

February 9, 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 6:00 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.

Council President Kubiel announced Sylvia Schackney, a long time Township Council Meeting attendee, as a citizen, recently died, and he asked that we remember her in our prayers.

Roll Call:

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

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

**APPROVAL OF MINUTES**

A motion was made by Council Member Carr, seconded by Council Member Maruca, and carried with Council Members Hill, Kubiel, Maruca, and Council President Kubiel voting yes, and Council Member Wittmann absent, and with Council Member Geoghegan and Manforti abstaining, to approve the Minutes of the **Regular Meeting of January 26, 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 Carr, and carried with Council Members Carr, Hill, Manforti, Maruca, and Council President Kubiel voting yes, and Council Member Wittmann absent, and with Council Member Geoghegan abstaining, to make the following honoring proclamations a part of the Minutes.

The Oath of office was administered to Kevin Geoghegan as Councilman by Mayor Kelaher.

Councilman Geoghegan spoke regarding being sworn in as Council Member. He thanked those present and pledged to work for the Township.

Mayor Kelaher presented proclamation to Eagle Scouts Mark Douglas Baker and Andrew Foti.

Councilman Manforti, Council Vice-President for the year 2016, was present for first meeting in 2016 (as he was recently ill) and thanked the Council for its support and spoke regarding working for the Township in 2016.

A five minutes recess was held.

The Council **reconvened** and all Council Members Carr, Geoghegan, Hill, Maruca, Manforti, and Council President Kubieli present, and with Council Member Wittmann absent.

Council Member Hill 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 CHAPTER  
147 (SALARIES AND COMPENSATION)  
OF THE TOWNSHIP CODE TO ESTABLISH THE  
COMPENSATION OF THE POSITIONS SET FORTH  
ON SCHEDULES A, B, C, AND D**

**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. Chapter 147 (Salaries and Compensation) of the Code of the Township of Toms River, New Jersey, is amended and supplemented to establish the compensation of the positions set forth on Schedules A, B, C, and D, attached to and made a part of this Ordinance.
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 147 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. This ordinance is not legislative in nature, and it does not need to be codified in the Code of the Township of Toms River, Ocean County, New Jersey.

**SCHEDULE "A"**

**CROSSING GUARDS**

**SCHEDULE "B"**

**SUPERVISORY EMPLOYEES**

**SCHEDULE "C"**

**TOMS RIVER PROFESSIONAL  
ASSOCIATION**

**SCHEDULE "D"**

**CONFIDENTIAL EMPLOYEES**

**'SEE ATTACHMENTS'**

A motion was made by Council Member Hill, seconded by Council Member Maruca, and carried with Council Members Carr, Hill, Manforti, Maruca, and Council President Kubiel voting yes, and Council Member Geoghegan abstaining, and with Council Member Wittmann 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 February 9, 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 23, 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, February 12, 2016.

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

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

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER A610 (STREET NAME CHANGES) OF THE APPENDIX OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, NEW JERSEY**

**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 A610-1. Name changes: existing streets of Chapter A610 (Street Name Changes) of the Appendix of the Code of the Township of Toms River, New Jersey is amended and supplemented to add the following street:

Present Name:	Kettle Creek Road
New Name:	Shorecrest Drive
Location:	Being a portion of Kettle Creek Road from the intersection of Kettle Creek Road with Green Island Road and the waterfront

2. All other provisions of Chapter A610 remain in full force and effect.

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

4. If any part of this ordinance is invalidated for any reason by competent authority, that part is severed and the remaining provisions shall remain in full force and effect.

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

A motion was made by Council Member Maruca, seconded by Council Member Manforti, and carried with Council Members Carr, Hill, Manforti, Maruca, and Council President Kubiel voting yes, and Council Member Geoghegan abstaining, and with Council Member Wittmann 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 February 9, 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 23, 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.

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, February 12, 2016.

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

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

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE V (FEES FOR ACTIVE MILITARY MEMBERS), SECTIONS 287-26 (BEACH ACCESS), AND SECTION 287-27 (GOLF COURSE, ICE RINKS, POOLS AND PARK FACILITIES) OF CHAPTER 287 (FEES) OF THE TOWNSHIP CODE, TO INCLUDE SPOUSES, CIVIL UNION PARTNERS, AND DEPENDENT CHILDREN**

**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. Article V (Fees for Active Military Members) of Chapter 287 (Fees) of the Code of the Township of Toms River, New Jersey, is hereby amended and supplemented to provide, as follows:

**ARTICLE V.  
FEES FOR ACTIVE MILITARY MEMBERS, RESERVISTS, RETIREES AND  
ELIGIBLE DEPENDENTS**

Section 287-26. Beach access.

