

January 26, 2016

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 6:01 PM.

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

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

OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is convened in accordance with the provisions of the Open Public Meetings Act of New Jersey. Let the official Minutes reflect that adequate notice of this meeting has been provided by publishing a notice in the Asbury Park Press on January 8, 2016 and forwarded to the Toms River Times, Toms River Patch, and WOBN News on January 11, 2016, 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 4, 2016. Notice was also posted on the Township Web Page.

Roll Call:

- Council Member Carr - Present
- Council Member Hill - Present
- Council Member Maruca - Present
- Council Member Wittmann - Present
- Council Vice-President Manforti - Absent
- Council President Kubiel - Present

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

APPROVAL OF MINUTES

A motion was made by Council Member Maruca, seconded by Council Member Carr, and carried with Council Members Carr, Hill, Maruca, Wittmann, and Council President Kubiel voting yes, and with Council Member Manforti absent, to approve the Minutes of the **Re-Organization Meeting of January 4, 2016**. 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 Hill, seconded by Council Member Wittmann, and carried with Council Members Carr, Hill, Wittmann, and Council President Kubiel voting yes, and with Council Member Manforti absent, to make the following honoring proclamations a part of the Minutes.

Mayor Kelaher administered the Oath of Office for 2016 Auxiliary Police.

Police Chief Little spoke regarding the recent retirements in the Police Department.

Captain Jeff Lennox was present and was recognized. Captain Burgess and Lieutenant Laffan were not present.

Police Chief Little introduced new patrolman Adam Carey and Mayor Kelaher administered the Oath of Office.

Police Chief Little introduced the following Police Officers and Mayor Kelaher administered the Oath of Office:

Captain James Harris
Captain Michael Belcher
Lieutenant Sean O'Keefe
Lieutenant Patrick Dellane
Lieutenant Michael Miller
Sergeant Stephen Austin
Sergeant Daniel Ruiz
Sergeant Anthony Scali

Frederick Etting resolution to be presented at East Dover First Aid Squad event for 50 years of service.

A short recess was held.

Meeting was reconvened at 6:42 P.M. with all members present.

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 10.2 (ZONING MAP) OF CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE TOWNSHIP CODE TO REZONE PROPERTY DESIGNATED ON THE MUNICIPAL TAX MAP AS BLOCK 414, LOT 8 FROM THE 0-10 (OFFICE) ZONE TO THE 0-15 (OFFICE) ZONE

WHEREAS, the Township of Toms River Planning Board heard the request to have Block 414, Lot 8 rezoned from the 0-10 (Office) Zone to the 0-15 (Office) Zone; and

WHEREAS, the Board concluded that the change is not inconsistent with the Adopted Master Plan, so no amendment to the Master Plan would be required in order to enact the ordinance amendment; and

WHEREAS, the major land use distinction between the two zoning districts is that the 0-15 (Office) Zone permits restaurants as a permitted use and hotels/motels as a conditional use; and

WHEREAS, based on the testimony of the applicant's Professional Planner and Traffic Expert, a hotel and restaurant on the site would have less impact on Oak Avenue during the peak hours than the office uses permitted under both the 0-10 (Office) Zone and the 0-15 (Office) Zone; and

WHEREAS, the Toms River Township Planning Board, at its November 4, 2015 meeting, recommended the rezoning of Block 414, Lot 8 from the 0-10 (Office) Zone to the 0-15 (Office) Zone; and

WHEREAS, the Township Council has reviewed these recommendations and has determined it is in agreement with the recommendation by the Planning Board to rezone Block 414, Lot 8 from the 0-10 (Office) Zone to the 0-15 (Office) Zone, and authorizes the necessary zoning change;

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

1. Section 10.2 (Zoning Map) of Chapter 348 (Land Use and Development Regulations) of the Code of the Township of Toms River is hereby amended and supplemented to change the designation of Block 414, Lot 8, as follows:

The following property designated on the official tax map of the Township of Toms River is rezoned from the 0-10 (Office) Zone to the 0-15 (Office) Zone, as follows:

<u>Block</u>	<u>Lot</u>	<u>Presently Zoned</u>	<u>To Be Zoned</u>
414	8	0-10 (Office)	0-15 (Office)

2. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 348 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

3. If any part or parts of this ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this ordinance.

4. 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.

5. A copy of this proposed ordinance together with a notice of hearing shall be immediately served by the Office of the Township Clerk, by certified mail return receipt requested, upon the Ocean County Planning Board.

6. A notice of the Public Hearing on this Ordinance proposing to change the classification of the property located in the 0-10 (Office) Zone to the 0-15 (Office) Zone, shall be given to the owners of all real property as shown on the current tax duplicates, located in the zoning district and within 200 feet in all directions of the boundaries of the district, pursuant to N.J.S.A. 40:55D-62.1.

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on January 26, 2016 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 February 9, 2016 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.

J. MARK MUTTER
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, January 29, 2016.

Ordinance was adopted on first reading with Council Members Carr, Hill, Maruca, Wittmann, and Council President Kubieli voting yes, and with Council Member Manforti absent.

CONSENT AGENDA

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

A motion was made by Council Member Hill, seconded by Council Member Carr, and carried with Council Members Carr, Hill, Kubieli, Maruca, Wittmann, and Council President Kubieli voting yes, and with Council Member Manforti absent, to approve all the following items listed on the Consent Agenda Item. Discussion regarding **Q, U, V, and W**. Joseph Coronato, Esquire, spoke regarding tabling of these items. Council Members revised its original motion to table **U, V, and W** from February 23, 2016 to February 9, 2016 only. **Q** was tabled to February 23, 2016.

RESOLUTION

January 26, 2016

*WHEREAS, an overpayment of taxes has appeared on the following properties for the year (s) indicated; DUE TO assessment adjustment resulting in an overbill
AND,*

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
AMBS, KURT W. & JUNE E.	1052	211	2015/4	3851.31
CLAYTON BLOCK COMPANY INC.	579	13	2015/4	4077.31
MEZZA, RALPH & STEPHANIE	1108.26	9	2014/4	789.08
			2015/4	828.87
MISIAK, MADELINE, & DONALD & S. SMITH	1085.17	8	2015/4	2,690.01
MYHREN, RICHARD & C. PANTAZAKOS	724.18	20	2015/4	2,031.72
PANTAZAKOS, CYNTHIA	724.18	19	2015/4	2,121.39
RUBIAS INDUSTRIES LLC	724.12	107	2015/4	3,315.49

TANZOLA, VINCENT & MARIA	235.08	100	2015/4	3,719.18
TOTALS:				23,424.36

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

Approved as to content:

January 26, 2016

RESOLUTION AUTHORIZING THE ISSUANCE OF DUPLICATE TAX SALE CERTIFICATES

WHEREAS, DBWTL, HOLDCO IS THE HOLDER OF THE TAX SALE CERTIFICATE LISTED BELOW, AND;

WHEREAS, THE TAX OFFICE LOST THE ORIGINAL TAX SALE CERTIFICATE, NOW THEREFORE;

BE IT RESOLVED, THAT THE TAX COLLECTOR IS HEREBY AUTHORIZED, PURSUANT TO NJSA 54:5-52.1 TO PREPARE AND ISSUE DUPLICATE A TAX CERTIFICATE TO THE OUTSIDE LIEN HOLDERS AS FOLLOWS;

Tax Sale Certificate 15-00055 BLOCK/LOT 166/6

CARL M. DILEO, CTC.

RESOLUTION AUTHORIZING TAX ASSESSOR AS AGENT IN FILING PETITION OF APPEALS AND ROLL-BACK COMPLAINT FORMS

JANUARY 26, 2016

WHEREAS, from time to time the Tax Assessor discovers an error in calculation, transposing, measurement, or typographical errors, in the tax assessments on the tax list after the time the County Board of Taxation has certified the tax rates for the tax year or a property becomes subject to a roll-back assessment; and

WHEREAS, the governing body for the Taxing District of the Township of Toms River is desirous that every taxpayer pays his share of taxes; and

WHEREAS, the method for correcting such errors is to file a Petition of Appeal or Complaint with the Ocean County Board of Taxation.

