

November 12, 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.

A moment of silence for the two young men who passed in car accident and Sydney Krupnick, a longtime resident of Toms River.

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

OPEN PUBLIC MEETINGS ACT
STATEMENT

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

Roll Call:

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

APPROVAL OF MINUTES

A motion was made by Council Member Kubiell, seconded by Council Member Turnbach, and with Council Members Hill, Huryk, Kubiell, Rodrick, Turnbach, and Council President Wittmann voting yes, and Council Member Maruca abstaining as she was not at the Regular Meeting October 22, 2019, to approve the **Regular Meeting of October 22, 2019**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS

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

Police Chief Little spoke regarding Deputy Chief Michael Brosnan who retired.

Chief Little spoke regarding hiring of Officer Frances Jarin, and the following officers were introduced for their promotion, and Mayor Kelaher administered the Oath of Office:

Officer Frances Jarin
Sergeant Joshua Kuhlwein
Lieutenant Daniel Sysol

Captain Shaun O'Keefe
Deputy Chief Michael Belcher

Chief Little introduced William and Daniel Boffoli, residents who saved victim of a car crash, before car became engulfed in flames.

5 minutes break @ 6:23 p.m. Reconvened at 6:30 p.m.

Council Member Hill introduced and presented proclamation to Toms River Black Hawks Hockey Team.

Township of Toms River
Office of the Mayor and Council
Congratulates

ALEX FORTUNATO
Toms River Blackhawks

FOR BEING HONORED WITH THE

**PARKER'S ARMY SPORTSMANSHIP
AWARD**

November 12, 2019

Mayor Thomas F. Kelaher

George E. Wittmann, Jr.
Council President

Maurice B. Hill, Jr.
Maria L. Maruca

Daniel Rodrick
Brian Kubiel

Terrance L. Turnbach
Laurie Huryk

Council Member Hill announced the American legion's 100th Anniversary. No one was present to accept proclamation.

Township of Toms River
Proclamation

WHEREAS, each year 2 million people get an antibiotic-resistant infection; and

WHEREAS, at least 23,000 die as a result of an antibiotic-resistant infections annually; and

WHEREAS, the CDC (Center for Disease Control) states that at least 30% of prescriptions written are unnecessary and medical practices practicing Antibiotic Stewardship can make a positive impact in that number; and

WHEREAS, *Urgent Care Now* has received the Antibiotic Stewardship Commendation from the Urgent Care Association and the College of Urgent Care Medicine; and

WHEREAS, the Center for Disease Control has designated November 18-24, 2019 as Antibiotic Awareness Week.

NOW, THEREFORE, We, Mayor Thomas F. Kelaher and Council President of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, hereby proclaim the week of November 18-24, 2019 as Antibiotic Awareness Week and encourage all residents to ask questions and be informed about antibiotic use.

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

Council Member Turnbach introduced Uncle Dood's Donuts. It is recognized and voted best donuts in New Jersey by Travel and Leisure Magazine.

Township of Toms River
Office of the Mayor and Council
Commends

Uncle Doods Donuts

*For being honored with
“Best Donuts in New
Jersey”
By Travel + Leisure
Magazine*

November 12, 2019

Mayor Thomas F. Kelaher

*George E. Wittmann, Jr.
Council President*

*Maurice B. Hill, Jr.
Maria L. Maruca*

*Daniel Rodrick
Brian Kubiel*

*Terrance L. Turnbach
Laurie Huryk*

Council Member Hill presented proclamation to Urgent Care for National awareness of antibiotic stewardship.

Township of Toms River Proclamation

WHEREAS, each year 2 million people get an antibiotic-resistant infection; and

WHEREAS, at least 23,000 die as a result of an antibiotic-resistant infections annually; and

WHEREAS, the CDC (Center for Disease Control) states that at least 30% of prescriptions written are unnecessary and medical practices practicing Antibiotic Stewardship can make a positive impact in that number; and

WHEREAS, *Urgent Care Now* has received the Antibiotic Stewardship Commendation from the Urgent Care Association and the College of Urgent Care Medicine; and

WHEREAS, the Center for Disease Control has designated November 18-24, 2019 as Antibiotic Awareness Week.

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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

Council Member Hill presented proclamation to Alizar Zorojew. He spoke on downtown businesses on Saturday immediately after Black Friday.

Township of Toms River Proclamation

WHEREAS, Toms River Township celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are 30.7 million small businesses in the United States, they represent 99.7 percent of all firms with paid employees in the United States, are responsible for 64.9 percent of net jobs created from 2000 to 2018; and

WHEREAS, small business employ 47.3 percent of the employees in the private sector in the United States; 94 percent consumers in the United States value the contributions small businesses make in their community; and

WHEREAS, 96 percent of consumers who plan to shop on Small Business Saturday said the day inspires them to go to small, independently-owned retailers or restaurants that they have not been to before, or would not have otherwise tried; 92 percent of companies planning promotions on Small Business Saturday said the day helps their business stand out during the busy holiday shopping season; 59 percent of small business owners said Small Business Saturday contributes significantly to their holiday sales each year; and

WHEREAS, Toms River Township supports our local business that create jobs, boost our local economy and preserve our communities; and advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday

NOW, THEREFORE, We, Mayor Thomas F. Kelaher and Council President of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, hereby proclaim November 30, 2019 **Small Business Saturday** in the Township of Toms River.

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

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

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

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

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

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

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

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

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

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

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

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 462 (SALE OF TOBACCO PRODUCTS) OF THE TOWNSHIP CODE TO ESTABLISH RESTRICTIONS ON THE SALE OF ELECTRONIC SMOKING DEVICES

WHEREAS, N.J.S.A. 2A:170-51.5 prohibits the sale or distribution of electronic smoking devices, and other conventional tobacco and nicotine products, to individuals under the age of 21; and

WHEREAS, the use of electronic, nicotine-distributing smoking devices, commonly known as “vaping,” is a growing public health epidemic in the State of New Jersey and across the nation; and

WHEREAS, the Township Council believes that restricting the use, sale, and possession of electronic smoking devices by individuals under the age of 18 is necessary to help combat this epidemic:

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

1. Section 1 (Definitions) of Chapter 462 (Sale of Tobacco Products) of the Township Code is hereby amended and supplemented to alphabetically add the following definition:

ELECTRONIC SMOKING DEVICES — Any electronic product that can be used to simulate smoking in the delivery of nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigarillo, or electronic pipe and any cartridge or other component of the device or related product.

2. Section 1 (Definitions) of Chapter 462 (Sale of Tobacco Products) of the Township Code is hereby amended and supplemented to provide as follows:

TOBACCO RETAILER — Any person or entity that operates a store, stand, booth, concession or place at which sales of tobacco or electronic smoking devices are made to purchasers for consumption or use and shall include persons or entities that own or operate vending machines and/or a vending machine location.

3. Section 2 (Prohibition of Tobacco Sales to Minors) of Chapter 462 (Sale of Tobacco Products) is hereby renamed, amended and supplemented to provide as follows:

§462-2. Prohibition of sales of tobacco and electronic smoking devices to minors.

- A. It shall be unlawful for anyone, including a tobacco retailer, to sell, give, or permit be sold or given, to a person under 18 years of age, tobacco in any form, including electronic smoking devices.
- B. It shall be unlawful for any person to purchase an electronic smoking device, tobacco, or tobacco product with funds furnished by a minor.
- C. It shall be unlawful for any person to purchase an electronic smoking device, tobacco, or tobacco product with the intent to sell, give, or otherwise furnish such a product to a minor.

4. Section 3 (Identification Required) of Chapter 462 (Sale of Tobacco Products) is hereby amended and supplemented to provide as follows:

§462-3. Identification required.

It shall be unlawful for a tobacco retailer to sell or permit tobacco products or electronic smoking devices to be sold to any individual under the age of 18 unless the seller has a reasonable basis for determining that the buyer is of the legal age of 18.

5. Section 4 (Prohibition of Sales of Tobacco Products to Minors) of Chapter 462 (Sale of Tobacco Products) is hereby renamed, amended, and supplemented to provide as follows:

§462-4. Prohibition of sales of tobacco products and electronic smoking devices by minors; sign requirement.

- A. It shall be unlawful for any tobacco retailer to allow, suffer, or permit the sale of tobacco products or electronic smoking devices on his or her premises by any person under the age of 18 years.
- B. In all retail establishments selling tobacco products or electronic smoking devices, a six-by-eight inch sign shall be posted in a conspicuous place near the cash register stating the following:

SALES OF, OR OFFERS TO SELL, TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES TO A PERSON UNDER 18 YEARS OF AGE IS PROHIBITED UNDER STATE LAW AND TOWNSHIP ORDINANCES. VIOLATORS ARE SUBJECT TO PROSECUTION.