The Township waives fees associated with beach access for all active military members serving in the Armed Forces of the United States, military reservists, military retirees, and their spouse or civil union partner, and dependent children, upon presentation of a valid identification card indicating their military status.

(a) Military reservists are persons who are active members of the New Jersey National Guard who have completed Initial Active Duty Training. "Initial Active Duty Training" means Basic Military Training, for members of the New Jersey Air National Guard, and Basic Combat Training and Advanced Individual Training, for members of the New Jersey Army National Guard.

(b) Military retirees are persons who have served in any of the Armed Forces of the United States and who were discharged or released therefrom under conditions other than dishonorable and who either have served at least 90 days in active duty or have been discharged or released from active duty by reason of a service-incurred injury or disability.

Section 287-27. Golf course, ice rinks, pools and park facilities.

The Township extends a discount equal to a senior citizen's discount for fees associated with the golf course, ice rinks, pools and park facilities for all active military members serving in the Armed Forces of the United States, military reservists, military retirees, and their spouse or civil union partner, and dependent children, upon presentation of a valid identification card indicating their military status.

(a) Military reservists are defined as persons who are active members of the New Jersey National Guard who have completed Initial Active Duty Training. "Initial Active Duty Training" means Basic Military Training, for members of the New Jersey Air National Guard, and Basic Combat Training and Advanced Individual Training, for members of the New Jersey Army National Guard.

(b) Military retirees are persons who have served in any of the Armed Forces of the United States and who were discharged or released therefrom under conditions other than dishonorable and who either have served at least 90 days in active duty or have been discharged or released from active duty by reason of a service-incurred injury or disability.

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 287 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.

A motion was made by Council Member Hill, seconded by Council Member Maruca, and carried with Council Members Carr, Geoghegan, Hill, Manforti, Maruca, and Council President Kubiak voting yes, and with Council Member Wittmann 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 February 9, 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 23, 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, February 12, 2016.

Ordinance was adopted on first reading with Council Members Carr, Hill, Manforti, Maruca and Council President Kubiak voting yes, and Council Member Geoghegan voted yes on this one, and Council Member Wittmann absent.

Council Member Hill 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, ESTABLISHING CEASE AND DESIST ZONES PROHIBITING REAL ESATE CANVASSING**

**WHEREAS**, pursuant to Ordinance No. 4496-15, effective December 4, 2015, and codified at §391-54 of the Township Code, the Township Council may impose “cease and desist” zones prohibiting real estate canvassing in areas of the Township that have been “subject to intense and repeated canvassing or solicitation by” individuals and entities seeking to induce sales of real estate; and

**WHEREAS**, pursuant to §391-54A of the Township Code, the Business Administrator and Township Attorney conducted an investigation and held a public hearing on real estate canvassing activities in the Township; and

**WHEREAS**, pursuant to §391-54B of the Township Code, the Business Administrator and Township Attorney prepared and submitted to the Township Council a report detailing the findings of their investigation; and

**WHEREAS**, the report finds that the areas delineated as Zones 1 and 2 on the map attached as Schedule A hereto and incorporated herein by reference, have been subjected to “intense, incessant, and intimidating direct solicitations” of real estate, which have given rise to credible incidents of blockbusting and led to an overall deterioration of the quality of life in these areas; and

**WHEREAS**, the report recommends that the Township Council impose a “cease and desist” zone prohibiting real estate canvassing in the designated areas for a period of five years; and

**WHEREAS**, the Township Council has reviewed and concurs with the report’s findings and recommendations, and has adopted them by companion resolution:

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

1. Section 54 (Cease and Desist Zones) of Chapter 391 (Peddling and Soliciting) of the Code of the Township of Toms River, is hereby amended and supplemented to add the following subsection:

2.

D. Active Cease and Desist Zones. Cease and desist zones are hereby established for the areas described below and depicted on the codified map:

1. Zone 1: The area bounded by the Lakewood and Jackson borders to the north and northwest, State Hwy. 70 to the south, and Whitesville Road (County Rt. 527) to the west. This cease and

desist zone shall remain in effect for five years from its effective date.

2. Zone 2: The area bounded by the Lakewood border to the due north, State Hwy. 70 to the northwest, New Hampshire Avenue to the east and southeast, and by Whitesville Road (County Rt. 527), Riverwood Drive, U.S. Route 9, and Silverton Road to the south and southwest. This cease and desist zone shall remain in effect for five years from its effective date.