THEREFORE, BE IT RESOLVED by the governing body for the Taxing District of the Township of Toms River, that the Tax Assessor or Municipal Attorney is hereby authorized to act as the agent for the Taxing District of the Township of Toms River during the year of 2016 and file a Petition of Appeal or Complaint with the Ocean County Board of Taxation to correct any erroneous assessments to the proper value and that a copy of any Petition of Appeal or Complaint filed with the Ocean County Board of Taxation under this Resolution be filed with the Municipal Clerk.

BE IT FURTHER RESOLVED that the Tax Assessor or Municipal Attorney is hereby authorized to execute stipulation of settlement on any tax appeal or complaint filed by the taxing district or by a tax payer in the tax year 2016, and

That a certified copy of this Resolution be forwarded to the Ocean County Board of Taxation and the Toms River Township Tax Assessor.

CERTIFICATION

I, J. Mark Mutter, Municipal Clerk of the Township of Toms River, County of Ocean, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Township Council of the Township of Toms River at a meeting held on this 26th day of January, 2016.

J. Mark Mutter, RMC
Township Clerk
Township of Toms River

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, EXTENDING THE TERM OF CERTAIN CONTRACTS EXEMPT FROM PUBLIC BIDDING

JANUARY 26, 2016

WHEREAS, on March 24, 2015, the Township Council awarded contracts for services exempted from the public bidding process for a term commencing on April 2, 2015 up to and including December 31, 2015; and

WHEREAS, on January 4, 2016, there existed a need for the continued extension of certain contracts exempt from public bidding which were extended to January 26, 2016 by way of resolution: and

WHEREAS, there exists a need for the continued extension of these contracts exempt from public bidding from January 27, 2016 to March 31, 2016; and

WHEREAS, awards for professionals are subject to campaign contribution reform laws as set forth in *N.J.S.A. 19:44A-20.4, et. seq.* and the Toms River Township Administrative Code § 84-1, "Prohibition on awarding public contracts to certain contributors"; and

WHEREAS, professionals receiving contract awards on March 24, 2015 were obtained pursuant to a fair and open process, and other methods permitted by law pursuant to *N.J.S.A. 19:44A-20.4 et. seq.*, of New Jersey's Pay-to-Play Law and the Toms River Township Administrative Code § 84-1:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY:

1. It hereby approves the extensions of contracts up to and including March 31, 2016 with the following firms: Acacia Financial Group, Inc., Alaimo Group Consulting Engineers; Bellu Memoli, LLC (formerly Carmen Memoli, CPA); Bonnie R. Peterson, Esq.; Citta, Holzapfel & Zabarsky, PC for general legal litigation services, and labor counsel; Coffey & Associates; Connor, Strong & Buckelew; Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors, P.C.; DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., formerly DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C.; Engineered Design Group, Inc.; French & Parrello Associates, P.A.; Gluck, Walrath, L.L.P.; Hatch, Mott & MacDonald; Heagan, Pagano & Seems, P.C., Hierung, Gannon, & McKenna, Esqs.; Holman, Frenia, Allison, P.A.; Jersey Shore Veterinary Emergency Service; JDM Planning Associates, LLC; Kevin Riordan, LLC.; Maser Consulting, P.A.; Owen, Little & Associates; Piazza & Associates, Inc.; Preferred Behavioral Health Consulting Group, Inc.; Remington & Vernick Engineers; Robert G. Cimer, D.V.M.; The Musial Group; T&M Associates; Toms

River Animal Hospital; Chiesa, Shahinian and Giantomasi, PC, formerly Wolff & Samson, P.C; TRC Environmental Consultants, Inc., Najarian Associates and William E. Antonides and Company, at the same rates approved in 2015 by this Council, subject to the availability of funds, and approval of the CY16 budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

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 Kelaher
- b) Chief Financial Officer
- c) Business Administrator
- d) Township Attorney
- e) All Department Heads
- f) Engineering Division
- g) Purchasing Division
- h) Tax Assessor
- i) Township Clerk's Office
- j) Township Municipal Court
- k) Acacia Financial Group, Inc.,
601 Route 73 North, Ste. 206
Marlton, NJ 08053
- l) Alaimo Group Consulting Engineers
200 High Street
Mount Holly, New Jersey 08060
- m) Bellu Memoli, LLC
222 Oak Avenue, Suite 5
Toms River, New Jersey 08753
- n) Bonnie R. Peterson, Esq.
1201 SW Central Avenue
P.O. Box J
Seaside Park, New Jersey 08752
- o) Citta, Holzapfel & Zabarsky, PC.
248 Washington Street
Toms River, New Jersey 08754
- q) Coffey & Associates
310 South Street
Morristown, N.J. 07960
- p) Connor, Strong & Buckelew
210 Main Street
P.O. Box 2017
Marlton, New Jersey 08053
- q) Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors, P.C.,
620 West Lacey Road
Forked River, New Jersey 08731
- r) DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C.
15 Mountain Blvd.
Warren, New Jersey 07059
- s) Edward J. Simone, CPA, RMA
William E. Antonides And Company
2807 Hurley Pond Road, Suite 200
PO Box 1137
Wall, N.J. 07719-1137
- t) Engineered Design Group, Inc.
75 South St.
Freehold, New Jersey 07728
- u) French & Parrello Associates, P.A.
1800 Rte. 34, Suite 101
Wall, N.J. 07719
- v) Gluck, Walrath, LLP
428 River View Plaza

- Trenton, New Jersey 08611
- w) Hatch, Mott & MacDonald
3 Paragon Way
Freehold, New Jersey 07728
- x) Heagan, Pagano & Seems, P.A.
325 W. Water Street
Toms River, New Jersey 08753
- y) Hierung Gannon, & McKenna
29 Hadley Avenue, Suite 2,
Toms River, New Jersey 08753
- z) Holman, Frenia, Allison, PC,
600 Hooper Ave., Bld. B, Suite 5
Toms River, New Jersey 08753
- aa) Jersey Shore Veterinary Emergency Service
1000 State Highway 70
Lakewood, New Jersey 08701
- bb) JDM Planning Associates, LLC
614 Harbor Road
Brick, New Jersey 08724
- cc) Kevin Riordan, LLC.
20 Hadley Avenue, Suite 2
Toms River, New Jersey 08753
- dd) Owen, Little & Associates
443 Atlantic City Blvd.
Beachwood, N.J. 08722
- ee) Piazza & Associates, Inc.
216 Rockingham Row,
Princeton, N.J. 08540
- ff) Preferred Behavioral Health Group, Inc.
1500 Route 88
Brick, New Jersey 08724
- gg) Remington & Vernick Engineers
9 Allen Street
Toms River, N.J. 08753
- hh) Vector of Toms River, LLC, t/a
Calling All Creatures Veterinary Hospital
(Formerly Robert G. Cimer, D.V.M.)
246 Washington Street
Toms River, N.J. 08753
- ii) T & M Associates
9 Grand Avenue, Building #1,
Toms River, New Jersey 08753
- jj) TRC Environmental Corp.
41 Spring Street
New Providence, New Jersey 07974
- kk) The Musial Group,
191 Mill Lane,
Mountainside, New Jersey 07902
- ll) Toms River Animal Hospital
769 Route 37 West
Toms River, N.J. 08755
- mm) Chiesa, Shahinian, Giantomsai, PC
1 Boland Drive
West Orange, New Jersey 07052
- nn) Najarian Associates
1 Industrial Way West
Eatontown, New Jersey 07724
Att'n: Joseph L. DiLorenzo, Ph.D.
- oo) Maser Consulting, PA
331 Newman Springs Road, Suite 203
Red Bank, New Jersey 07701

CERTIFICATION OF CHIEF FINANCIAL OFFICER PURSUANT TO

LOCAL PUBLIC CONTRACT LAW

THIS IS TO CERTIFY the contracts on the attached Resolution are open-ended contracts and, accordingly, pursuant to *NJAC 5:30-5.5* the availability of funds cannot be certified at this time. However, funds will be certified at such times as goods or services are ordered or otherwise called for. Prior to incurring the liability, by placing the order, the certification of available funds shall be made by the Chief Financial Officer of certifying officer, as appropriate, and attached to the file copy of the purchase order or other such document. Furthermore, pursuant to *NJAC 5:30-5.5(c)(2)*, these contracts are subject to the availability of funds, the adoption of the CY16 budget and the adoption of the appropriate Capital Ordinances, if applicable.