6. Section 5 (Restriction of Tobacco Vending Machines and Sales) of Chapter 462 (Sale of Tobacco Products) is hereby amended and supplemented to provide as follows:

§462-5. Restriction of tobacco vending machines and sales.

It shall be unlawful for a tobacco retailer to offer for sale or to sell any tobacco product or electronic smoking device through a vending machine in the Township, except in the following instances:

- A. [Unchanged.]
- B. [Unchanged.]

7. Section 6 (Tobacco Vending Machines Prohibited within Certain Distance of School Property) of Chapter 462 (Sale of Tobacco Products) is hereby renamed, amended, and supplemented to provide as follows:

§462-6. Tobacco-free School Zones.

A. The Drug-Free School Zones established pursuant Chapter 269 of the Township Code are hereby also designated as Tobacco-Free School Zones, within which it is prohibited to sell, offer to sell, give, or permit to be sold or given to a person under the age of 18 tobacco in any form or an electronic smoking device in the area on or within 1,000 feet of school property.

- (1) The Drug-Free School Zone map established pursuant to Chapter 269 of the Township Code is hereby amended and supplemented to incorporate the Tobacco-Free School Zones designated hereunder.
- (2) The Tobacco-Free School Zones established hereunder are co-extensive with the Drug-Free School Zones established pursuant to Chapter 269 of the Township Code and any future amendments or supplements thereto.
- (3) All provisions governing the Drug-Free School Zone Map set forth under Chapter 269 of the Township Code shall apply to the Tobacco-Free School Zone Map established hereunder.

B. It shall also be unlawful for a person under 18 years of age to possess, smoke, or otherwise use a tobacco product or electronic smoking device or to possess in open view an opened carton or other container, as evidenced by a broken seal, holding a tobacco product in or on school property as defined in the Drug-Free School Zone/Tobacco-Free School Zone Map.

C. Except for premises described in §462-5B, it shall be unlawful for a tobacco retailer to operate a vending machine that dispenses tobacco, tobacco products, or electronic smoking devices, or associated products, in or on any premises, or portion thereof within 1,000 feet of any public or private school or other property used primarily for school purposes.

8. All other provisions of Chapter 462 remain in full force and effect.

9. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.

10. If any part of this ordinance is invalidated, pre-empted, or superseded by any state or federal law, regulation or judicial decision, that provision shall be severed and the remainder of the ordinance shall remain in full force and effect.

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

A motion was made by Council Member Huryk, seconded by Council Member Kubiell and carried, with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, 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 November 12, 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 November 26, 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, November 15, 2019.

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

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, Maruca, and Council Member Turnbach voting yes, and with Council Members Kubiell, Rodrick, Hill, and with Council Member Wittmann voting no. The following Resolution was **not approved**.

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, URGING THE LEGISLATURE AND GOVERNOR TO
ENACT A LAW BANNING SINGLE USE PLASTIC AND PAPER BAGS**

NOVEMBER 12, 2019

WHEREAS, it is estimated that a person will use five hundred single use disposable bags per year; and

WHEREAS, over four billion single use bags are used annually in the State of New Jersey; and

WHEREAS, single use plastic bags pose an environmental hazard to the local, state, and global environment as they are often improperly discarded and end up in waterways or on land where they are mistaken as food by marine and land-based animals; and

WHEREAS, single use plastic bags have a low percentage rate of recycling; and

WHEREAS, single use paper bags also have a negative environmental impact and are a contributor to greenhouse gas emissions and climate change; and

WHEREAS, paper bag manufacturing is a resource-intensive process whose overall carbon footprint is comparable to, or more significant than, plastic bag manufacturing when one factors in water and air pollutants, energy use, deforestation, diesel emissions and solid waste disposal; and

WHEREAS, due to the weight and volume of single use paper bags, it requires seven times the resources to transport paper bags as compared to plastic bags; and

WHEREAS, paper bags do not decompose in landfills and it takes a significant amount of energy and chemicals to properly recycle paper bags; and

WHEREAS, some municipal governments across New Jersey are enacting competing ordinances to address consumer reliance on single use plastic and paper bags; and

WHEREAS, this municipal action has created a patchwork of regulations across the state which has made it difficult and confusing for consumers to shop and businesses to operate in multiple municipalities; and

WHEREAS, other states including California, New York, and Connecticut have adopted laws regarding the regulation of plastic and paper bags;

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 does hereby support the enactment of state legislation to create a law across all municipalities that bans single use plastic and paper bags, with certain uniform exemptions, thereby encouraging consumers to utilize reusable bags.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor Thomas F. Kelaher
 - b) Township Council
 - c) Business Administrator
 - d) Township Attorney
 - e) Chief Financial Officer
 - f) Public Works Department
 - g) Governor Phil Murphy
 - h) President, New Jersey State Senate
 - i) Speaker of the New Jersey General Assembly
 - j) 9th District Legislators

k) 10th District Legislators

l) 30th District Legislators

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, SUPPORTING SENATE BILL NO. S-3422 WHICH, IF ADOPTED, WOULD REQUIRE DECLARATION OF CODE BLUE ALERT WHEN NATIONAL WEATHER SERVICE PREDICTS TEMPERATURES OF 32 DEGREES FAHRENHEIT OR LOWER STATEWIDE, REGARDLESS OF PRECIPITATION CONDITIONS

NOVEMBER 12, 2019

WHEREAS, at present, a Code Blue alert is declared whenever the temperature drops below 32 degrees Fahrenheit when there is precipitation, and 25 degrees Fahrenheit when there is no precipitation as set forth in N.J.S.A. App. A:9-43-20(a); and

WHEREAS, the Township of Toms River provides a warming center with up to 30 beds for at-risk individuals during a Code Blue event; and

WHEREAS, at-risk individuals have been forced to leave the warming center when temperatures rose to 27 degrees Fahrenheit because there was no precipitation at that time; and

WHEREAS, there is currently pending in the Legislature, Senate Bill No. S-3422 which, if adopted, would require declaration of code blue alert when national weather service predicts temperatures of 32 degrees Fahrenheit or lower statewide, regardless of precipitation; and

WHEREAS, it is the finding of this Council that when the temperature is 32 degrees Fahrenheit or below, the health safety and welfare of at-risk individuals are jeopardized regardless of precipitation:

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 firmly and vehemently supports adoption of Senate Bill No. S-3422.
2. It further urges the State Assembly to immediately adopt this Bill and support Senate Bill No. S-3422, as winter is quickly approaching.
3. A certified copy of this resolution shall be provided by the Office of the Clerk to each of the following:
 - a) Mayor Thomas Kelaher
 - b) Township Council
 - c) Township Attorney
 - d) Business Administrator
 - e) Chief of Police
 - f) Chief Financial Officer
 - g) Buildings and Grounds Dept.
 - h) Recreation Department
 - i) Haven Beat the Streets, Inc
231 North New Road
Absecon, New Jersey 08201
 - j) Phil Murphy, Governor of N.J.
 - k) 9th Legislative District

- l) 10th Legislative District
- m) 30th Legislative District

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

***RESOLUTION CALLING FOR STUDY COMMISSION TO REVIEW THE
OPEN PUBLIC RECORDS ACT***

November 12, 2019

WHEREAS, the Township of Toms River strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the Township of Toms River has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, the Township of Toms River received and responded to 3,288 OPRA requests in 2017, 3,300 in 2018, and to date has received and responded to 3,301 OPRA requests in 2019, and

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Township of Toms River must often times rely on the municipal attorney to review certain OPRA request, resulting in additional work for their department; and

WHEREAS, Toms River Township has received so many requests in so many different forms (email, handwritten, fax) that we had to invest in a costly online program to ensure no request was lost or overlooked;

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers, and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of Toms River Township appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

Copies of this resolution be forwarded to our local Assembly Representatives, local Senator, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the state of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

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, Kubiel, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes, to approve all the following items listed on the Consent Agenda, except item **C**, which was done separately.

