour
State Certified General Appraiser Staff:	\$115.00/hour
Field Personnel/Research Assistants:	\$100.00/hour
Clerical:	\$ 55.00/hour
File preparation including owner notification, project control, sheets and deed research:	\$ 315.00
Report and Exhibit Copies:	
Copy fees - \$0.35/sheet/Color - \$0.95/sheet	
Binders, photos, exhibits and maps @ \$120% of cost.	

Real estate abstract/title services: rates as regulated by the New Jersey Department of Insurance for title insurance

Rent leveling board accounting services, at the rate of \$100.00 per hour, for a total maximum amount not to exceed \$6,000.00

Special Labor Law Counsel at \$175.00 per hour, not to exceed \$20,000.00

Special Legal Counsel in the matter of *Township of Dover v. Ciba Specialty Chemicals Corp., et. als.*, Docket No. L-2884-03 and L-1686-06 PW, at \$220.00 per hour for attorneys and \$95.00 per hour for paralegals, not to exceed a total of \$23,000.00

Special Legal Counsel in the matter of *NJDEP v. Almo Anti-Pollution Services, et als. v. Toms River Township, et als.*, at \$200.00 per hour for partners, and \$140.00 per hour for associates, not to exceed a total maximum amount of \$15,000.00.

Special Legal Counsel in the matter of CIBA/BASF tax appeals at \$220.00 per hour for attorneys and \$95.00 per hour for paralegals

Special Legal Counsel regarding the Religious Land Use and Institutionalized Persons Act at \$750.00 per hour, not to exceed a total maximum amount of \$65,000.00

Township Cardiologist, not to exceed \$5,000.00

- Cardiac Testing to be conducted within one week
- Regular stress test: No more than \$85.00
- Nuclear stress test: No more than \$550.00 plus cost of isotope and lexiscan
- ECHO ultrasound: No more than \$260.00
- Cardiac office evaluation for new patient: no more than \$225.00,
- Cardiac office follow up: no more than \$120.00.

Further rates to be provided on a case by case basis.

Township Physician, not to exceed \$5,000.00

Ishihara Color Vision testing, 14 plate	\$15.00
ECG-Routine 12 Lead; w/intrpt. & report	\$46.00
Eduex Physical Administrative	\$60.00
Comprehensive Metabolic Panel via M	\$30.00
Complete blood count	\$22.00

Township Psychologist, not to exceed \$15,000.00

Police Officer-Psych Evaluation	\$500.00
SLEOI (Class I's)	\$250.00

3. Proposals by vendors are to be sealed and opened at a time certain as determined by the Division of Purchasing, and such proposals shall become available to the public at that time.

4. The term for these services shall commence January 1, 2020, up to and including December 31, 2020.

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) Business Administrator
- d) Township Clerk
- e) Department Heads
- f) Township Attorney
- g) Township Engineer
- h) Municipal Court
- i) Planning Board
- j) Board of Adjustment

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING ROBERT J. CHANKALIAN, TOWNSHIP ENGINEER, TO EXECUTE A NJDEP DIVISION OF LAND USE REGULATION, APPLICATION FORM FOR PERMIT(S)/AUTHORIZATION(S) FOR THE TOMS RIVER FIELD OF DREAMS PROJECT

OCTOBER 22, 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. Robert J. Chankalian, Township Engineer is hereby authorized to execute a NJDEP Division of Land Use Regulation, Application Form for Permit(s)/ Authorization(s), for the Toms River Field of Dreams Project.