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: January 26, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE EXECUTION AND FILING OF THE CONSENT JUDGMENT RESOLUTION BY WILLIAM WILLIARD, ESQ., TOMS RIVER TOWNSHIP AFFORDABLE HOUSING ATTORNEY, BANK OF AMERICA, N.A. v. RYAN O'ROURKE, et als., DOCKET NO.: OCN-F-052867-14

JANUARY 26, 2016

WHEREAS, Bank of America, N.A., ("Bank of America") filed a Complaint for Foreclosure venued in the Ocean County Superior Court, Chancery Division, under Docket No. OCN-F-052867-14 seeking foreclosure on the property identified as Block 166, Lot 1, C403, on the Tax Map of the Township of Toms River and more commonly known as 403 Prosperity Street, Toms River, New Jersey ("Property"); and

WHEREAS, the Property is a deed-restricted affordable housing unit subject to affordable housing rules, regulations, restrictions and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, the Complaint for Foreclosure names the Township of Toms River as a defendant based on the Deed, Affordable Housing Agreement, Repayment Mortgage and affordable restrictions on the Property; and

WHEREAS, a proposed settlement of the litigation was negotiated between the attorneys for the parties, the terms of which are as set forth in the attached Consent Judgment attached hereto as Schedule "A"; and

WHEREAS, pursuant to the proposed Consent Judgment, the Property will remain a deed restricted affordable unit subject to all affordable housing rules, regulations, restrictions and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, the Administrator and Township Council of the Township of Toms River have reviewed and considered the terms and conditions of the attached Consent Judgment and hereby agree it is in the best interests of the Township to resolve this litigation as set forth therein;

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 Township's Affordable Housing Attorney, William Willard of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., is hereby authorized in the matter entitled Bank of America, N.A. v. Ryan O'Rourke, et als., Docket No.:

OCN-F-052867-14, to execute the Consent Judgment and take all necessary action to enforce the terms of the Consent Judgment.

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

- a) Affordable Housing Liaison
- b) Township Attorney
- c) Business Administrator
- d) Tax Collector
- e) Tax Assessor
- f) William J. Willard, Esq.
DiFrancesco, Bateman, Kunzman, Davis, Lehrer
& Flaum, PC
15 Mountain Boulevard
Warren, NJ 07059

SCHEDULE "A"

"SEE ATTACHMENTS"

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE BUSINESS ADMINISTRATOR TO EXECUTE A MUNICIPAL RECYCLING TONNAGE REPORT FORM FOR 2015 FOR SUBMISSION TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY

JANUARY 26, 2016

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed;

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 Business Administrator to execute the Municipal Recycling Tonnage Reporting Form for 2015, for submission to the Department of Environmental Protection and Energy.

2. It also authorizes the appropriate Township officials to execute any future related documentation in connection with this Municipal Tonnage Reporting Form.

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 Kelaher
- b) Township Council
- c) Township Attorney
- d) Chief Financial Officer
- e) Public Works Department
- f) Business Administrator
- g) N.J. Department of Environmental Protection
Division of Solid & Hazardous Waste
Bureau of Recycling and Planning
401 East State Street
P.O. Box 402
Trenton, N.J. 08625-0402
- h) Ocean County Solid Waste Management Dept.
129 Hooper Avenue
Toms River, N.J. 08754
Attn: Recycling Coordinator

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE HIRING OF EIGHT (8) ICE SKATING INSTRUCTORS FOR THE WINDING RIVER SKATING CENTER FOR CALENDAR YEAR 2016, FOR A TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$6,000.00

JANUARY 26, 2016

WHEREAS, the Township of Toms River sponsors ice skating instruction at the Winding River Skating Center; and

WHEREAS, in order to sponsor the aforesaid, it is necessary to retain the extraordinary unspecifiable services of eight (8) ice skating instructors for Calendar Year 2016; and

WHEREAS, the total amount of the contracts awarded under this resolution shall not exceed \$6,000.00, and funds are available in Account No. 6-31- -147-534, contingent upon adoption of the 2016 budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk; and

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

1. It hereby retains the services of the following instructors on a per class basis for the Winding River Ice Skating Rink for calendar year 2016:

- a) Anna Brodetsky
36 Bismark Street
Tinton Falls, N.J. 07712
\$23.00/class
- b) Debbie Blair
396 Suburban Drive
Toms River, N.J. 08753
\$23.00/class
- c) Kaaren Finberg
697 B Plymouth Drive

Lakewood, N.J. 08701
\$23.00/class

- d) Ashley Nasti
77 Scarborough Place
Toms River, N.J. 08757
\$19.00/class
- e) Jackie Martin
115 Schooner Avenue
Barnegat, NJ 08005
\$23.00/class
- f) Darya Daunarovich
223 Sheridan Avenue
Seaside Heights, NJ 08751
\$20.00/class
- g) Viviana Mathis
114 Maple Avenue
PO Box 618
Island Heights, NJ 08732
\$19.00/class
- h) Dana Piliere
231 Alabama Avenue
Toms River, NJ 08753
\$17.00/class

2. Fully executed purchase orders shall serve as the necessary contract documentation between the parties hereto.

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

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

- a) Chief Financial Officer
- b) Township Attorney
- c) Purchasing Division
- d) Recreation Dept.
- e) Craig Lyons, Ice Rink Manager
- f) All Aforementioned Instructors

CERTIFICATION

THIS IS TO CERTIFY that the funds for the ice skating instructors for Calendar Year 2016, for the Winding River Ice Skating Center with:

- a) Anna Brodetsky
\$23.00/class
- b) Debbie Blair
\$23.00/class
- c) Kaaren Finberg
\$23.00/class
- d) Ashley Nasti
\$19.00/class
- e) Jackie Martin
\$23.00/class
- f) Darya Daunarovich
\$20.00/class
- g) Viviana Mathis

- \$19.00/class
- h) Dana Piliere
- \$17.00/class,

on a per class basis, in the total maximum amount of contracts not to exceed \$6,000.00, are available in Account No. 6-31- -147-534, contingent upon adoption of the 2016 budget.

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

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: January 26, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A JOINT PURCHASING AGREEMENT WITH THE COUNTY OF OCEAN FOR THE SHARING OF THE SUMMER CONCERT SERIES FOR 2016 – WITH MUSIC MANAGEMENT ASSOCIATES C/O FRANK HUGHES IN THE AMOUNT NOT TO EXCEED \$8,881.00, FOR SEVEN (7) CONCERTS WITH VARIOUS BANDS, AND WITH THE BRIARTONES IN THE AMOUNT NOT TO EXCEED \$500.00, FOR ONE (1) CONCERT, FOR A TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$9,381.00 (THE TOWNSHIP’S PORTION)

JANUARY 26, 2016

WHEREAS, every year, the County of Ocean sponsors a Summer Concert Series, with the Township of Toms River paying a share of the costs; and

WHEREAS, in order to sponsor the Summer Concert Series, it is necessary to retain musicians for the concert events; and

WHEREAS, the County of Ocean desires to retain Music Management Associates c/o Frank Hughes and The Briartones to perform at the concerts; and

WHEREAS, the bands - Music Management Associates c/o Frank Hughes and The Briartones, have been performing the concert series for the County and the Township for many years, and have proven reputations as well as past performance of the musicians; and

WHEREAS, the amount of \$8,881.00 for Music Management Associates c/o Frank Hughes and \$500.00 for The Briartones, are the amounts for the Township’s annual portion of the Summer Concert Series - 2016;

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

1. Pursuant to N.J.S.A. 40A:11-10(a)(1), which authorizes a joint agreement for the provision and performance of goods and services, it hereby authorizes a joint agreement for services with the County of Ocean for the sharing of the Concert Series costs for 2016 in the total maximum not to exceed \$9,381.00 (the Township’s portion).