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT
OF A 100% DISABLED VETERANS' STATUS FOR THE OWNER OF BLOCK
411.26 LOT 18, EFFECTIVE JANUARY 1st, 2019, AND PROVIDING THAT
PROPERTY TAXES FOR 2019, AS OF THE EFFECTIVE DATE, BE CANCELLED
AND/OR REFUNDED**

NOVEMBER 12, 2019

WHEREAS, the owner of real property in the Township of Toms River known as Block 411.21 Lot 18 located at 1219 Echo Place, has been certified by the Tax Assessor as a 100% Disabled Veteran, effective January 1st, 2019, and

WHEREAS, property taxes for 2019, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

WHEREAS, any taxes paid after the date of this resolution by the property owner (or on his behalf), are to be cancelled and/or refunded from the date 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. All 2019 real property taxes for Block 411.21 Lot 18 due on or after January 1st, 2019 shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 411.21 Lot 18 if any, shall be refunded on a pro-rated basis from January 1st, 2019.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A
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) Donald Guardian, Business Administrator
 - c) Kenneth B. Fitzsimmons, Township Attorney

- d) Sharon Smith, Chief Financial Officer
- e) Township Tax Assessor
- f) Carl Dileo, Township Tax Collector

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS' STATUS FOR THE OWNER OF BLOCK 135.03 LOT 5, EFFECTIVE JANUARY 1st, 2019, AND PROVIDING THAT PROPERTY TAXES FOR 2019, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

NOVEMBER 12, 2019

WHEREAS, the owner of real property in the Township of Toms River known as Block 135.03 Lot 5 located at 2361 West Ashfield Court, has been certified by the Tax Assessor as a 100% Disabled Veteran, effective January 1st, 2019, and

WHEREAS, property taxes for 2019, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

WHEREAS, any taxes paid after the date of this resolution by the property owner (or on his behalf), are to be cancelled and/or refunded from the date 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. All 2019 real property taxes for Block 135.03 Lot 5 due on or after January 1st, 2019 shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 135.03 Lot 5 if any, shall be refunded on a pro-rated basis from January 1st, 2019.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
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) Donald Guardian, Business Administrator
 - c) Kenneth B. Fitzsimmons, Township Attorney
 - d) Sharon Smith, Chief Financial Officer
 - e) Township Tax Assessor
 - f) Carl Dileo, Township Tax Collector

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS' STATUS FOR THE OWNER OF BLOCK 1080.13 LOT 15, EFFECTIVE JANUARY 1st, 2019, AND PROVIDING THAT PROPERTY TAXES FOR 2019, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

NOVEMBER 12, 2019

WHEREAS, the owner of real property in the Township of Toms River known as Block 1080.13 Lot 15 located at 540 Lillie Road has been certified by the Tax Assessor as a 100% Disabled Veteran, effective January 1st, 2019, and

WHEREAS, property taxes for 2019, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

WHEREAS, any taxes paid after the date of this resolution by the property owner (or on his behalf), are to be cancelled and/or refunded from the date 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. All 2019 real property taxes for Block 1080.13 Lot 15 due on or after January 1st, 2019 shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 1080.13 lot 15 if any, shall be refunded on a pro-rated basis from January 1st, 2019.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
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) Donald Guardian, Business Administrator
 - c) Kenneth B. Fitzsimmons, Township Attorney
 - d) Sharon Smith, Chief Financial Officer
 - e) Township Tax Assessor
 - f) Carl Dileo, Township Tax Collector

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT FOR THE RESURFACING AND REPAIR OF SNUG HARBOR MAIN (LARGE) POOL, TO ALL STATE TECHNOLOGY, INC., WHO MEETS ALL OF THE BID SPECIFICATIONS, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$97,500.00

NOVEMBER 12, 2019

WHEREAS, the Division of Purchasing for the Township of Toms River has requested authorization to award a contract for Resurfacing and Repair of the Snug Harbor Main (Large) Pool; and

WHEREAS, bids were received on October 17, 2019, from the following vendors:

<u>Vendors:</u>	<u>Resurfacing & Repair:</u>	<u>Total Options:</u>
RJR Engineering Co. Inc. PO Box 355 Califon, NJ 07830-0355	\$ 37,500.00	\$ 9,700.00
All State Technology, Inc. 10 Lark Lane Oak Ridge, NJ 07438	\$ 88,000.00	\$ 9,500.00
USA Management, LLC 10800 Alpharetta Hwy. Suite 208-522 Roswell, GA 30076	\$151,977.00	\$22,500.00

WHEREAS, RJR Engineering Co. Inc. withdrew their bid due to miscalculations; and

WHEREAS, the bids were received and reviewed by the Division of Purchasing and the Department of Recreation, and it is their recommendation to award a contract to All State Technology, Inc., who meets all bid specifications;

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

1. It hereby awards a contract for the Resurfacing and Repair of Snug Harbor Main (Large) Pool to All State Technology, Inc., who meets all bid specifications, in the total contract amount not to exceed \$97,500.00. The award of this contract is subject to all the terms and conditions of the bid specifications.
2. Funds for this contract in the amount of \$97,500.00 are available in the following accounts:

Account No. X-04- -249-012	\$85,000.00
Account No. X-04- -248-007	\$ 9,500.00
Account No. X-04- -249-013	\$ 3,000.00

3. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Division of Purchasing
 - b) Chief Financial Officer
 - c) Township Attorney
 - d) Department of Recreation
 - e) All aforementioned bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to All State Technology, Inc., in the total contract amount not to exceed \$97,500.00, are available in the following accounts:

Account No. X-04- -249-012	\$85,000.00
Account No. X-04- -248-007	\$ 9,500.00
Account No. X-04- -249-013	\$ 3,000.00

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 E. SMITH
CHIEF FINANCIAL OFFICER

Dated: November 12, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF OPEN-ENDED CONTRACTS TO CHEMUNG SUPPLY CORP. AND GARDEN STATE HIGHWAY PRODUCTS, INC., WHO MEET ALL OF THE BID SPECIFICATIONS FOR TRAFFIC SIGN MATERIALS

NOVEMBER 12, 2019

WHEREAS, bids were invited for Traffic Sign Materials; and
WHEREAS, bids were received from the following vendors on October 17, 2019, as follows:

Chemung Supply Corp.
PO Box 527
Elmira, NY 14902

Garden State Highway Products, Inc.
301 Riverside Drive
Millville, NJ 08332

WHEREAS, the bids have been reviewed by the Purchasing Division and the Department of Public Works, and recommendation has been made to award open-ended contracts to the following vendors, as follows:

Chemung Supply Corp. – Item Nos. 16 and 17.

Garden State Highway Products, Inc. – Item Nos. 1, 2a through 2f, 3 through 14, 15a through 15d, and 18 through 77.

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

1. It hereby awards open-ended contracts for Traffic Sign Materials, as follows:

Chemung Supply Corp. – Item Nos. 16 and 17.

Garden State Highway Products, Inc. – Item Nos. 1, 2a through 2f, 3 through 14, 15a through 15d, and 18 through 77.

2. The Term of Contracts shall be effective from December 10, 2019 through December 9, 2020. These will be open-ended contracts with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget. The award of these contracts are subject to all the terms and conditions of the bid specifications.

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

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) Aforementioned bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contracts awarded to Chemung Supply Corp. and Garden State Highway Products, Inc. are contingent upon the availability of funds in the appropriate municipal budget year.

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

SHARON E. SMITH
CHIEF FINANCIAL OFFICER

Dated: November 12, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF TWO (2) SERVICE DOGS FOR THE DEPARTMENT OF POLICE (EACH DOG IS \$9,500.00), FROM POLICE SERVICE DOGS, INC., IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$19,000.00, UTILIZING FEDERAL ASSET ACCOUNT

NOVEMBER 12, 2019

WHEREAS, the Purchasing Division has requested the Township to authorize the Purchase of Two (2) Service Dogs for the Department of Police from Police Service Dogs, Inc., to replace two (2) Police Dogs that will be retiring; and

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

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

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

1. It hereby authorizes the Purchase of Two (2) Service Dogs for the Department of Police (each dog is \$9,500.00), from Police Service Dogs, Inc., in the total contract amount not to exceed \$19,000.00, utilizing Federal Asset Account.
2. Funds for this purchase are available in Account No. X-19- -600-056 (Federal Asset Account). 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) Township Attorney
 - d) Department of Police
 - e) Police Service Dogs, Inc.
PO Box 152
Oxford, FL 34484

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of Two (2) Service Dogs for the Department of Police from Police Service Dogs, Inc., in the total contract amount not to exceed \$19,000.00, are available in Account No. X-19- -600-056 (Federal Asset Account).