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

- a) Township Attorney
- b) Chief Financial Officer
- c) Township Engineer
- d) State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation
PO Box 420
501 East State Street –Mail Code 501-02A
Trenton, NJ 08625-0420
- e) Maser Consulting PA

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF GROUNDS EQUIPMENT FOR BEY LEA GOLF COURSE UTILIZING ESCNJ COOPERATIVE CONTRACT #18/19-25, FROM TURF EQUIPMENT & SUPPLY COMPANY, IN THE MAXIMUM AMOUNT NOT TO EXCEED \$49,871.20, AND ALSO AUTHORIZING THE PURCHASE OF CERTAIN ITEMS OF GROUNDS EQUIPMENT FOR BEY LEA GOLF COURSE, NOT UNDER ESCNJ #18/19-25, FROM TURF EQUIPMENT & SUPPLY COMPANY, IN THE MAXIMUM AMOUNT NOT TO EXCEED \$488.96, FOR A TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$50,360.16

OCTOBER 22, 2019

WHEREAS, the Township of Toms River is a member of the Educational Services Commission of New Jersey #18/19-25 (ESCNJ), in accordance with N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.4; and

WHEREAS, pursuant to bids received, a contract was awarded to Turf Equipment & Supply Company by the Educational Services Commission of New Jersey, (ESCNJ), of which Toms River Township is an active participant, in accordance with N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.4; and

WHEREAS, the Purchasing Division is requesting authorization to Purchase Grounds Equipment for Bey Lea Golf Course, utilizing ESCNJ Cooperative Contract #18/19-25, from Turf Equipment & Supply Company, 8015 Dorsey Run Road, Jessup, MD, 20794, in the maximum amount of \$49,871.20, as listed below; and

WHEREAS, the Purchasing Division is also requesting authorization to Purchase Grounds Equipment for Bey Lea Golf Course not utilizing ESCNJ Cooperative Contract #18/19-25, from Turf Equipment & Supply Company, in the maximum amount of \$488.96, as listed below, for a total maximum amount of Purchases not to exceed \$50,360.16, as follows:

Equipment	Model #			Total Cost
Items Purchased under ESCNJ 18/19-25				
Reelmaster 3555-D	#03820			\$ 35,135.20
Blade Radial Reels	#03487			\$ 13,404.00
Weight Kit	#03412			\$ 196.80
Sun Shade White	#30669			\$ 588.80
Golf Ball Guard	#03614			\$ 546.40
Subtotal				\$ 49,871.20

Items Not Under ESCNJ 18/19-25				
Roller Scraper Kit	#3280			\$ 274.00
Filter Kit	#30090			\$ 79.32
Weihl Scrapers	#2993-03			\$ 135.64
Subtotal				\$ 488.96
Total				\$ 50,360.16

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

1. It hereby authorizes the Purchase of Grounds Equipment for Bey Lea Golf Course utilizing ESCNJ Cooperative Contract #18/19-25 from Turf Equipment & Supply Company, in the total amount not to exceed \$49,871.20.

2. It hereby authorizes the Purchase of Grounds Equipment for Bey Lea Golf Course not utilizing ESCNJ Cooperative Contract #18/19-25 from Turf Equipment & Supply Company, in the total amount not to exceed \$488.96.

3. Funds in the total amount of \$50,360.16 are available in Account No. X-04- -248-007. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Department of Public Works
- e) Turf Equipment & Supply Company
8015 Dorsey Run Road
Jessup, MD 20794

CERTIFICATION

THIS IS TO CERTIFY that the funds for the Purchase of Grounds Equipment for Bey Lea Golf Course from Turf Equipment & Supply Company in the total amount not to exceed \$50,360.16 are available in Account No. X-04- -248-007.

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

SHARON E. SMITH
CHIEF FINANCIAL OFFICER

Dated: October 22, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN APPLICATION FOR SECTION 5310 PROGRAM FUNDING FROM THE FEDERAL TRANSIT ADMINISTRATION

(NEW SENIOR CITIZEN BUSES FOR MUNICIPAL PROGRAMS)

OCTOBER 22, 2019

WHEREAS, the Federal Transit Administration is making funding available for the federal fiscal year 2019 for the Section 5310 Program; and

WHEREAS, the intent of this program is to improve mobility for seniors and individuals with disabilities by providing financial support, through programs planned, designed and carried out to meet special transportation needs of these populations; and