2. It hereby authorizes payment to Music Management Associates c/o Frank Hughes in the amount of \$8,881.00 for seven (7) concerts with various bands, and The Briartones in the amount of \$500.00 for one (1) concert, to perform the 2016 Summer Concert Series, sponsored by the County of Ocean and the Township of Toms River.

Funds in the total maximum amount not to exceed \$9,381.00, (the Township's portion), are available in Account No. 6-01- -G76-535, contingent upon the availability of funds and adoption of the CY2016 budget. The certification of funds availability statement with respect to this resolution is on file in the Office of the Township Clerk.

3. Fully executed purchase orders shall serve as the necessary contract documentation between the parties hereto.

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

- y
- a) Township Attorne
 - b) Chief Financial Officer
 - c) Purchasing Division
 - d) Recreation Department
 - e) County of Ocean
P.O. Box 2191
Toms River, NJ 08754
Attn: Debbie Weber
 - f) Music Management Associates
c/o Frank Hughes
18C Dixie Lane
Jackson, NJ 08527
 - g) The Briartones
c/o Charlotte Vineberg
1 Kensington Circle
Toms River, NJ 08753

CERTIFICATION

THIS IS TO CERTIFY that the funds for the joint purchasing agreement with the County of Ocean for the 2016 Summer Concert Series, with Music Management Associates c/o Frank Hughes in the amount not to exceed \$8,881.00, and The Briartones in the amount not to exceed \$500.00, for a total combined maximum amount not to exceed \$9,381.00 (the Township's portion), are available in Account No. 6-01- -G76-535, contingent upon availability of funds and the adoption of the CY16 budget.

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

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: January 26, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN OPEN-ENDED
CONTRACT FOR THE SUPPLY OF MOTOR OILS, ANTIFREEZE, GREASES AND
LUBRICANTS, TO LUBENET LLC, PRIME LUBE INC., AND CRAFT OIL CORP. D/B/A
PETRO CHOICE, AS LOWEST RESPONSIBLE/RESPONSIVE BIDDERS FOR EACH ITEM**

JANUARY 26, 2016

WHEREAS, bids were invited on November 6, 2015 for the Supply of Motor Oils, Antifreeze, Greases and Lubricants; and

WHEREAS, bids were received, as follows:

Lubenet LLC
135 Morgan Avenue
Brooklyn, NY 11237

Prime Lube Inc.
800 Roosevelt Avenue
Carteret, NJ 07008

Craft Oil Corp.
d/b/a Petro Choice
837 Cherry Street
Avoca, Pennsylvania 18641

WHEREAS, the bids have been reviewed by the Purchasing Division and the Department of Public Works, and they have recommended that an open-ended contract be awarded to the lowest responsible/responsive bidder for each item, as follows:

Lubenet LLC – Item Nos.: 5C, 6B, 6C, 6D, 8A, 14A, 15A, and 26A.

Prime Lube Inc. – Item Nos.: 1A, 1B, 4A, 5A 5B, 6A, 8A, 9A, 10A, 13A, 14B, 16A, 18A, 20A, 20B, 21A, 21B, 21C, 22A, 22B, 23A, 24A, 24B, 24C, and 25A.

Craft Oil Corp d/b/a Petro Choice - Item Nos. 2A, 2B, 3A, 3B, 5D, 7A, 9B, 9C, 11A, 12A, 12B, 13B, 15B, 17A, 17B, 19A, 26B, and 27A;

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

1. It hereby awards an open-ended contract for the Supply of Antifreeze, Motor Oils, Greases and Lubricants, to the lowest responsible/responsive bidder for each item, as follows:

Lubenet LLC – Item Nos.: 5C, 6B, 6C, 6D, 8A, 14A, 15A, and 26A.

Prime Lube Inc. – Item Nos.: 1A, 1B, 4A, 5A 5B, 6A, 8A, 9A, 10A, 13A, 14B, 16A, 18A, 20A, 20B, 21A, 21B, 21C, 22A, 22B, 23A, 24A, 24B, 24C, and 25A.

Craft Oil Corp d/b/a Petro Choice - Item Nos. 2A, 2B, 3A, 3B, 5D, 7A, 9B, 9C, 11A, 12A, 12B, 13B, 15B, 17A, 17B, 19A, 26B, and 27A.

Term of Contracts: Date of Award through August 21, 2016. 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 certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of these contracts are subject to all terms and conditions of the bid specifications.

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) Police Department
- f) Office of Emergency Management
- g) Parks, Buildings & Grounds
- h) Aforementioned bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contracts awarded to Lubenet LLC, Prime Lube Inc., and Craft Oil Corp. d/b/a Petro Choice, 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.

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: January 26, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO ADVERTISE FOR AND RECEIVE BIDS FOR EMERGENCY POWER GENERATORS, AUTOMATIC TRANSFER SWITCH – MAINTENANCE, REPAIR & MONITORING SYSTEMS FOR VARIOUS TOWNSHIP FACILITIES

JANUARY 26, 2016

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

EMERGENCY POWER GENERATORS, AUTOMATIC TRANSFER SWITCH – MAINTENANCE, REPAIR & MONITORING SYSTEMS FOR VARIOUS TOWNSHIP FACILITIES

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN OPEN-ENDED CONTRACT FOR THE SECOND AND FINAL EXTENSION OF THE EXISTING CONTRACT FOR SERVICE AND REPAIRS TO EMERGENCY VEHICLES FOR THE OFFICE OF EMERGENCY MANAGEMENT AND OTHER DEPARTMENTS, AS NEEDED, WITH FIRST PRIORITY EMERGENCY VEHICLES, INC.

JANUARY 26, 2016

WHEREAS, resolution of the Township Council dated February 25, 2014, authorized the award of an open-ended contract for Service and Repairs to Emergency Vehicles for the Office of Emergency Management and Other Departments, As Needed,

to First Priority Emergency Vehicles, Inc., at the Hourly Rate of \$72.50 and the Bidder's Cost + Mark Up of 20.00%, for a term commencing from date of award by resolution of the Township Council through twelve (12) consecutive months; and

WHEREAS, resolution of the Township Council dated January 29, 2015, authorized the first extension of the existing contract with First Priority Emergency Vehicles, Inc., for Service and Repairs to Emergency Vehicles for the Office of Emergency Management and Other Departments, As Needed, effective February 25, 2015 through February 24, 2016, at the Hourly Rate of \$72.50 and the Bidder's Cost + Mark Up of 20.00%; and

WHEREAS, the terms of the original contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15(45), which allows for the contract to be extended for up to two (2) additional one (1) year contract terms upon expiration of the original contract, contingent upon the approval of the governing body by resolution with the agreement of the Contractor; and

WHEREAS, it is in the best interest of the Township of Toms River to extend the contract with First Priority Emergency Vehicles, Inc., for the second and final one (1) year extension of the existing contract with First Priority Emergency Vehicles, Inc., pursuant to the Local Public Contracts Law, at the Hourly Rate of \$72.50 and the Bidder's Cost + Mark Up of 20.00%, effective February 25, 2016 through February 24, 2017;

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

1. It hereby authorizes the second and final one (1) year extension of the existing contract with First Priority Emergency Vehicles, Inc., for Service and Repairs to Emergency Vehicles for the Office of Emergency Management and Other Departments, As Needed, effective February 24, 2016 through February 25, 2017, at the Hourly Rate of \$72.50 and the Bidder's Cost + Mark Up of 20.00%.