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: November 12, 2019-28

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF ONE (1) FORD E450 COACH BUS FOR THE SENIOR CENTER, FROM SHEPARD BROS., INC., UTILIZING BERGEN COUNTY COOPERATIVE CONTRACT #18-013, IN THE TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$75,040.00

NOVEMBER 12, 2019

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

WHEREAS, the Division of Purchasing is requesting authorization to utilize Bergen County Cooperative Pricing System #18-013 for the purchase of One (1) Ford E450 Coach Bus for the Senior Center, from the following vendor:

Vendor: Shepard Bros., Inc.
20 Eastern Blvd.
Canandaigua, NY 14424

ITEM DESCRIPTION (OR APPROVED EQUAL)	ITEM OFFERED BRAND NAME & I.D. NO.	DELIVERY TIME A.R.O.	Qty.	Unit Pricing	Extended Price
Bus Type A Seating Layout (up to [20] Passengers)	FORD / E450 COACH & EQUIPMENT PHOENIX	120-150 DAYS	1	\$78,828.00	\$78,828.00
Pro-Vision Video Surveillance System	(Delete)	120-150 DAYS	1	(\$2,000.00)	(\$2,000.00)
Driver's Fan	Black Non Glare	120-150 DAYS	1	\$125.00	\$125.00
Freedman Std. Level 1 Seat Material	Freedman / Per Seat	120-150 DAYS	16	(\$28.00)	(\$448.00)
Remove (Base Bid) Freedman 2 Passenger AM Foldaway	Freedman / Per Seat	120-150 DAYS	9	(\$450.00)	(\$4,050.00)
Add (Base Bid) Freedman 2 Passenger Fixed Seat	Freedman / Per Seat	120-150 DAYS	8	\$250.00	\$2,000.00
50" W X 12"H X 12" D Driver's Storage	Coach & Equipment	120-150 DAYS	1	\$475.00	\$475.00
Ford AM/FM/CD w/4 Speakers	Ford	120-150 DAYS	1	\$500.00	\$500.00
Lateral WC Tracks vs. Longitudinal	Q'Straint per WC	120-150 DAYS	3	(\$350.00)	(\$1,050.00)
Delete Lateral WC Position	Q'Straint per WC	120-150 DAYS	1	(\$350.00)	(\$350.00)
Electric Door Remote Key Fob for Electric Door	A & M	120-150 DAYS	1	\$785.00	\$785.00
	A & M	120-150 DAYS	1	\$225.00	\$225.00
				Total	\$75,040.00

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

1. It hereby authorizes the purchase of One (1) Ford E450 Coach Bus for the Senior Center, utilizing Bergen County Cooperative Pricing System #018-013, from Shepherd Bros., Inc., in the total maximum amount not to exceed \$75,040.00.

2. Funds in the amount of \$75,040.00 are available in the following accounts:

Account No. X-04- - 248-004 \$75,000.00
Account No. 9-01- -S75-250 \$ 40.00

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 and the Master Contract as awarded by the Bergen County Cooperative Contract #018-013.

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) Senior Services
- e) Purchasing Agent
County of Bergen
One Bergen County Plaza
Room 331
Hackensack, NJ 07601
- f) Shepard Bros., Inc.
20 Eastern Boulevard
Canandaigua, NY 14424

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of One (1) Ford E450 Coach Bus for the Senior Center from Shepard Bros., Inc. utilizing Bergen County Cooperative Contract #18-013, in the total maximum amount not to exceed \$75,040.00, are available in the following accounts:

Account No. X-04- -248-004	\$ 75,000.00
Account No. 9-01- -S75-250	\$ 40.00

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

SHARON E. SMITH
CHIEF FINANCIAL OFFICER

Dated: November 12, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CONTRACT TO VCI EMERGENCY VEHICLE SPECIALISTS FOR THE PURCHASE OF ONE (1) AMBULANCE REMOUNT FOR THE OFFICE OF EMERGENCY MANAGEMENT, AND ONE (1) AMBULANCE REMOUNT FOR THE TOMS RIVER FIRST AID SQUAD, UTILIZING THE HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE PURCHASING SYSTEM (HGAC-BUY, CONTRACT NO. AM10-18), IN THE TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$374,659.28, WHICH INCLUDES THE TRADE-IN OF TOMS RIVER OFFICE OF EMERGENCY MANAGEMENT-2014 FORD F-450, AMBULANCE 511, IN THE AMOUNT OF \$5,500.00

NOVEMBER 12, 2019

WHEREAS; the Township of Toms River is a member of the Houston-Galveston Area Council Cooperative Purchasing System (HGAC-Buy), as authorized by N.J.S.A. 40A:11-11; and

WHEREAS, pursuant to bids received, a contract was awarded to VCI Emergency Vehicle Specialists by the HGAC-Buy, of which Toms River Township is an active participant, as authorized by N.J.S.A. 40A:11-11; and

WHEREAS, the Purchasing Division is requesting authorization to Purchase One (1) Ambulance Remount for the Office of Emergency Management, and One (1) Ambulance Remount for the Toms River First Aid Squad, from VCI Emergency Vehicle Specialists, utilizing HGAC-Buy, Contract No. AM10-168, in the maximum purchase price amount not to exceed \$374,659.28, which includes the trade-in of the Office of Emergency Management 2014 Ford F-450, Ambulance 511, VIN #1FDUF4HTXEEA04780 in the amount of \$5,500.00;

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

1. It hereby authorizes the Purchase of One (1) Ambulance Remount for the Office of Emergency Management and One (1) Ambulance Remount for the Toms River First Aid Squad, from VCI Emergency Vehicle Specialists, utilizing HGAC-Buy, Contract No. AM10-18, in the total contract amount not to exceed \$374,659.28, which includes the trade-in of Office of Emergency Management 2014 Ford F-450, Ambulance #511, VIN #1FDYF4HTXEEA04780, in the amount of \$5,500.00, as follows:

Toms River Office of Emergency Management	\$191,923.28
Less Trade-In of 2014 Ford F-450	\$ (5,500.00)
Total for OEM	\$186,423.28
Total for Toms River First Aid Squad	\$188,236.00
TOTAL PURCHASES FROM HGAC	\$374,659.28

2. Funds for these purchases in the amount not to exceed \$374,659.28, are available in Account No. X-04- -248-003.

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) Office of Emergency Management
- e) VCI Emergency Vehicle Specialists
43 Jefferson Avenue
Berlin, NJ 08009

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with VCI Emergency Vehicle Specialists, in the total maximum contract price not to exceed \$374,659.28, are available in Account No. X-04- -248-003.

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: November 12, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CONTRACT TO VENDOR WITH NJ STATE CONTRACT NO. T2776, VENDOR NO. 88728, FROM CHAS W. WINNER, INC. D/B/A WINNER FORD, FOR ONE (1) 2020 FORD F150, 4 x 4 CREW CAB, FOR THE DEPARTMENT OF POLICE, IN THE TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$32,614.80

NOVEMBER 12, 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:11-12(a) and N.J.A.C. 5:34-7.4, and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State Contract are hereby approved.

2. Contract for One (1) 2020 Ford F150, 4 x 4 Crew Cab, for the Department of Police utilizing NJ State Contract No. T2776, Vendor No. 88728, from Chas W. Winner, Inc. D/B/A Winner Ford, in the total maximum amount not to exceed \$32,614.80, as follows:

Chas. S. Winner Inc.
 DBA Winner Ford
 250 Haddonfield Berlin Rd.
 Cherry Hill, NJ 08034

2020 Ford F150 4x4 Crew Cab \$29,239.00

Factory Options listed below:	List Price	Less 12% Discount
#YZ Oxford White Exterior Paint		\$ 0.00
#655 Extended Range Fuel Tank		\$ 0.00
#85A Power Equipment Group		\$ 0.00
#57Q & 924 Rear Defroster		\$ 0.00
#XL9 E-locking 3.55 axle	\$470.00	\$ 413.60
#53B Class IV Trailer Hitch	\$150.00	\$ 132.00
#595 Fog Lamps - XL	\$140.00	\$ 123.20
#153 Front License Plate Bracket		\$ 0.00
#413 Skid Plates - 4X4	\$160.00	\$ 140.80
#63T Tailgate Step	\$375.00	\$ 330.00
#96W Bedliner - Spray-In	\$595.00	\$ 523.60
#18B Running Boards, Black Platform	\$250.00	\$ 220.00
#67T Trailer Brake Controller	\$275.00	\$ 242.00
#76R Reverse Sensing System	\$275.00	\$ 242.00
#52P SYNC	\$420.00	\$ 369.60
#66S SSV (Special Services Vehicle) package	\$ 50.00	\$ 44.00
 Non-Contract Items		 Quoted
Undercoating		\$ 595.00
 Total For One Vehicle		 \$32,614.80

Contract with: Chas S. Winner, Inc.
 D/B/A Winner Ford
 250 Haddonfield Berlin Rd.
 Cherry Hill, NJ 08034

State Contract No. T2776

Vendor No. 88728

Account No. 9-16- -902-004
 Amount: \$32,614.80

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 Police
- f) Chas S. Winner, Inc.
 D/B/A Winner Ford

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract for vendor with State contract, Chas S. Winner, Inc. D/B/A Winner Ford, in the total maximum contract amount not to exceed \$32,614.80, are available in Account No. 9-16- -902-004.