WHEREAS, New Jersey Transit administers this grant program and submits a statewide grant application on behalf of qualified entities; and

WHEREAS, the Township of Toms River strives to save tax dollars; assure clean land, air and water; and improve safety and living environments; and

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Township Attorney

- d) Chief Financial Officer
- e) Senior Center
- f) Human Services
- g) Police Department
- h) James M. Rutala

James M. Rutala Associates, LLC
 717 River Drive
 Linwood, NJ 08221

RESOLUTION AUTHORIZING AN AMENDMENT TO RESOLUTION DATED DECEMBER 12, 2017, WHICH AUTHORIZED THE AWARD OF A CONTRACT TO MASER CONSULTING PA, TO ASSIST THE ENGINEERING DIVISION IN THE DESIGN OF FIELD LIGHTING FOR THE RIVERWOOD SOCCER FIELDS, FOR A TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$41,750.00, IN ORDER TO AMEND THE TOTAL AMOUNT OF THE CONTRACT BY AN ADDITIONAL \$1,300.00 FOR FIELD CHANGES REQUESTED BY THE CONTRACTOR, FOR A NEW REVISED CONTRACT AMOUNT NOT TO EXCEED \$43,050.00

OCTOBER 22, 2019

WHEREAS, resolution of the Township Council dated December 12, 2017, authorized a contract with Maser Consulting PA, to assist the Engineering Division in the Design of Field Lighting for the Riverwood Soccer Fields, for a total maximum contract amount not to exceed \$41,750.00; and

WHEREAS, Maser Consulting PA, has advised the Township that they require an amendment to their contract due to various field changes that were required, for an additional amount of \$1,300.00, for a revised total maximum amount of contract in the amount not to exceed \$43,050.00; and

WHEREAS, the Engineering Division has reviewed Maser Consulting PA's request for an additional \$1,300.00 to their contract, and has approved same;

NOW, THEREFORE, BE IT RESOLVED, by the 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 December 12, 2018 and contract with Maser Consulting PA, in order to increase the amount of the resolution and contract by an additional amount of \$1,300.00, for a total amended contract amount not to exceed \$43,050.00, for the aforesaid purpose as outlined hereinabove,

2. Funds for the amended additional amount of \$1,300.00, are available in Account No. X-04- -236-001. Total contract amount not to exceed \$43,050.00. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

3. All other terms and conditions of the resolution of December 12, 2017 and contract shall remain in effect. A fully executed purchase order shall serve as contract documentation between the parties hereto.

4. A notice of this action 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 F. Kelaher
- b) Township Council
- c) Business Administrator

- d) Chief Financial Officer
- e) Engineering Division
- f) Township Attorney
- g) Purchasing Division
- h) Maser Consulting PA
331 Newman Springs Road, Suite 203
Red Bank, NJ 07701
Attn: Robert A. Mullin
Senior Project Manager

CERTIFICATION

THIS IS TO CERTIFY that the additional funds for the contract with Maser Consulting, PA, in the amount of \$1,300.00, for a total maximum amount not to exceed \$43,050.00, are available in Account No. X-04- -236-001.

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: October 22, 2019

AMENDMENT TO RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, DATED AUGUST 13, 2019, AUTHORIZING THE PURCHASE OF BOSCH 5000i SERIES SECURITY CAMERAS FOR THE YOUTH CENTER FROM PINNACLE INTEGRATED SYSTEMS, INC., (P2 CONTROLS), IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$18,064.39, IN ORDER TO ADD ONE (1) ADDITIONAL SECURITY CAMERA, FOR AN ADDITIONAL AMOUNT OF \$692.74, FOR A TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$18,757.13

OCTOBER 22, 2019

WHEREAS, resolution of the Township Council dated August 13, 2019, authorized the purchase of BOSCH 5000i Series Security Cameras for the Youth Center from Pinnacle Integrated Systems, Inc., (P2 controls), in the total maximum contract amount not to exceed \$18,064.39; and