2. The extended contract will be an open-ended contract with funds being encumbered each time a request for service is placed, contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract extension is subject to all the terms and conditions of the original contract award.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Office of Emergency Management
- e) Police Department
- f) First Priority Emergency Vehicles, Inc.
2444 Ridgeway Blvd.
Manchester, NJ 08759

CERTIFICATION

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

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

Dated: January 26, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING EXTENSION OF THE CONTRACT WITH
O'BRIEN'S RESPONSE MANAGEMENT, INC., USING STATE CONTRACT NO. T-2686,
VENDOR NO. 78189, FOR FEMA SERVICES/DATABASE DOCUMENTATION, THROUGH
DECEMBER 31, 2016, CAUSED BY HURRICANE SANDY, WHICH CONTRACT WAS
AWARDED BY RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY, NEW JERSEY ON NOVEMBER 16, 2012, AND AMENDED
AND EXTENDED BY RESOLUTION DATED APRIL 28, 2015
(FUNDS ARE SUBJECT TO FEMA REIMBURSEMENT)**

JANUARY 26, 2016

WHEREAS, Hurricane Sandy, which struck the New Jersey Coast on October 28, and 29, 2012, caused extensive damage throughout the Township; and

WHEREAS, on October 27, 2012, Governor Christie declared a state of emergency; and

WHEREAS, the damage caused by Hurricane Sandy necessitated emergency expenditures for products and services required for the recovery efforts; and

WHEREAS, a resolution of the Township Council dated November 16, 2012 awarded an Emergency Contract to O'Brien's Response Management – State of New Jersey Contract No. T-2686, Vendor Contract No. 78189, for FEMA Database Documentation (FEMA filing coordination); and

WHEREAS, resolution of the Township Council dated April 28, 2015, amended and extended the contract with O'Brien's Response Management, Inc., for assistance with FEMA Database Documentation; and

WHEREAS, the extended contract will remain in effect through December 31, 2016. The total amount of the contract will remain unchanged; and

WHEREAS, funds are subject to FEMA reimbursement; and

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

1. It hereby authorizes an amended contract with O'Brien's Response Management, Inc., using State Contract No. T-2686, Vendor No. 78189, extending the contract in effect through December 31, 2016. Funds are available in Account No. X-99- -906-018, and are subject to FEMA reimbursement. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

2. The total amount of the contract will remain unchanged. No additional monies are required with this resolution. All other terms and conditions of the original resolution dated November 16, 2012 shall remain unchanged and in full force and effect.

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

- a) Business Administrator
- b) Township Attorney
- c) Chief Financial Officer
- d) Purchasing Division
- e) Office of Emergency Management

- f) Public Works Department
- g) Parks, Buildings & Grounds
- h) Township Engineer
- i) O'Brien's Response Management, Inc.
103 Morgan Lane
Suite 103
Plainsboro, NJ 08536

CERTIFICATION

THIS IS TO CERTIFY that the funds for the joint purchasing agreement with the County of Ocean for the 2016 Summer Concert Series, with Music Management Associates c/o Frank Hughes in the amount not to exceed \$8,881.00, and The Briartones in the amount not to exceed \$500.00, for a total combined maximum amount not to exceed \$9,381.00 (the Township's portion), are available in Account No. 6-01- -G76-535, contingent upon availability of funds and the adoption of the CY16 budget.

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

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: January 26, 2016

**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 \$16,890.90), RELEASING PERFORMANCE BOND, AND ACCEPTANCE OF
MAINTENANCE BOND, FOR THE CLOSEOUT OF THE SUPERSTORM SANDY
REPAIRS TO BAYSIDE PARK PROJECT**

JANUARY 26, 2016

WHEREAS, resolution of the Township Council dated August 26, 2014, awarded a contract to Down to Earth Landscaping, Inc., as low bidder meeting all the specifications, for the Superstorm Sandy Repairs to Bayside Park Project, in the amount not to exceed \$551,145.00; and

WHEREAS, resolution of the Township Council dated December 9, 2014, authorized Change Order No. 1 to the contract with Down to Earth Landscaping, Inc., for the addition of various upgrades to non-damaged portions of Bayside Park to the base contract entitled "Superstorm Sandy Repairs to Bayside Park", in the additional amount of \$91,171.60; and

WHEREAS, the contractor retained for the Superstorm Sandy Repairs to Bayside Park 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) Change Order No. 2 – Final – Executed by the contractor for a reduction in the amount of \$16,890.90.

b) Original Maintenance Bond No. S294416 with Down to Earth Landscaping, Inc., as Principal and NGM Insurance Company, as Surety.

WHEREAS, Change Order 2 – to the contract with Down to Earth Landscaping, Inc., to wit:

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

This change is to add gate that was damaged from storm. Changes to various unit price quantities – net reduction.

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	(\$18,140.90)
Total Extras This C.O.	\$ 1,250.00	X
Total Supplementary This C.O.	X	X
Total This C.O.	\$ 1,250.00	(\$18,140.90)
Previous Change Orders	\$91,171.60	X
Total Change Orders to Date:	\$92,421.60	(\$18,140.90)
Total Change in Contract	\$74,280.07	
ORIGINAL CONTRACT BID PRICE:	\$551,145.00	
NEW CONTRACT PRICE:	\$625,425.70	

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 Superstorm Sandy Repairs to Bayside Park Project, approval of Change Order No. 2 - Final, releasing Performance Bond, and acceptance of Maintenance Bond

2. All retainages have been released and project paid in full.

3. 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) Down to Earth Landscaping, Inc.
705 Wright Debow Road
Jackson, NJ 08527

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 ENTER INTO AN AGREEMENT WITH MONMOUTH WIRE AND COMPUTER RECYCLING, INC., FOR RECYCLING SERVICES FOR THE RECYCLING AND DISPOSAL OF ELECTRONICS RECEIVED AT THE MUNICIPAL RECYCLING CENTER

JANUARY 26, 2016

WHEREAS, the Township of Toms River is in need of recycling services for the recycling and disposal of electronics received at the Municipal Recycling Center for the Department of Public Works; and

WHEREAS, pursuant to the Local Public Contracts Law of the State of New Jersey, N.J.S.A. 40A:11-5(1)(s), and certain recycling laws that have been put into effect within the State of New Jersey, which have been imposed on all municipalities by the Department of Environmental Protection, the award of this agreement is exempt from public bidding requirements; and

WHEREAS, proposals were received on December 22, 2015, as follows:

SAMR Inc.
1950 Rutgers University Blvd.
Lakewood, NJ 08701

Unit Price Per Pound for Pickup in Toms River: \$0.23
Unit Price Per Pound Delivery to Vendor: \$0.18

Monmouth Wire and Computer Recycling, Inc.
3250 Shafto Road
Tinton Falls, NJ 07753

Unit Price Per Pound for Pickup in Toms River: \$0.09/lb. for total net weight
Unit Price Per Pound Delivery to Vendor: \$0.08/lb. for total net weight

Electronics Recyclers International, Fresno, CA 93711, was non-responsive.

WHEREAS, the Department of Public Works has recommended that a contract be awarded to Monmouth Wire and Computer Recycling, Inc.; and

WHEREAS, Monmouth Wire and Computer Recycling, Inc. has the necessary means for the recycling and disposal of electronics received at the Municipal Recycling Center; and

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

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to an agreement with Monmouth Wire and Computer Recycling, Inc., for the recycling and disposal of electronics received at the Municipal Recycling Center, as follows:

Monmouth Wire and Computer Recycling, Inc.
3250 Shafto Road
Tinton Falls, NJ 07753

Unit Price Per Pound for Pickup in Toms River: \$0.09/lb. for total net weight
Unit Price Per Pound Delivery to Vendor: \$0.08/lb. for total net weight

2. Term of Agreement: Date of Award by resolution of the Township Council through December 31, 2016.

3. This agreement may be terminated at any time, by either party, upon thirty (30) days written notification.

4. This contract is awarded without competitive bidding as a "recycling service" in accordance with N.J.S.A. 40A:11-5 (1)(s) of the Local Public Contracts Law of New Jersey, and is exempt from public bidding requirements.

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

budget. The award of this contract is subject to all the terms and conditions of the bid specifications.

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

7. 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) Public Works Department
- c) Chief Financial Officer
- d) Purchasing Division
- e) SAMR Inc.
1950 Rutgers University Blvd.
Lakewood, NJ 08701
- f) Monmouth Wire and Computer Recycling, Inc.
3250 Shafto Road
Tinton Falls, NJ 07753
- g) Electronic Recyclers International
7815 N. Palm Avenue
Fresno, CA 93711

CERTIFICATION

THIS IS TO CERTIFY that the contract with Monmouth Wire and Computer Recycling, Inc., will be open-ended, with funds being encumbered each time an order is placed, contingent upon availability in the applicable municipal budget, as follows:

Unit Price Per Pound for Pickup in Toms River: \$0.09/lb. for total net weight
Unit Price Per Pound Delivery to Vendor: \$0.08/lb. for total net weight

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.