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

SHARON E. SMITH
CHIEF FINANCIAL OFFICER

Dated: November 12, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF AN OPEN-ENDED CONTRACT TO SPRAGUE OPERATING RESOURCES, LLC, FOR THE SUPPLY AND DELIVERY OF DIESEL FUEL, UTILIZING STAFFORD TOWNSHIP COOPERATIVE PRICING SYSTEM BID NO. 33-OCCPS-2019-005, PURSUANT TO BIDS RECEIVED AND THE MASTER CONTRACT AWARDED BY THE TOWNSHIP OF STAFFORD AS LEAD AGENCY FOR THE STAFFORD TOWNSHIP COOPERATIVE PRICING SYSTEM, OVER TWO (2) YEARS

NOVEMBER 12, 2019

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

WHEREAS, the Division of Purchasing is requesting authorization to utilize Stafford Township Cooperative Pricing System Bid #33-OCCPS-2019-005 for the Supply and Delivery of Diesel Fuel; and

WHEREAS, two bids were received on October 10, 2019, and the successful vendor, who is the low bidder, is as follows:

Sprague Operating Resources, LLC
185 International Dr.
Portsmouth, NH 03801

Year One and Year Two Pricing: Ultra low sulfur diesel fuel fixed margin
+ \$0.1073 per gallon.

No additional charges for winter blend.

WHEREAS, pursuant to bids received and the Master Contract awarded by the Township of Stafford as Lead Agency for the Stafford Township Cooperative Pricing System Bid, a contract was awarded by Stafford Township as the Lead Agency of the Stafford Township Cooperative Pricing System, (I.D. #33-OCCPS-2019-005), of which Toms River Township is an active participant, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, the aforementioned contract was awarded to Petroleum Traders Corp., for the Supply and Delivery of Diesel Fuel, over two (2) years; and

WHEREAS, the term of this contract shall commence retroactive to November 2, 2019 through November 1, 2021;

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

1. It hereby authorizes award an open-ended contract for the Supply and Delivery of Diesel Fuel for the Township of Toms River as a participating contracting unit of the Stafford Township Cooperative Pricing System, Contract I.D. #33-OCCPS-2019-005, over two (2) years, as follows:

Sprague Operating Resources, LLC
185 International Dr.
Portsmouth, NH 03801

Year One and Year Two Pricing: Ultra low sulfur diesel fuel fixed margin
+ \$0.1073 per gallon.

No additional charges for winter blend.

The term of this contract shall commence retroactive to November 2, 2019 through November 1, 2021. This will be an open-ended contract with funds being encumbered each time an order is placed, contingent upon availability in the applicable municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all terms and conditions of the bid specifications and the Master Contract as awarded by the Township of Stafford as Lead Agency.

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) Parks, Buildings & Grounds
- f) Recreation Department
- g) Township of Stafford
260 East Bay Avenue
Manahawkin, N.J. 08050
Attn: Purchasing Agent
- h) Sprague Operating Resources, LLC
185 International Dr.
Portsmouth, NH 03801

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-contract awarded to Sprague Operating Resources, LLC, are contingent upon the availability of funds in the appropriate municipal budget.

Year One and Year Two Pricing: Ultra low sulfur diesel fuel fixed margin
+ \$0.1073 per gallon

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: November 12, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION AND ENGINEERING DIVISION TO ADVERTISE AND RECEIVE BIDS FOR IMPROVEMENTS TO THE WINDING RIVER PARK PEDESTRIAN BRIDGE PROJECT

NOVEMBER 12, 2019

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

IMPROVEMENTS TO THE WINDING RIVER PARK PEDESTRIAN BRIDGE 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. The Purchasing Division and Engineering Division is hereby authorized to prepare bid specifications for the above-mentioned items/project.
2. The Purchasing Division and Engineering Division is hereby authorized to advertise for the receipt of bids for the above-mentioned items/project.
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing Division
 - b) Engineering Division
 - c) Chief Financial Officer
 - d) Township Attorney
 - e) Department of Parks, Buildings and Grounds

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CHANGE ORDER NO. 2 - FINAL (REDUCTION IN CONTRACT IN THE AMOUNT OF \$9,465.00), RELEASING PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND, AND AUTHORIZING FINAL PAYMENT AND RETAINAGE TO CONTRACTOR, YANNUZZI ENVIRONMENTAL SERVICES, INC., IN THE AMOUNT OF \$115,989.50, FOR THE CLOSEOUT OF THE SILVERTON STREAM CLEANING PROJECT

NOVEMBER 12, 2019

WHEREAS, resolution of the Township Council dated September 11, 2018, awarded a contract to Yannuzzi Environmental Services, Inc., as lowest bidder meeting all the specifications, for the Silverton Stream Cleaning Project, in the maximum amount not to exceed \$124,955.00; and

WHEREAS, resolution of the Township Council dated May 14, 2019, authorized Change Order No. 1 with Yannuzzi Environmental Services, Inc., in the amount of \$24,975.00; and

WHEREAS, the contractor retained for the Silverton Stream Cleaning Project, has submitted the required documents in connection with the closeout of this project; and

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

- a) Contractor's Application for Payment in the amount of \$115,989.50.

- b) Change Order No. 2 – Final - Executed by the contractor for a reduction in the contract amount of \$9,465.00.
- c) Original Maintenance Bond No. PB11727800086MB with Yannuzzi Environmental Services, as Principal and Philadelphia Indemnity Insurance Company, as Surety.

WHEREAS, Change Order 2 – Final to the contract with Yannuzzi Environmental Services, Inc., to wit:

DESCRIPTION OF CHANGE – CHANGE ORDER NO. 2 – FINAL REDUCTION:

Removal of unforeseen clog downstream of project area in accordance with NJDEP Emergency Authorization dated March 29, 2019, using a floating excavator and limited side casting to 3”

TOTAL REDUCTION: (\$9,465.00).

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	X
Total Extras This C.O.	X	X
Total Supplementary This C.O.	X	X
Total This C.O.	X	X
Previous Change Orders	\$ 24,975.00	X
Total Change Orders to Date:	\$ 24,975.00	
Net Change of Project Value	\$15,510.00	
Total Change in Contract		(\$9,465.00)
 ORIGINAL CONTRACT BID PRICE:		 \$124,955.00
NEW CONTRACT PRICE:		\$140,465.00

be and the same is hereby ratified and confirmed;

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

1. It hereby authorizes the appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation, to close out the Silverton Stream Cleaning Project, approval of Change Order No. 2 – Final, releasing Performance Bond, acceptance of Maintenance Bond, and authorizing final payment to contractor, in the amount of \$115,989.50, and funds are available in Account No. X-04- -236-001. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing Division
- e) Yannuzzi Environmental Services, Inc.
135 Kinnelon Road
Suite 102
Kinnelon, NJ 07505

CERTIFICATION

THIS IS TO CERTIFY that the funds for the final payment to Yannuzzi Environmental Services, Inc., in the amount not to exceed \$115,989.50, are available in Account No. X-04- -236-001

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: November 12, 2019

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT TO MASER CONSULTING, PA, TO ASSIST THE ENGINEERING DIVISION IN THE DESIGN OF VARIOUS RADIO TOWERS FOR THE POLICE DIGITAL TRUNKED RADIO SYSTEM PROJECT, FOR A TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$224,070.00, AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO AN AGREEMENT WITH MASER CONSULTING, PA

NOVEMBER 12, 2019

WHEREAS, the Township Council authorized the firm of Maser Consulting, PA, be put on an approved list for the calendar year 2018 for inspection and general engineering services; and

WHEREAS, resolution of the Township Council dated January 3, 2019 authorized an extension of the contract with Maser Consulting, PA to February 26, 2019 at the same rates approved in 2018; and

WHEREAS, resolution of the Township Council dated February 26, 2019, authorized an extension of the contract with Maser Consulting, PA to March 26, 2019; and

WHEREAS, resolution of the Township Council dated March 26, 2019, authorized an extension of the contract with Maser Consulting, PA to April 23, 2019; and

WHEREAS, resolution of the Township Council dated May 14, 2019 authorized Maser Consulting PA, be placed on an approved list for calendar year 2019 for professional inspection and general engineering services commencing retroactive to April 23, 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,

WHEREAS, the Township has the need for professional services to assist the Engineering Division in the Design of Various Radio Towers for the Police Digital Trunked Radio System Project and

WHEREAS, Maser Consulting, PA, submitted a Proposal dated October 16, 2019, MC Proposal No. TRT-001P, for these services, in the amount of \$224,070.00; and

WHEREAS, the Township Engineer has made recommendation to retain Maser Consulting, PA, to assist the Engineering Division in the Design of Various Radio Towers for the Police Digital Trunked Radio System 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 awards a contract to Maser Consulting PA, to Assist the Engineering Division in the Design of Various Radio Towers for the Police Digital Trunked Radio System Project, and in accordance with Proposal dated October 16, 2019, MC Proposal No. TRT-001P, for a total maximum contract amount not to exceed \$224,070.00, 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,

2. Funds in the maximum contract amount not to exceed \$224,070.00, are available in the following Account Nos.:

X-04- -207-002 - \$	2,008.13
X-04- -221-002 - \$	20,000.00
X-04- -228-002 - \$	12,061.87
X-04- -229-002 - \$	20,000.00
X-04- -237-005 - \$	30,000.00

X-04- -242-005 - \$100,000.00

X-04- -243-006 - \$ 40,000.00

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

4. Term of contract: commencing November 12, 2019 through completion of the project.

5. The Mayor is authorized to execute and the Township Clerk to attest to an Agreement with the firm of Maser Consulting, PA., a copy of which is attached to this resolution, as Schedule "A", and made a part hereof.