3. The map attached hereto as Schedule A shall be codified in the Township Code.

4. No further real estate canvassing permits shall be issued for the zones depicted in the map attached as Schedule A hereto, and any pending applications for canvassing permits for these areas are deemed denied.

5. All other parts of Chapter 391 remain in full force and effect.

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

7. If any part of this ordinance is invalidated by competent authority, that part is severed, and the remaining provisions shall remain in full force and effect.

8. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and 20 days after publication as required by law.

A motion was made by Council Member Hill, seconded by Council Member Carr, and carried with Council Members Carr, Hill, Manforti, Maruca, and Council President Kubiel voting yes, and Council Member Geoghegan abstaining, and with Council Member Wittmann 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 February 9, 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 23, 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, February 12, 2016.

Ordinance was adopted on first reading with Council Members Carr, Hill, Manforti, Maruca and Council President Kubieli voting yes, and Council Member Geoghegan abstaining, and Council Member Wittmann 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, Manforti, Maruca, and Council President Kubieli voting yes, and Council Member Geoghegan abstaining, and with Council Member Wittmann absent, to approve all the following items listed on the Consent Agenda, except item **B, C, D, I, J, and M** which was done separately.

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF A PROFESSIONAL PLANNING CONSULTING SERVICE CONTRACT TO ALAIMO GROUP, FOR THE PERMIT PROCESS STREAMLINING REPORT GRANT PROJECT, IN THE AMOUNT OF \$25,000.00, AND THE DESIGN STANDARDS GUIDANCE REPORT GRANT PROJECT, IN THE AMOUNT OF \$30,000.00, FOR THE TOWNSHIP PLANNING DEPARTMENT, FOR A TOTAL PROJECT COST NOT TO EXCEED \$55,000.00, AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A CONTRACT WITH THE ALAIMO GROUP**

**(THE PROJECT IS TO BE FULLY FUNDED THROUGH A GRANT PROVIDED BY THE STATE OF NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS)**

**FEBRUARY 9, 2016**

WHEREAS, the Township of Toms River is in need of acquiring Professional Planning Consulting Services in connection with the Permit Process Streamlining Report Grant Project, and the Design Standards Guidance Report Grant Project, for the Township of Toms River Planning Department; and

WHEREAS, the Township of Toms River solicited proposals for these services in accordance with the Fair and Open Process, pursuant to the provisions of N.J.S.A. 19:44A-20.4 et. seq.; and

WHEREAS, only one firm submitted a proposal; and

WHEREAS, the following firm, Alaimo Group, submitted a conforming proposal which was opened and read on November 5, 2015; and

WHEREAS, the proposal has been reviewed by the Township's Planning Department, and recommendation has been made to award a contract to the Alaimo Group, for the Permit Process Streamlining Report Grant Project, in the amount not to exceed \$25,000.00, and for the completion of the Design Standards Report Grant Project, in the amount not to exceed \$30,000.00, for a total contract amount not to exceed \$55,000.00; and

WHEREAS, the project is to be fully funded through a grant provided by the State of New Jersey Department of Community Affairs;

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 Professional Planning Consulting Services contract to the Alaimo Group, for the Permit Process Streamlining Report Grant Project, in the maximum amount not to exceed \$25,000.00, and for the Design Standards Guidance Report Grant Project, in the maximum amount not to exceed \$30,000.00, for the Township's Planning Department, for a total project cost not to exceed \$55,000.00.

2. Funds in the maximum amount not to exceed \$55,000.00, are available in Account No. X-99- -906-018, until the grant is awarded and a new account will be issued. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

3. The Mayor is authorized to execute and the Township Clerk to attest to a contract with the Alaimo Group in connection with 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) Township Planner
- e) Alaimo Group  
200 High Street  
Mount Holly, NJ 08060

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract with the Alaimo Group for Permit Process Streamlining Report Grant Project, in the maximum amount not to exceed \$25,000.00, and for the Design Standards Guidance Report Grant Project, in the maximum amount not to exceed \$30,000.00, for a total cost not to exceed \$55,000.00, are available in Account No. X-99- -906-018, until the grant is awarded and a new account will be issued.

The project is to be fully funded through a grant provided by the State of New Jersey Department of Community Affairs.