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: January 26, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, REJECTING BIDS RECEIVED FOR EMPLOYEE ASSISTANCE PROGRAM SERVICES, AUTHORIZATION TO SUBSTANTIALLY REVISE THE SPECIFICATIONS, AND AUTHORIZING REBID OF THIS SERVICE

JANUARY 26, 2016

WHEREAS, bids were invited on January 12, 2016 for Employee Assistance Program Services; and

WHEREAS, bids were received, as follows:

MHN A Health Net Company
21281 Burbank Blvd.

Woodland Hills, CA 91367

ComPysch Corporation
455 North Cityfront Plaza Drive
Chicago, IL 60611

Deer Oaks EAP Services
126 E. Main Plaza, Ste. 8
San Antonio, TX 78205

MaxWell EAP, LLC
3231 Circle Drive
Hopkinsville, KY 42240

E4 Health, Inc.
105 Decker Court, Suite 475
Irving, Texas 75062

Princeton Healthcare Systems
1000 Herrontown Road
Princeton, NJ 08540

WHEREAS, the bids have been reviewed by the Purchasing Division, Human Resources and the Division of Law, and recommendation has been made to reject all bids received, in the interest of the Township, and substantially revise the specifications, pursuant to N.J.S.A. 40A:11-13.2(d);

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 rejects the above-mentioned bids received, in the best interest of the Township.
2. It hereby authorizes the Purchasing Division to substantially revise the specifications for this project, pursuant to N.J.S.A. 40A:11-13.2(d).
3. The appropriate Township Officials are hereby authorized to advertise for rebid of this project.
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) Human Resources
 - e) Aforementioned bidders

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CONTRACT TO VENDOR WITH STATE CONTRACT, BEYER FORD, FOR THE PURCHASE OF ONE (1) REPLACEMENT 2016 FORD EXPLORER, FOR THE BUILDING DEPARTMENT, FROM STATE CONTRACT NO. T-2007, VENDOR NO. 83013, IN THE TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$24,865.50

JANUARY 26, 2016

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

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

2. Contract for the Purchase of One (1) 2016 Ford Explorer K8B, 4 Door, 4X4 Replacement Vehicle for the Building Department from Beyer Ford, State Contract No. T-2007, Vendor No. 83013, in the total maximum amount of \$24,708.00 base price, with Additional Options, as listed below, in the amount of \$157.50, for a total purchase price not to exceed \$24,865.50.

DESCRIPTION OF VEHICLE TO BE PURCHASED:

2016 Ford Explorer K8B, 4 Door, 4 X 4

Base Price: \$24,708.00

Additional Options:	Option Cost	10% Discount	Total
Exterior Color: Oxford White	\$ 0.00		\$ 0.00
16N All Weather Floor Mats	\$ 75.00	\$ 7.50	\$ 67.50
85W Rear Cargo Well Protector	\$100.00	\$10.00	\$ 90.00
Total Options:			\$ 157.50

TOTAL VEHICLE PURCHASE PRICE: \$24,865.50

Contract With: 170 Ridgedale Avenue
 Morristown, NJ 07962
 Beyer Ford
 State Contract No. T-2007
 Vendor No. 83013
 Maximum Amount: \$24,865.50
 Account No. 6-01- -C55-552

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) Police Department
- f) Laurie Knemoller, Clerk's Office
- g) Beyer Ford
 170 Ridgedale Avenue
 Morristown, NJ 07962

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract for vendor with State contract, Beyer Ford, in the total maximum contract amount not to exceed \$24,865.50, are available in Account No. 6-01- -C55-552.

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.

Dated: January 26, 2016

RESOLUTION IMPOSING CHARGES INCURRED UNDER SECTION 111 OF THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE AS A LIEN ON REAL PROPERTY, AND DIRECTING THE TAX COLLECTOR TO COLLECT THESE COSTS, AND IMPOSE INTEREST ON UNPAID COSTS, IN THE SAME MANNER AS PROVIDED FOR IN THE COLLECTION OF REAL ESTATE TAXES IN THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY

JANUARY 26, 2016

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

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

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

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

1) The Township Council determines the Certification of Costs as set forth as Schedule "A" to be accurate.

2) The Tax Collector is authorized and directed to collect the costs listed on the Certification of Costs. The amount shown on the Certification of Costs shall be charged, become, and form part of the real estate taxes next to be assessed and levied upon such property, and shall bear interest at the same rate as real property taxes, and shall be collected and enforced in the same manner as provided for in the collection of real property taxes.

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

- a) Mayor Thomas F. Kelaher
- b) Paul Shives, Business Administrator
- c) Christine Manolio, Chief Financial Officer
- d) Carl Dileo, Tax Collector
- e) Kenneth B. Fitzsimmons, Township Attorney
- f) John Winton, Housing & Property Maintenance
- g) Craig Ambrosio, Director, Parks, Buildings & Grounds
- h) First Financial FCU
1800 Rte. 34 N., Bldg. 3, #302
Wall, NJ 07719
- i) Colucci, Julia
1842 Skiff Court
Toms River, NJ 08753
- j) 3343 Windsor Avenue LLC
3247 Windsor Avenue
Toms River, NJ 08753
- k) Standler, Constance
922 Raleigh Drive
Toms River, NJ 08753
- l) Rodriguez, Manuel
2322 Adams Avenue
Toms River, NJ 08753
- m) Kessler, Dan & J & J Kessler

SCHEDULE "A"

CERTIFICATION OF COSTS

	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TOTAL</u>
1.	383	5	922 Raleigh Drive	\$1316.70
2.	528.03	2	2 Chestnut Hill Drive	\$919.80
3.	1082.16	58	2322 Adams Avenue	\$898.00
4.	1462.12	23	1842 Skiff Court	\$1337.70
5.	442.48	1	501 San Juan Drive	\$1162.20
6.	1108.13	48	3343 Windsor Avenue	\$386.00

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE FIRST EXTENSION OF AN OPEN-ENDED, ONE (1) YEAR CONTRACT WITH GRASS ROOTS TURF PRODUCTS, INC., FOR GOLF SUPPLIES – PAR AIDE AND STANDARD GOLF CATALOGS FOR THE BEY LEA GOLF COURSE

JANUARY 26, 2016

WHEREAS, resolution of the Township Council dated March 25, 2014 authorized the award of a contract for Golf Supplies – Par Aide and Standard Golf Catalogs for the Bey Lea Golf Course to Grass Roots Turf Products, Inc., for a one (1) year term, effective March 25, 2016 through March 24, 2017; and

WHEREAS, the terms of the original contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15 (45), which allows for the contract to be extended for up to two (2) additional one (1) year terms upon expiration of the original contract; and

WHEREAS, Grass Roots Turf Products, Inc., has agreed to extend their current contract for Golf Supplies – Par Aide and Standard Golf Catalogs for the Bey Lea Golf Course for a one (1) year term, commencing March 25, 2016 through March 24, 2017, under the same terms and conditions as the original contract; and

WHEREAS, it is in the best interest of the Township to extend the contract with Grass Roots Turf Products, Inc., pursuant to the Local Public Contracts Law, for an additional one (1) year period, commencing March 25, 2016 through March 24, 2017, under the same terms and conditions and conditions as the original contract :

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

1. It hereby authorizes the first extension of the contract with Grass Roots Turf Products, Inc., for Golf Supplies – Par Aide and Standard Golf Catalogs for the Bey Lea Golf Course, for a one (1) year term, commencing March 25, 2016 through March 24, 2017, under the same terms and conditions as the original contract.

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Bey Lea Golf Course
- e) Grass Roots Turf Products, Inc.
4 Middlebury Boulevard
Suite 7
Randolph, NJ 07869

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended, first one year extension of the contract with Grass Roots Turf Products, Inc., are contingent upon the availability of funds in the appropriate municipal budget.