6. 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) Police Department
- f) IT Department
- g) Public Works Department
- h) Maser Consulting PA
331 Newman Springs Road, Suite 203
Red Bank, NJ 07701
Attn: James A. Priolo, P.E., P.P., CME, CPWM
Senior Principal

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Maser Consulting, PA, in the total maximum contract amount not to exceed \$224,070.00, are available in the following Account Nos.:

X-04- -207-002 - \$ 2,008.13

X-04- -221-002 - \$ 20,000.00

X-04- -228-002 - \$ 12,061.87

X-04- -229-002 - \$ 20,000.00

X-04- -237-005 - \$ 30,000.00

X-04- -242-005 - \$100,000.00

X-04- -243-006 - \$ 40,000.00

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

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: November 12, 2019

SCHEDULE A

“SEE ATTACHMENTS”

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING SUBMISSION OF THE “BEST PRACTICES INVENTORY”, TO THE STATE OF NEW JERSEY, DEPARTMENT OF COMMUNITY AFFAIRS

NOVEMBER 12, 2019

WHEREAS, the Township of Toms River has submitted the CY2019 Best Practices Inventory; and

WHEREAS, said application was subject to presentation and public discussion at the Council Meeting of the Township of Toms River on November 12, 2019, pursuant to Local Finance Notice 2019-12;

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. The appropriate municipal officials are hereby authorized to submit such application to the State of New Jersey, Department of Community Affairs.
2. The Municipal Clerk is authorized to certify that the inventory and results thereof were discussed publicly.
3. The Municipal Clerk shall provide certified copies of the Resolution to each of the following:
 - a) Mayor Thomas F. Kelaher
 - b) Township Council
 - c) Business Administrator
 - d) Chief Financial Officer
 - e) Township Attorney

CERTIFICATION BY MUNICIPAL CLERK

I, HEREBY CERTIFY that the CY2019 Best Practices Inventory and results thereof of the Township of Toms River were discussed publicly at a regular meeting of the Township Council on November 12, 2019.

ALISON CARLISLE
MUNICIPAL CLERK
TOWNSHIP OF TOMS RIVER

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE RECEIPT OF FUNDS FOR PHASE I, PRELIMINARY ENGINEERING FOR THE DESIGN ASSISTANCE GRANT FROM THE NJDOT FOR THE DESIGN OF THE ORTLEY BEACH STREETScape PROJECT BY NV5

NOVEMBER 12, 2019

WHEREAS, the Township received a grant from the New Jersey Department of Transportation for the 2016 Transportation Alternatives Grant for the Ortley Beach Streetscape Grant Project; and

WHEREAS, based on a NJDOT Grant Agreement, it hereby authorizes the receipt of funds for Phase I, Preliminary Engineering;

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

1. It hereby authorizes the Township to receive funds for Phase I, Preliminary Engineering, based on a NJDOT Grant Agreement, for the Design Assistance Grant for the Design of the Ortley Beach Streetscape Project.

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) Township Engineer
- e) David Roberts, Township Planner
- f) Erika Stahl, Assistant Township Planner
- g) Richard Nusser, NJDOT Project Manager
NV5
7 Campus Drive, Suite 300
Parsippany, NJ 07054
Attn: Denice daCunha, P.E.
Project Manager

**RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS
FOR 2019 DRUNK DRIVING ENFORCEMENT FUND GRANT**

NOVEMBER 12, 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 Highway Traffic Safety, 2019 DDEF 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 \$25,744.32 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:

2019 DDEF Grant\$25,744.32

pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$25,744.32 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:

2019 DDEF Grant\$25,744.32

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:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO AN AGREEMENT FOR AFFORDABLE HOUSING AND CONDITIONS OF APPROVAL BETWEEN THE TOWNSHIP OF TOMS RIVER AND DOVER SHOPPING CENTER ASSOCIATES, LLC, IN CONNECTION WITH THE PROPOSED CONSTRUCTION OF A ONE HUNDRED FIFTY (150) RESIDENTIAL DEVELOPMENT, WHICH SHALL INCLUDE THIRTY (30) UNITS OF AFFORDABLE RENTAL HOUSING, AT PROPERTY LOCATED AT 1515/1533 LAKEWOOD ROAD, BLOCK 410, LOT 25, IN THE TOWNSHIP OF TOMS RIVER

NOVEMBER 12, 2019

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

1. The Mayor is authorized to execute and the Township Clerk to attest to an Agreement for Affordable Housing and Conditions of Approval between the Township of Toms River and Dover Shopping Center Associates, LLC, in connection with the proposed construction of a one hundred fifty (150) residential development, which shall include thirty (30) units of affordable rental housing, located at 1515/1533 Lakewood Road, Block 410, Lot 25, in the Township of Toms River.

2. The Mayor is authorized to execute and the Township Clerk to attest to any and all documents relating to this project. A copy of the Affordable Housing Agreement is attached to this resolution as Schedule "A" and made a part hereof.

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) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Township Planner
- g) Assistant Township Planner
- h) Kim Bauer, Community Development
- i) Division of Engineering
- j) Dover Shopping Center Associates, LLC
222 Haddon Avenue
Suite 100
Haddon Township, NJ 08108
- k) Chad Warnken, Esq.
Archer & Greiner, PC
Riverview Plaza
10 Highway 35
Red Bank, NJ 07701-5902

(New)
Always Affordable Taxi LLC 254-19 2012 Nissan 04387
PO Box 1786 253-19 1998 Lincoln 74450
Toms River, NJ 08754

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

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

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS WAWA, LLC, BLOCK 442.15, LOT 3.01 (1725 HOOPER AVENUE)

November 12, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Wawa, LLC, Block 442.15, Lot 3.01.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount of \$200.00, which represents the 10% Maintenance Guarantee, accepted by way of Resolution 'I' dated July 26, 2016, and is currently on deposit in account # X-19- -601-800, and will remain on account to represent the Maintenance Cash Bond;

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

WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees and 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 #106502501 in the amount of \$1,800.00 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
- d. Wawa, Inc.
260 West Baltimore Pike
Wawa, PA 19063

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS WAWA, LLC, BLOCK 421, LOT 18 (1166 FISCHER BOULEVARD – CR 549)

November 12, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Wawa, LLC, Block 421, Lot 18.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount of \$540.00 which represents the 10% Maintenance Guarantee, accepted by way of Resolution 'BB' dated February 13, 2018, in the original amount of \$5,400.00, and is currently on deposit in account # 9-14- -902-101 and will remain on account to represent the Maintenance Cash Bond;

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

WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees and 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 \$4,860.00 currently on deposit in account #9-14 - -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. Wawa, Inc.
260 West Baltimore Pike
Wawa, PA 19063

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING SITE STABILIZATION

GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS BLOCK 608, LOTS 2.01 AND 2.02 (HOOPER AVENUE AND BAY AVENUE)

November 12, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 578, Lot 3.01 & 3.03.

.WHEREAS, a Safety & Stabilization Guarantee has been posted as follows:

- 1) Check in the amount of \$10,000.00 which represents a Site Stabilization Guarantee.

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:

- 2) The bonds set forth in the preamble hereto are hereby approved.
- 3) Said bond approval is conditioned upon compliance by K-Land Corp, No. 7, 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. K-Land Corp., No. 7
433 River Road
Highland Park, NJ 08904

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 Y & A ASSOCIATES, LLC BLOCK 507.52, LOT 24 (651 ROUTE 37 WEST)

November 12, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Y & A Associates, LLC, Block 507.52, Lot 24.