WHEREAS, the Purchasing Division has requested the Township to authorize the Purchase of an additional Bosch 5000i Series Security Camera for the Youth Center from Pinnacle Integrated Systems, Inc. (P2 Controls), for an additional amount of \$692.74; and

WHEREAS, Pinnacle Integrated Systems, Inc. (P2 Controls) has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure Form, which certifies that the company has not made any contributions in contravention of New Jersey's Pay to Play Law, N.J.S.A. 19:44A-20.4 et seq., which are on file in the Municipal Clerk's Office; and

WHEREAS, the Township Council of the Township of Toms River has determined that it is the best interest of the Township of Toms River to authorize the additional camera purchase for the Youth Center;

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

1. It hereby authorizes the Purchase of an additional Bosch 5000i Series Security Camera for the Youth Center from Pinnacle Integrated Systems, Inc. (P2 Controls), in the additional amount of \$692.74, for a total contract amount not to exceed \$18,757.13.

2. Funds for the purchase of the additional camera, are available in Account No. X-04- -238-009. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Division of Purchasing
- b) Chief Financial Officer
- c) Department of Engineering
- d) Township Attorney
- e) IT
- f) Youth Services
- g) Pinnacle Integrated Systems, Inc.
600 Swedesford Road
Malvern, PA 19355

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of an additional Bosch 5000i Series Security Camera for the Youth Center from Pinnacle Integrated Systems, Inc. (P2 Controls) in the additional amount of \$692.74, for a total contract amount not to exceed \$18,757.13, are available in Account No. X-04- -238-009.

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 22, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CHANGING VENDOR FROM WILFRED MACDONALD, INC., AS THEY CAN NO LONGER SUPPLY THE REQUESTED EQUIPMENT, TO NORTH JERSEY BOBCAT, FOR THE PURCHASE OF ONE (1) VENTRAC TRACTOR FOR BEY LEA GOLF COURSE, USING ESCNJ COOPERATIVE CONTRACT, #18/19-25, IN THE TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$40,916.10

(NO ADDITIONAL FUNDS ARE REQUIRED FOR THIS RESOLUTION)

OCTOBER 22, 2019

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

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

WHEREAS, resolution of the Township Council dated September 24, 2019, authorized the purchase of One (1) Ventrac Tractor for the Bey Lea Golf Course from

Wilfred MacDonald, utilizing ESCNJ Contract # 18/19-25, for a total contract amount of \$40,916.10; and

WHEREAS, Wilfred MacDonald, Inc. has notified the Township of Toms River that they can no longer supply the requested equipment; and

WHEREAS, the Purchasing Division is requesting authorization to purchase one (1) Ventrac Tractor for Bey Lea Golf Course for the Department of Recreation, in an amount not to exceed \$40,916.10, utilizing the Educational Services Commission of New Jersey, Contract #18/19-25, using the following vendor, and for the following equipment:

North Jersey Bobcat
201 Maltese Drive
Totowa, NJ 07512

ESCNJ CONTRACT
#18/19-25

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

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

1. It hereby authorizes the Township to change vendors from Wilford MacDonald, Inc., per their advice to the Township that they can no longer supply the requested equipment, to North Jersey Bobcat, for the Purchase of One (1) Ventrac Tractor for the Bey Lea Golf Course, utilizing ESCNJ Cooperative Contract #18/19-25, in the contract amount of \$40,916.10.

2. Funds in the amount of \$40,916.10, are available in Account No. X-04- -248-007. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Department of Recreation
- e) Bey Lea Golf Course
- f) Wilfred MacDonald, Inc.
10 New Maple Ave., Unit 303
Pine Brook, NJ 07058
- g) North Jersey Bobcat
201 Maltese Drive

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase from North Jersey Bobcat, in the total maximum amount not to exceed \$40,916.10, are available in Account No. X-04- -248-007.