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: January 26, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, PERMITTING THE GREEN TEAM ADVISORY COMMITTEE TO SUBMIT APPLICATIONS FOR FUNDING TO THE SUSTAINABLE JERSEY PROGRAM

JANUARY 26, 2016

WHEREAS, the Township Council of the Township of Toms River, created the Green Team Advisory Committee (Green Team) through resolution adoption on June 26, 2012; and

WHEREAS, the Green Team is eligible to apply for the 2016 Sustainable Jersey Small Grant funding for the implementation of green actions that lead to certification; and

WHEREAS, matching funds are not required from the Township of Toms River; and

WHEREAS, the 2016 Sustainable Jersey Small Grants Program permits the Green Team to apply for a \$2,000.00 operating and educational grant and a \$10,000.00 or \$20,000.00 grant for implementation of a Community Garden and other green actions; and

WHEREAS, the Green Team has identified the main project for the larger grant as a Community Garden and will submit for the \$10,000.00 or \$20,000.00 grant and also for the \$2,000.00 grant;

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 grants the Green Team Advisory Committee permission to submit two applications for grant funding for the 2016 Sustainable Jersey Small Grants Program.

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

- a) Mayor Thomas Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Township Planner
- g) Erika Stahl, Assistant Township Planner
- h) Green Team Advisory Committee

R E S O L U T I O N

January 26, 2016

WHEREAS, the Mayor has made the following nominations for School Crossing Guards and the Council has considered same and consents;

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 following persons be and they are hereby appointed SCHOOL CROSSING GUARDS of the Township of Toms River Police Department for the year 2016:

SCHOOL CROSSING GUARD APPOINTMENTS 2016:

Kathleen Brew
18 Woodridge Ave
Toms River, NJ 08755

Bob Whritenour
1000 Crystal Dr
Toms River, NJ 08753

Gail Renkin
1863 Monitor Dr
Toms River, NJ 08753

Frank Minor
44 Daisy Rd
Toms River, NJ 08753

Helen Solly
13 Raymond Ave
Toms River, NJ 08753

Anita Williamson
283 Aldo Dr
Toms River, NJ 08753

Kathleen Goode
1449 Colorado Dr
Toms River, NJ 08753

Paula Carolan
4 Vincent St
Toms River, NJ 08753

Dolores Haring
12 Tivoli St
Toms River, NJ 08757

Carol Chadwick
1130 Dove St
Toms River, NJ 08753

Sandra Bonassisa
12 Pine Tree Rd
Toms River, NJ 08753

Susan Wong
2484 Polhemus Rd
Toms River, NJ 08753

John Reilly
57 12th Street
Toms River, NJ 08753

Christine Thompson
PO Box 881
Toms River, NJ 08754

Elizabeth Ciriello
523 Vine Street
Toms River, NJ 08753

Sharon Flanagan
4 Cherry Ct
Toms River, NJ 08753

Lori Moniz
7 Kirkwood Ct
Toms River, NJ 08757

Susan Desiderio
219 Alabama Ave
Toms River, NJ 08753

John Minelli
18 Santo Domingo Dr
Toms River, NJ 08757

Donna Moore
305 Bent Trail
Toms River, NJ 08753

Richard Maurer
2300-2 Massachusettes Ave
Toms River, NJ 08753

Cathleen Keller
2413 5th Ave
Toms River, NJ 08753

William Agresta
207 Dayton Ave
Toms River, NJ 08753

Michael Warren
854 Paul Drive
Toms River, NJ 08753

Salvatore Graziano
37 Kim Court
Toms River, NJ 08755

Alice Worth
119 Silverwood Ct

Toms River, NJ 08753

Substitute crossing guards:

Dawn Rotella
1344 Mizzen Ave
Beachwood, NJ 08722

Erin DiGiantomasso
93 Circle Drive
Toms River, NJ 08753

Irene Olivier
54 Oak Hill Dr
Toms River, NJ 08753
Lorraine Varhola
559 Roosevelt Ave
Toms River NJ 08753

Michael Penner
21 Fairway Dr
Toms River, NJ 08753

David Lachenauer
225 Bash Rd
Toms River, NJ 08753

William Capraun
254 Alabama Ave
Toms River, NJ 08753

Substitute crossing guards:

Wade Elms
812 Holly Blvd
Bayville, NJ 08721

Ronald Ferri
2024 Yorktown Blvd.
Toms River, NJ 08753

Kevin Downing
129 Spray Ave
Beachwood, NJ 08722

Mario Majchrowski
16 Tuyahov Blvd
Toms River, NJ 08755

2. No fee shall be charged to said appointees for said certificates of appointment.

3. No appointee shall carry a revolver or other weapon while performing the duties herein created.

4. Each appointee shall present himself/herself before the Township Clerk and take the Oath of Office before the appointments created hereby shall become effective.

5. Township Clerk shall send a certified copy of this resolution to each of the following:

- a. Each appointee listed above
- b. Police Department
- c. Township Attorney
- d. Township Chief Financial Officer
- e. Personnel Office
- f. Office of the Township Council
- g. Office of the Mayor

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 LINDAS PIZZA, BLOCK 1501.10, LOT 6 (902 FISCHER BLVD)

January 26, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Linda's Pizza, Block 1501.10, Lot 6.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$11,700.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$585.00 which represents the required initial 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 Linda's Pizza, 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.
- 3) Township Clerk shall send a certified copy hereof to each of the following:
 - a. Township Engineer
 - b. Chief Financial Officer
 - c. Township Attorney
 - d. RC Shea & Associates
244 Main Street
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS BAY BREEZE CONDOMINIUMS, BLOCK 1097.54, LOT 49 & 50 (BAY BOULEVARD)

January 26, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Bay Breeze Condominiums, Block 1097.54, Lot 49 & 50.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,600.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$500.00 which represents the required initial 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 Bay Breeze Condominiums, 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.
- 3) Township Clerk shall send a certified copy hereof to each of the following:
 - a. Township Engineer
 - b. Chief Financial Officer
 - c. Township Attorney
 - d. MA Urgola Enterprises Inc.
503 Valley Brook Avenue
Lyndhurst, NJ 07071

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS BLOCK 170, LOT 8.02 (1856 Route 9)

January 26, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as 1856 Route 9 Associates, LLC, Block 170, Lots 8.02.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond # CT021455 in the amount of \$192,600.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$21,400.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$4,458.03 which represents the required initial 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 1856 Route 9 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.
- 3) Township Clerk shall send a certified copy hereof to each of the following:
 - a. Township Engineer
 - b. Chief Financial Officer
 - c. Township Attorney
 - d. 1856 Route 9 Associates, LLC
1856 Route 9
Toms River, NJ 08755

RESOLUTION AUTHORIZING RAFFLE EVENT SCHEDULED FOR SUNDAY MARCH 20, 2016 PLEASANT PLAINS VOL. FIRE DEPT.

JANUARY 26, 2016

WHEREAS, the Township of Toms River has adopted an Ordinance Amending and Supplementing Chapter 321 (Games of Chance) of the “Code of the Township of Toms River, New Jersey”; and

WHEREAS, the ordinance provides for permitting the conducting of Games of Chance on Sunday provided that same is authorized by the Governing body, pursuant to N.J.A.C. 13:47-8.8; and

WHEREAS, Pleasant Plains Vol. Fire Dept. has applied to hold their on premise merchandise and 50/50 raffle event for March 20, 2016 (Sunday), and to conducted their on premise raffle event, due to prior scheduling, has been on the calendar of events for the year 2016; and

WHEREAS, the Pleasant Plains Vol. Fire Dept. on premise merchandise and 50/50 raffle event cannot be rescheduled due to conflicts;

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

1. It hereby approves of Pleasant Plains Vol. Fire Dept. On Premise merchandise and 50/50 raffle scheduled for March 20, 2016.
2. A Certified copy of this resolution shall be provides by the Office of the Township Clerk to each of the following:
 - a) Mayor
 - b) Attorney
 - c) Township Clerk
 - d) Business Administrator
 - e) Township Council
 - f) Michael Mastronardy, Chief of Police
Pleasant Plains Vol. Fire Dept.
40 Clayton Ave
Toms River, NJ 08753

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT FOR ROOFING/ROOF CONSULTATION SERVICES TO COFFEY BROTHERS, INC., AS LOWEST RESONSIBLE OVERALL BIDDER, FOR A TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$400,000.00 OVER TWO (2) YEARS

TO BE TABLED TO THE COUNCIL MEETING ON FEBRUARY 23, 2016.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, DETERMINING THE NEED FOR A PROPOSED 50 UNIT AFFORDABLE RENTAL HOUSING DEVELOPMENT PROJECT TO

BE LOCATED ON BLOCK 166, LOT 15.02

JANUARY 26, 2016

TO BE TABLED TO THE NEXT COUNCIL MEETING ON FEBRUARY 9, 2016.