WHEREAS, Performance Bonds have been posted as follows:

1. Check in the amount of \$5,000.00, which represents the required Safety and Stabilization Guarantee amount.
2. Check in the amount of \$250.00 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 Y & A Associates, LLC, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Y & A Associates, LLC
651 Route 37 West
Toms River, NJ 08755

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR MAJOR SUBDIVISION PLAN KNOWN AS HOVSONS INDUSTRIAL PARK, BLOCK 506, LOTS 10, 11, 12 & 13 (ST. CATHERINE'S BOULEVARD)

November 12, 2019

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision Plan entitled Hovsons Industrial Park, Block 506, Lots 10, 11, 12 and 13 (St. Catherine's Boulevard), that all improvements presently under a maintenance bond have been maintained in accordance with Township standards.

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

- 1) Maintenance Cash Bond in the amount of \$11,300.00, which was accepted by Resolution on May 23, 1978, and currently on deposit in account 9-14- -902-101 is hereby released with applicable interest;

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

- a. Engineer
- b. Finance Department
- c. Township Attorney
- d. Hovnanian Industries (fla Hovsons Inc.)
4000 Route 66
Tinton Falls, N.J. 07753
Attn: Diane Corcoran

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING RENEWAL OF MEMBERSHIP IN THE OCEAN COUNTY MUNICIPAL JOINT INSURANCE FUND AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A RENEWAL MEMBERSHIP AGREEMENT

NOVEMBER 12, 2019

WHEREAS, the Township of Toms River is a member of the Ocean County Municipal Joint Insurance Fund ("JIF"); and

WHEREAS, the Township's membership in JIF terminates as of December 31, 2019 unless earlier renewed by agreement between the Township of Toms River and the JIF; and

WHEREAS, the Township of Toms River desires to renew its membership in JIF;

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 of Toms River agrees to renew its membership in the Ocean County Municipal Joint Insurance Fund, and to be subject to the Bylaws, Rules and

Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the JIF.

2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof, and to deliver same to the Ocean County Municipal Joint Insurance Fund evidencing the Township of Toms River’s intention to renew its membership.

3. 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) Business Administrator
- c) Chief Financial Officer
- d) Nora Robinson, Benefits Manager
- e) Thomas Rodgers, Emergency Management
- f) Conner Strong
231 Main Street
Toms River, N.J. 08753
Attn: Michael C. Avalone
- g) Ocean County Municipal Joint Insurance Fund
9 Campus Drive
Parsippany, NJ 07054
Attn: Diane Lapp, Ocean JIF Chairperson
- h) Conner Strong
40 Lake Center Executive Park
401 Route 73 North
P.O. Box 989
Marlton, N.J. 08053

This Resolution agreed to this 12TH day November, 2019 by a vote of:

_____ Affirmative
 _____ Negative

MAYOR THOMAS F. KELAHER

ATTEST:

ALISON CARLISLE
TOWNSHIP CLERK

DATE

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN AMENDED CONTRACT WITH V-COMM, L.L.C., AS A TELECOMMUNICATIONS AND WIRELESS COMMUNICATIONS CONSULTANT FOR PUBLIC SAFETY COMMUNICATIONS UPGRADE PROJECT, AMENDING THE SCOPE OF WORK FOR ADDITIONAL SUPPORT TO COMPLETE THIS PROJECT, IN THE ADDITIONAL AMOUNT OF \$23,600.00, FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED \$167,100.00 (ORIGINAL AWARD - \$143,500.00), AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO AN AMENDED AGREEMENT WITH V-COMM, L.L.C.
 NOVEMBER 12, 2019**

WHEREAS, resolution of the Township Council dated August 14, 2018, authorized a contract with the firm of V-Comm, L.L.C., as a Telecommunications and Wireless Communications Consultant for Public Safety Communications Upgrade

Project for the Township, for a total maximum contract amount not to exceed \$143,500.00, commencing August 15, 2019 through completion of the project; and

WHEREAS, an amendment to the contract with V-Comm, L.L.C. is necessary due to an increase in the scope of work, for additional support to complete this project, for an additional amount of \$23,600.00, in accordance with their Statement of Work letter dated August 6, 2019;

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

1. It hereby authorizes a contract amendment with the firm of V-Comm, L.L.C., for an increase in the scope of work, for additional support to complete this project, for an amended increased maximum amount not to exceed \$23,600.00. Total contract amount not to exceed \$167,100.00 - \$143,500.00 authorized by resolution dated August 14, 2018 and \$23,600.00 authorized by this resolution.

2. Funds in the maximum amount not to exceed \$23,600.00, are available in Account No. X-04- -221-002. 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 contract with V-Comm, L.L.C. dated August 15, 2018 will remain in full force and effect.

4. The Mayor is hereby authorized to execute and the Township Clerk to attest to an amended agreement with V-Comm, L.L.C., a copy of which is attached herewith 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 once in the Asbury Park Press.

6. 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) Police Department
- g) Township Clerk
- h) Fire Bureau
- i) V-Comm, L.L.C.
2540 U.S. Highway 130
Cranbury, NJ 08512

CERTIFICATION

THIS IS TO CERTIFY that the funds for the amended professional service contract with V-Comm, L.L.C., in the total amended amount not to exceed \$23,600.00, are available in Account No. X-04- -221-002.

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 account at that time.

SHARON SMITH
CHIEF FINANCIAL OFFICER

Dated: November 12, 2019

SCHEDULE "A"

"SEE ATTACHMENTS"

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ADOPTING THE 2019 MULTI-JURISDICTIONAL ALL HAZARD MITIGATION PLAN FOR OCEAN COUNTY

NOVEMBER 12, 2019

WHEREAS, the Township of Toms River Council recognizes the threat that natural hazards posed to people and property within the Township of Toms River; and

WHEREAS, the Township of Toms River has prepared a multi-hazard mitigation plan, hereby known as the 2019 Multi-Jurisdictional All Hazard Mitigation Plan for Ocean County in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the 2019 Multi-Jurisdictional All Hazard Mitigation Plan for Ocean County identifies mitigation goal and actions to reduce or eliminate long term risk people and property in the Township of Toms River from the impacts of future hazards and disasters; and

WHEREAS, adoption by the Township of Toms River demonstrates their commitment to hazard mitigation and achieving the goals outlined in the 2019 Multi-Jurisdictional All Hazard Mitigation Plan for Ocean County;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of Toms River, County of Ocean, State of New Jersey, adopts the 2019 Multi-Jurisdictional All Hazard Mitigation Plan for Ocean County.

BE IT FURTHER RESOLVED, that 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) Township Attorney
- e) Township Engineer
- f) Office of Emergency Management
- g) Sheriff Michael G. Mastronardy
Ocean County OEM Coordinator
PO Box 2191
Toms River, NJ 08754-2191

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A SUB-GRANT AGREEMENT, FLOOD MITIGATION ASSISTANCE (FMA) GRANT PROGRAM (CFDA #97.029), FMA-PJ-02-NJ-2017-003 WITH THE STATE OF NEW JERSEY, OFFICE OF EMERGENCY MANAGEMENT

NOVEMBER 12, 2019

WHEREAS, the New Jersey Office of Emergency Management has been designated as the Grantee to receive, administer, and disburse FEMA funds for cost-effective mitigation activities in areas of New Jersey. The Grantee shall monitor and evaluate the implementation of mitigation activities and control the disbursement of FMA funds from FEMA; and

WHEREAS, the Township of Toms River is the Sub-grantee and has submitted an application, setting forth a list of activities; and

WHEREAS, the Grantee and FEMA have approved Project #FMA-PJ-02-NJ-2017-003; and

WHEREAS, FEMA has provided to the Grantee a September 30, 2019 Award Letter with Conditions of Approval; and

WHEREAS, the Township of Toms River (“Subgrantee”) wishes to enter into a Sub-Grant Agreement, Flood Mitigation Assistance (FMA) Grant Program (CFDA #97.029), FMA-PJ—02-NJ-2017-003 with the State of New Jersey, Office of Emergency Management (“Grantee”) for the elevation of two (2) residential properties; one of which is Severe Repetitive Loss (SRL), and the other is Repetitive Loss (RL) property which are located in the Special Flood Hazard Areas (SFHA) in the Borough of Lavallette and Ocean Beach. Total estimated cost of the mitigation project is: \$112,122.00, Federal Share: \$95,898.00, and Non Federal Share: \$16,224.00;

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. The Mayor is authorized to execute and the Township Clerk to attest to a Sub-Grant Agreement, Flood Mitigation Assistance (FMA) Grant Program (CFDA #97.029), FMA-PJ—02-NJ-2017-003 with the State of New Jersey, Office of Emergency Management (“Grantee”) for the elevation of two (2) residential properties.