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

SHARON E. SMITH
CHIEF FINANCIAL OFFICER

Dated: October 22, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT TO EARLE ASPHALT COMPANY, AS LOWEST BIDDER MEETING ALL OF THE BID SPECIFICATIONS, FOR THE 2019 TOWNSHIP WIDE PAVING PROGRAM, AT A TOTAL CONTRACT PRICE NOT TO EXCEED \$3,916,013.00

OCTOBER 22, 2019

WHEREAS, bids were invited on October 9, 2019, for the 2019 Township Wide Paving Program; and

WHEREAS, bids were received, as follows:

<u>Vendors:</u>	<u>Total Bid:</u>	<u>Vendors:</u>	<u>Total Bid:</u>
Earle Asphalt Company PO Box 556 Farmingdale, NJ 07727	\$3,916,013.00	Reivax Contracting Corp. 68 Finderne Ave Bridgewater, NJ 08807	\$4,640,875.00
P & A Construction, Inc. PO Box 28 Colonia, NJ 07067	\$3,972,500.00	Black Rock Enterprises, LLC 1316 Englishtown Rd Old Bridge, NJ 08857	\$4,840,500.00
Meco, Inc. PO Box 536 Clarksburg, NJ 08510	\$4,350,000.00	Stavola Contracting Co., Inc. 175 Drift Road Tinton Falls, NJ 07724	\$5,355,070.00
C.J. Hesse Inc. PO Box 207 Belford, NJ 07718	\$4,463,375.00		

WHEREAS, the bids have been reviewed by the Purchasing Division and the Engineering Division, and recommendation has been made to award a contract to Earle Asphalt Company, as the lowest bidder meeting all the specifications, at a total contract price not to exceed \$3,916,013.00;

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

1. It hereby awards a contract for the 2019 Township Wide Paving Program to Earle Asphalt Company, as the lowest bidder meeting all the specifications, at a total contract price not to exceed \$3,916,013.00.

2. Funds in the amount not to exceed \$3,916,013.00 are available in the following Accounts:

X-04- -244-001	\$1,500,000.00
X-04- -247-001	\$2,250,000.00
X-04- -239-001	\$ 155,820.00
X-04- -203-005	<u>\$ 10,193.00</u>

Total: \$3,916,013.00

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

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

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

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Earle Asphalt Company, at a total cost not to exceed \$3,916,013.00, are available in the following Accounts:

X-04- -244-001	\$1,500,000.00
X-04- -247-001	\$2,250,000.00
X-04- -239-001	\$ 155,820.00
X-04- -203-005	<u>\$ 10,193.00</u>

Total: \$3,916,013.00

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

SHARON E. SMITH
CHIEF FINANCIAL OFFICER

Dated: October 22, 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 22, 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) Gabriel, Mary
1749 Ullswater Pl.
Crofton, MD 21114
 - j) Stephenson, Robert
22 Sands Point Drive
Toms River, NJ 08755
 - k) Hudsons Homes Management LLC
2711 N. Haskell Avenue, Suite 1800
Dallas, TX 75204

SCHEDULE "A"

CERTIFICATION OF COSTS

	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TOTAL</u>
1.	1694.07	29	873 Medallion Lane	\$701.66
2.	510.05	2	22 Sands Point Drive	\$701.66
3.	235.19	6	68 Woodhaven Road	\$701.66

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

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

**RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF PLENARY
RETAIL CONSUMPTION LIQUOR LICENSE 1507-36-016-003
FROM PARSKO INC. TO TIRUMALA LLC
D/B/A/ HOWARD JOHNSON BY WYNDHAM**

October 22, 2019

WHEREAS, an application has been filed for **PERSON-TO-PERSON TRANSFER** for Plenary Retail Consumption License Number **1507-36-016-003**, heretofore issued to Tirumala LLC., with an address of 955 Hooper Ave, Toms River, NJ 08753 and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, funding sources have been disclosed 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 and has disclosed the source of funds for said 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 does authorize the **Person-To-Person Transfer** of Plenary Retail Consumption Liquor License Number 1507-36-016-003 from **Parsko Inc. to Tirumala LLC d/b/a Howard Johnson by Wyndham.**

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) Township Attorney
- d) Division of Taxation
- e) Tirumala LLC
955 Hooper Ave
Toms River, NJ 08753

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

October 22, 2019

WHEREAS, the Township Council adopted a resolution on September 24, 2019 with respect to a Minor Subdivision, known as, Block 710, Lot 174.02.