A motion was made by Council Member Wittmann, seconded by Council Member Carr, and carried with Council Members Carr, Hill, Maruca, Wittmann, and Council President Kubielski voting yes, and with Council Member Manforti absent, to approve the following Resolution.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, APPROVING TAX ABATEMENT FOR A PROPOSED 50 UNIT AFFORDABLE RENTAL HOUSING DEVELOPMENT PROJECT TO BE LOCATED ON BLOCK 166, LOT 15.02

JANUARY 26, 2016

TO BE TABLED TO THE NEXT COUNCIL MEETING ON FEBRUARY 9, 2016.

A motion was made by Council Member Wittmann, seconded by Council Member Carr, and carried with Council Members Carr, Hill, Maruca, Wittmann, and Council President Kubielski voting yes, and with Council Member Manforti absent, to approve the following Resolution.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A DEVELOPERS AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND NOBILITY CREST AT DOVER, LLC (DEVELOPER), IN CONNECTION WITH PROPERTY KNOWN AFTER SUBDIVISION APPROVAL AS BLOCK 166, LOTS 3.01 AND 15.02, CONCERNING THE CONSTRUCTION OF 200 TOWNHOME-CONDOMINIUM UNITS AND 50 AFFORDABLE RENTAL HOUSING UNITS IN A PROJECT KNOWN AS RIVERWOOD CHASE

JANUARY 26, 2016

TO BE TABLED TO THE NEXT COUNCIL MEETING ON FEBRUARY 9, 2016.

REPORTS

A motion was made by Council Member Maruca, seconded by Council Member Wittmann, and carried with Council Members Carr, Hill, Kubielski, Maruca, Wittmann, and Council President Kubielski voting yes, and with Council Member Manforti absent, to approve the following Reports.

1. **Bey Lea Golf Course- December 2015- \$58,721.31**
2. **Bey Lea Golf Course 2015 Revenue: \$1,255,945.13**
3. **Clerk's Office- December 2015- \$2,269.15**
4. **Youth Services- December 2015- \$7,600.0**
5. **Winding River Ice Rink- December 2015- \$101,586.10**
6. **Permits & Inspections Office- December 2015- \$346,864.00**
7. **Winding River Ice Rink 2015 Revenue: \$987,811.92**

APPROVAL OF BILLS

Council President Kubiell asked for a report on the bills.

The Bill List, dated **January 22, 2016** was approved on motion by Council Member Maruca, seconded by Council Member Carr, and carried with Council Members Hill, Maruca, Sevastakis, Wittmann, and Council President Kubiell voting yes, and with Council Member Manforti absent. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 15-06172, payable to Community Medical Center in the amount of \$950.00.

Purchase Order 15-06722, payable to Melissa Masterson in the amount of \$398.35.

Purchase Order 16-00170, payable to Toms River Bureau of Fire in the amount of \$42,605.00.

Purchase Order 15-06720, payable to Christopher Gillich in the amount of \$500.00.

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

Purchase Order 16-00289, payable to Board of Education-Toms River Schools in the amount of \$10,465,987.75.

Purchase Order 15-06172, payable to Community Medical Center in the amount of \$950.00.

Purchase Order 15-03700 & 15-06569, payable to Heartwood Ecological Consultant in the amount of \$743.5.

Purchase Order 15-06483, payable to Ocean County Board of Health in the amount of \$3,183.00.

Purchase Order 15-06945, 15-06951, 16-00087, 16-00088, & 16-00089, payable to Owen, Little and Associates in the amount of \$21,108.00.

Purchase Order 16-00015, 16-00223, 16-00136 & 16-00175, payable to Saint Luke's Church in the amount of \$1,680.00.

Purchase Order 16-00015, 16-00223, 16-00136 & 16-00175, payable to Toms River Schools in the amount of \$8,460.00.

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

Purchase Order 16-00019 & 15-06927, payable to New Jersey Motor Vehicle Commission in the amount of \$210.00.

Purchase Order 16-00015, 16-00223, 16-00136 & 16-00175, payable to FY16 New Jersey Motor Vehicle Lease in the amount of \$7,267.50.

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

Purchase Order 15-06295, payable to Shea & Associates in the amount of \$1,000.00.

ELECTED OFFICIALS COMMENTS

Councilman Wittmann spoke regarding the recent snow storm and Township response regarding snow removal and condition of dunes.

Councilman Carr had no comments.

Mayor Kelaher spoke regarding meeting with DEP Commissioner Martin and potential State aid regarding beach restoration, and Department of Public Works snow storm response.

Councilwoman Maruca spoke regarding snowstorm response by Township; private beach easements, and congratulations to Toms River Police Department.

Councilman Hill congratulated Toms River Police Department; slowness in State in restoring beaches in New Jersey and cost to taxpayers; beach access and no fee for veterans and dependents regarding same and need for municipal ordinance; and Route 9 highway improvements.

Councilman Kubiel spoke regarding snow removal.

PUBLIC COMMENTS

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

Martha Bowden spoke regarding shelter in Silverton and notice regarding same.

Michael Marzulla, Goose Place, spoke regarding snow removal by Township and need for training for private plowers.

Pat Klaslo spoke regarding FEMA Community Development Rating System Program. Township Engineer Chankalian responded.

Ken Langdon spoke regarding Township dune management after Labor Day 2015.

Carol Benson spoke regarding sidewalk snow removal; land use appeals procedure – Township Administrator Shives to investigate; Barton Construction. snow removal; beach erosion and cost to taxpayers to restore them, and township Master Plan.

Gina Oleske spoke regarding building in the Township in North Dover. Councilman Kubiel responded.

Debbie Martin spoke regarding Jersey Central Power and Light power outages; recent snowstorm and condition of township beach and easements; Governor Christie comments regarding recent snow storm. Discussion ensued.

Theresa Marzulla spoke regarding flooding in the Goose Place neighborhood.

Arnold Taranto spoke regarding Township response regarding snow removal; electric power during the storm.

Martha Bowden spoke regarding list of homeowners associations which have not signed easements. Discussion ensued regarding emergency shelter in Silverton during recent snow storm.

Carol Benson spoke regarding Toms River schools' enrollment numbers.

No further comments from the public appearing, a motion was made by Council Member Wittmann, seconded by Council Member Carr, and carried to enter into a private Executive Session at 7:46 PM.

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

RESOLUTION

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

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

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

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

Matters of Personnel
Attorney Client Privilege

- 3. The following specific topics were announced.
 - 1. December 22, 2015 Executive Session Minutes
 - 2. Personnel
- 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 Carr	- Yes
Council Member Hill	- Yes
Council Member Maruca	- Yes
Council Member Wittmann	- Yes
Council Vice-President Manforti	- Absent
Council President Kubiell	- Yes

The Council reconvened the public portion at 8:51 P.M., with Council Members Carr, Hill, Maruca, Wittmann, and Council President Kubiell all present, and with Council Member Manforti absent.

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

**RESOLUTION APPROVING
EXECUTIVE SESSION MINUTES**

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

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

- 1. The following Executive Session Minutes are approved:

December 22, 2015

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

A motion was made by Council Member Maruca, seconded by Council Member Wittmann, and carried with Council Members Carr, Hill, Maruca, Wittmann, and with Council President Kubielski voting yes, and with Council Member Manforti absent, **to hold a special meeting regarding personnel items on February 3, 2016 at 5:00 P.M.**

No other business appearing, the meeting was adjourned at 8:54 P. M., with Council Members Carr, Hill, Maruca, Wittmann, and Council President Kubielski voting yes, and with Council Member Manforti absent.

BRIAN S. KUBIEL, COUNCIL PRESIDENT

J. MARK MUTTER, TOWNSHIP CLERK