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 P. Kelaher
- b) Township Council
- c) Business Administrator
- d) Chief Financial Officer
- e) Township Attorney
- f) Purchasing Division
- g) Office of Emergency Management
- h) Engineering Division
- i) State of New Jersey
Office of Emergency Management
PO Box 7068
West Trenton, NJ 08628

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF A CONTRACT FOR THE MIDBLOCK PEDESTRIAN CROSSING AT COMMUNITY MEDICAL CENTER TO J.C. CONTRACTING, INC., AS THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER, MEETING ALL OF THE BID SPECIFICATIONS, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$64,366.00

NOVEMBER 12, 2019

WHEREAS, bids were invited for the Midblock Pedestrian Crossing at Community Medical Center; and

WHEREAS, bids were received from the following vendors on October 17, 2019:

<u>Vendor:</u>	<u>Total Bid:</u>
J.C. Contracting Inc. 681 Mill Street Rahway, NJ 07065	\$64,366.00

Diamond Construction \$88,020.00
36 Beaverson Blvd., Suite 12C
Brick, NJ 08723

WHEREAS, the bids have been reviewed by the Purchasing Division and Engineering Division, and they have recommended that the award of contract be made to J.C. Contracting Inc. as the lowest responsible, responsive bidder, meeting all of the bid specifications, for a total contract price not to exceed \$64,366.00,

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:

- i. It hereby awards a contract to J.C. Contracting Inc. as the lowest responsible, responsive bidder, meeting all of the bid specifications, for a total contract price not to exceed \$64,366.00. Funds in the amount of \$64,366.00 are available in Account No. PSF-052.
- ii. 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 the terms and conditions of the bid specifications.
- iii. 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) J.C. Contracting, Inc.
681 Mill Street
Rahway, NJ 07065
 - f) Diamond Construction
36 Beaverson Blvd., Suite 12C
Brick, NJ 08723

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to J.C. Contracting Inc. in the total contract price not to exceed \$64,366.00 are available in Account No. PSF-052.

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: November 12, 2019

A motion was made by Council Member Kubiell, seconded by Council Member Huryk, and carried with Council Members Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and with Council President Wittmann voting yes, to **tabled to the November 26, 2019 Council Meeting.**

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF NJIBR MODULE FROM SPILLMAN TECHNOLOGIES, INC., FOR THE SUPPORT

OR MAINTENANCE OF PROPRIETARY SOFTWARE EXCEPTION TO PUBLIC BIDDING, FOR THE DEPARTMENT OF POLICE, IN THE TOTAL MAXIMUM AMOUNT OF \$59,081.00, AND WILL INCLUDE THE FIRST TWO YEARS OF MAINTENANCE FOR TOMS RIVER'S SHARE, WITH MANCHESTER TOWNSHIP CONTRIBUTING \$15,500.00 TOWARDS THIS PURCHASE, AND LAVALLETTE BOROUGH CONTRIBUTING \$3,843.00 TOWARDS THIS PURCHASE

REPORTS

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

	2019	2018
Bey Lea Golf Course – October	\$81,683.13	\$70,358.97
Bey Lea Golf Course – YTD through October	\$1,128,283.63	\$1,052,169.89
Winding River Ice Rink – October	\$110,841.00	\$84,071.48
Winding River Ice Rink – YTD through October	\$700,716.62	\$664,062.05
Building Permits - October	\$246,463.00	\$174,595.00
Building Permits – YTD through October	\$1,976,433.00	\$2,041,224.00

APPROVAL OF BILLS

Council President Wittmann asked for a report on the bills.

The Bill List, dated **November 8, 2019** was approved on motion by Council Member Turnbach, seconded by Council Member Kubiell, and carried with Council Members, Hill, Huryk, Kubiell, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 19-05890 payable to ARYA in the amount of \$7,544.00.

Purchase Order 19-05760, payable to Remington and Vernick Engineers, as pertains to ARYA in the amount of \$4,518.72.

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

Purchase Order 19-00456, payable to Terry Brady, Esquire, in the amount of \$3,916.63.

Purchase Order 19-05753, payable to Owen, Little & Associates in the amount of \$13,899.50.

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

Purchase Order 19-00248, 19-05644, & 19-05760, payable to Remington and Vernick Engineers in the amount of \$27,567.89.

Purchase Order 19-05882 & 19-06205, payable to Recreation Department in the amount of \$8,519.25.

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

Purchase Order 19-05828, 19-05974, 19-05975 & 19-06058, payable to Toms River Bureau of Fire in the amount of \$41,961.50.

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 \$2,713.50.

Purchase Order 19-00994, payable to Greg McGuckin, Esquire, in the amount of \$81.00.

Purchase Order 19-00456, payable to Terry Brady, Esquire, in the amount of \$3,916.63.

Purchase Order 19-05882, payable to NJ Motor Vehicle Lease Program in the amount of \$4,515.00.

Purchase Order 19-06205, payable to NJ Motor Vehicle Lease Program in the amount of \$4,128.00.

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

Purchase Order 9-00455, payable to Citta, Holzapfel, & Zabarsky, Esquires, in the amount of \$7,100.00.

Purchase Order 19-00863, payable to Dasti, McGuckin, Attorneys at Law in the amount of \$2,713.50.

Purchase Order 19-00994, payable to Greg McGuckin, Esquire, in the amount of \$81.00.

Purchase Order 19-06205, payable to Payroll Magistrates in the amount of \$7,635.44.

Purchase Order 19-05882 payable to Payroll Magistrates in the amount of \$7,635.44.

ELECTED OFFICIALS COMMENTS

Councilman Turnbach congratulated Mayor Elect Hill and three new Council Members.

Councilwoman Maruca congratulated Mayor Elect Hill and the new Council Members. She also spoke regarding Veterans Day Parade, and Code Blue dance fundraiser

Councilwoman Huryk congratulated Mayor Elect Hill and the new Council Members; December 6 is the tree lighting; spoke regarding resolution that didn't pass regarding single use plastic bags.

Councilman Kubieli congratulated Mayor Elect Hill and the new Council Members, and reminded the public that December Council Meetings are at 5:00 p.m.

Councilman Rodrick congratulated Mayor Elect Hill and the three Councilmen-elect. He also spoke why he voted "no" on single use plastic bag resolution.

Councilman Hill spoke safety in driving during the Holidays; Veterans Parade; recommend proclamation to support the Thanksgiving Day games, and thank residence who came out to vote.

Councilman Wittmann spoke regarding Veterans Parade, and congratulated Mayor Elect Hill and new Council Members.

PUBLIC COMMENTS

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

Mel and Maureen Percy, Ortleigh Beach, claimed that the township needs to work on communication with its citizens. He has issues with miss information in paving a new driveway.

Pat Klaslo, asked what is the status of Surf Club. He also mention that two streets that want to be part of Lavallette.

Anthony Colucci, Ortleigh Beach, spoke about plastics in our ocean. He took a Coastal Stewardship Course and he said plastic is a serious problem.

Chris Golembeski thanked Council Members for the new ambulance.

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

A motion was made by Council Member Kubiell, seconded by Council Member Maruca, and carried to enter into a private Executive Session at 7:43 PM.

A motion was made by Council Member Kubiell, seconded by Council Member Maruca 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
Anticipated Litigation
Matters in Litigation
Land Acquisitions
Contract Negotiations

3. The following specific topics were announced.
 1. Executive Session Minutes Review: October 22, 2019 Regular Meeting
 2. Personnel Issues.
 3. Review of status of all real property acquisitions (voluntary acquisitions and eminent domain actions).
 4. Legal impact of Executive Orders 1, 2 and 3, and discussion of possible Resolutions or Ordinances to adjust those procedures.
 5. Discussion of RLUIPA in preparation of meeting with Professor Marci Hamilton.
 6. Legal impact of exercising renewal option with Ocean County Joint Insurance Fund.

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

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

Council Member Huryk	- Present
Council Member Kubiell	- Present

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

The Council **reconvened** the public portion at 8:32 P.M., a motion was made by Council Member Kubiel, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Kubiel, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes.

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

**RESOLUTION APPROVING
EXECUTIVE SESSION MINUTES**

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

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

1. The following Executive Session Minutes are approved:

October 22, 2019 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 8:34 P. M., on motion with Council Member Maruca, seconded by Council Member Huryk and carried with Council Members Hill, Huryk, Kubiel, Maruca, Rodrick, Turnbach, and Council President Wittmann voting yes.

COUNCIL PRESIDENT GEORGE WITTMANN

ALISON CARLISLE, TOWNSHIP CLERK