WHEREAS, certain information recited in that resolution transposed numbers pertaining to the cash bond posted by the developer; and,

WHEREAS, the developer has requested the amount of its performance bond to be reduced based upon the completed part of the project;

WHEREAS, Reduced Performance Bonds have been posted as follows:
1) Reduced Performance Cash Bond in the amount of \$3,210.00, previously reduced to \$7,276.00 and originally accepted by way of Resolution dated May 24, 2016, in the amount of \$10,700.00, is hereby accepted.

WHEREAS, the Township Engineer has made an inspection of said Minor Subdivision and finds that 70 percent of all improvements have been satisfactorily completed; and

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

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

- 1) Previously posted Cash Bond in the amount of \$4,066.00 currently on deposit in account # 9-14- -902-101, is hereby released;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Rakesh Patel
220 Emerson Court
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS, BLOCK 394, LOT 49.02 (1786 Hooper Avenue)

October 22, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Pan known as Block 394, Lot 49.02.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00 which represents the full portion of the performance & stabilization guarantee amount.
- 2) Check in the amount of \$770.00 which represents the initial required escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by McDonald's Real Estate Company., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. McDonald's Real Estate Company
PO Box 182571
Columbus, OH 43218-2571

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO DISPOSE OF VEHICLES FROM THE POLICE DEPARTMENT BY DONATING THEM TO THE FIRE DISTRICT FOR TRAINING PURPOSES, PURSUANT TO N.J.S.A. 40A:11-36(2) WHICH ALLOWS FOR THE SALE OR DISPOSAL OF PERSONAL PROPERTY TO ANOTHER CONTRACTING UNIT WITHOUT ADVERTISING FOR PUBLIC BID OR AUCTION

OCTOBER 22, 2019

WHEREAS, the Purchasing Division is requesting authorization to dispose of certain vehicles from the Police Department by donating them to the Fire District for training purposes pursuant to N.J.S.A. 40A:11-36(2), which allows for the sale or disposal of personal property to another contracting unit without advertising for public bid or auction; 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. Pursuant to N.J.S.A. 40A:11-36(2), it hereby authorizes the Purchasing Division to dispose of the following vehicles from the Police Department by donating them to the Fire District for training purposes, pursuant to N.J.S.A. 40A:11-36(2) which allows for the sale or disposal of personal property to another contracting unit without advertising for public bid or auction:

2006	Ford	Explorer			1FMEU72E76UB70011
2006	Ford	Explorer			1FMEU72E26UB70014

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) Township Attorney
- c) Chief Financial Officer
- d) Police Department
- e) Parks, Buildings, Grounds & Code Enforcement

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

RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS TO INCREASE EXISTING SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF MANCHSTER CONSTRUCTION OFFICE

OCTOBER 22, 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 had entered into a Shared Services Agreement with the Township of Manchester for provision of conflict of interest construction code administration enforcement services on an as needed

basis and wishes to amend its 2019 Budget to include the revenue and appropriations that will result from said agreement increase;

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 \$11,421.00 which is now available as revenue from:

Miscellaneous Revenues -

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services - Shared Service Agreements Offset with

Appropriations:

Township of Manchester - Construction Office.....\$11,421.00
pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$11,421.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from "CAPS"

Shared Service Agreements:

Shared Services - Township of Manchester - Construction Office...\$11,421.00

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

- A) Division of Local Government Services (filed electronically)
- B) Chief Financial Officer
- C) Building Department

Approved as to Content:

REPORTS

NONE

APPROVAL OF BILLS

Council President Wittmann asked for a report on the bills.

The Bill List, dated **October 18, 2019** was approved on motion by Council Member Kubieli, seconded by Council Member Turnbach, and carried with Council Members, Hill, Huryk, Kubieli, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Member Maruca 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 19-05363, payable to ARYA in the amount of \$907.59.

Purchase Order 19-05254, payable to Remington & Vernick as it pertains to ARYA in the amount of \$3,483.26.

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

Purchase Order 19-03424, payable to Board of Education, Toms River School in the amount of \$12,110,811.40.

Purchase Order 19-05208, 19-05692, 19-05701, 19-05704 and 19-05705, payable to Owen Little & Associates in the amount of \$10,680.40.

Purchase Order 19-05249, payable to Community Medical Center in the amount of \$67.50.

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

Purchase Order 19-05249 & 19-05254, payable to Remington and Vernick Engineers in the amount of \$18,964.01.

Purchase Order 19-05697, payable to Recreation Department in the amount of \$8,512.22.

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

Purchase Order 19-02224, payable to Dr. Cimer in the amount of \$3,847.19.

Purchase Order 19-05249, payable to Community Medical Center in the amount of \$67.50.

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

Purchase Order 19-05250, payable to Dasti, McGuckin, Attorneys at Law in the amount of \$4,603.50.

Purchase Order 19-05688, payable to Greg McGuckin, Esquire, in the amount of \$3,685.50.

ELECTED OFFICIALS COMMENTS

Councilman Turnbach spoke regarding Uncle Doods donut shop, best in New Jersey, and he recommend a proclamation to celebrate it. He also support S-3422 bill Code Blue from Senator Singer to change to make Code Blue effective at 32 degree with or without precipitation.

Councilwoman Huryk spoke regarding several events going on around town; Clean Ocean Action Beach Sweeps; Halloween Hay Ride at Bey Lea Golf Course; and Halloween Parade.

Councilman Hill spoke regarding Halloween Hayride and Parade, and Veterans Day Parade on November 11th.

Councilmen Wittmann and Kubiel had no comments.

PUBLIC COMMENTS

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

Mary Maligiere, 101 Mapletree Road, questioned the Ordinance Chapter 348 on November 12th meeting.

Cindy Tankovich, Cox Crow Road, asked about walking Pedestrian Safety Program after dark and regulation for reflective clothing at Cox Cro Road.

Bruce Tankovich asked if you can have pray groups in homes not occupied all week but only on weekends, and parking on sides of street at Cox Cro Road.

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

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried to enter into a private Executive Session at 7:15 PM.

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

R E S O L U T I O N

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

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

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

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

Matters of Personnel
Attorney Client Privilege

3. The following specific topics were announced.
 1. Executive Session Minutes Review: October 8, 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 Kubiel	- Present
Council Member Maruca	- Absent
Council Member Rodrick	- Present
Council Member Turnbach	- Present
Council Vice-President Hill	- Present
Council President Wittmann	- Present

The Council **reconvened** the public portion at 7:40 P.M., a motion was made by Council Member Turnbach, seconded by Council Member Hill, and carried with Council Members Hill, Huryk, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Member Maruca absent.

A motion was made by Council Member Turnbach, seconded by Council Member Hill, and carried with Council Members Hill, Huryk, Rodrick, Turnbach, and with Council President Wittmann voting yes, and Council Member Kubieli abstaining, and with Council Member Maruca 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:

October 8, 2019 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 7:44 P. M., on motion with Council Member Hill, seconded by Council Member Kubieli and carried with Council Members Hill, Huryk, Rodrick, Turnbach, and Council President Wittmann voting yes, and with Council Member Maruca absent.

COUNCIL PRESIDENT GEORGE WITTMANN

ALISON CARLISLE, TOWNSHIP CLERK