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 J. MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: February 9, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP OF TOMS RIVER, TO APPLY FOR, AND THOMAS KELAHER, MAYOR, PAUL J. SHIVES, BUSINESS ADMINISTRATOR, CHRISTINE MANOLIO, CHIEF FINANCIAL OFFICER, AND DONNA PAPPAS, ALLIANCE CHAIRPERSON, TO EXECUTE AN APPLICATION FOR FUNDING FOR A MUNICIPAL ALLIANCE GRANT FOR STATE FISCAL YEAR 2017 (JULY 1, 2016 THROUGH JUNE 30, 2017)**

**(GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 2014-JUNE 2019)**

**FEBRUARY 9, 2016**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Township Council of the Township of Toms River, County of Ocean, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Ocean;

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, hereby recognizes the following:

1. The Township Council of the Township of Toms River does hereby authorize submission of a Strategic Plan for the Governor's Council on Alcoholism and Drug Abuse Municipal Alliance grant for fiscal year 2017 (July 1, 2016 through June 30, 2017), for the Township of Toms River, in the amount of:

A) Alliance DEDR Allocation:	\$ 55,162.00
B) Cash Match (25% of DEDR Alloc.):	\$ 13,790.50
C) In-Kind Match: (75% of DEDR Alloc.):	\$ 41,371.50
TOTAL ALLINACE BUDGET:	\$110,324.00

2. The Township Council of the Township of Toms River acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

3. Thomas Kelaher, Mayor, Paul J. Shives, Business Administrator, Christine Manolio, Chief Financial Officer, and Donna Pappas, Alliance Chairperson, are hereby authorized to execute a Strategic Plan for Funding Municipal Alliances to obtain a Municipal Alliance Grant for Calendar Year 2016 in the amount of \$55,162.00, with the Township to match that payment with \$13,790.50, and funds will be available contingent upon adoption of the CY2016 municipal budget. 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) Mayor Thomas Kelaher
- b) Business Administrator
- c) Township Attorney
- d) Chief Financial Officer
- e) Donna Pappas, Alliance Chairperson
- f) Police Department, Attn: Chief Mitchell Little
- g) Lorraine Adams, Grant Coordinator
- h) Helen McGovern, Toms River Municipal Alliance
- i) Joann Benson, Director, Human Services
- j) Ocean County Health Department  
PO Box 2191  
Toms River, NJ 08754-2191  
Attn: Daniel E. Regenye, MHA  
Public Health Coordinator/Health Officer

APPROVED: \_\_\_\_\_

THOMAS F. KELAHER  
MAYOR

### **CERTIFICATION**

I, J. Mark, Mutter, Township Clerk of the Township of Toms River, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council of the Township of Toms River on this 9<sup>th</sup> day of February, 2016.

\_\_\_\_\_  
J. MARK MUTTER  
MUNICIPAL CLERK

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the Municipal Alliance Grant match by the Township, in the total amount of \$13,790.50, are available contingent upon adoption of the CY2016 municipal budget.

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.

CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: February 9, 2016

**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 OPEN-ENDED, CONTRACT WITH OCEAN COUNTY RECYCLING CENTER, INC., AS LOWEST RESPONSIBLE BIDDER, FOR THE RECYCLING AND DISPOSAL OF CONCRETE, ASPHALT, AND TREE STUMPS RECEIVED AT THE MUNICIPAL RECYCLING CENTER**

**FEBRUARY 9, 2016**

**WHEREAS**, the Township of Toms River is in need of recycling and disposal services in order to dispose of concrete, asphalt and tree stumps at the municipal recycling center in need of disposal; and

**WHEREAS**, certain recycling laws have been put into effect within the State of New Jersey, which have been imposed on all municipalities by the Department of Environmental Protection for the disposal of concrete, asphalt and tree stump products; and

**WHEREAS**, as "recycling services" are exempt from competitive bidding pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(s), requests for proposals were invited on January 20, 2016 for Recycling Services for the Recycling and Disposal of

Asphalt, Concrete and Tree Stumps received at the Municipal Recycling Center, pursuant to N.J.S.A. 19:44A-20.5 et seq., and the Township Administrative Code, Chapter 84.1 et. seq.; and

**WHEREAS**, the Township of Toms River solicited proposals for these services in accordance with the Fair and Open Process, pursuant to the provisions of N.J.S.A. 19:44A-20.4 et. seq.; and

**WHEREAS**, the following firms submitted conforming proposals, which were opened and read on January 20, 2016, as follows:

**Ocean County Recycling Center, Inc.**

1497 Lakewood Road  
Toms River, NJ 08755 .....Unit Price Per Ton for Asphalt: ..... \$ 5.00  
Unit Price Per Ton for Concrete: ..... \$ 5.00  
Unit Price Per Ton for Tree Stumps: ...\$25.00

**Stavola Construction Material, Inc.**

175 Drift Road  
Tinton Falls, NJ 07724 ..... Unit Price Per Ton for Asphalt: ..... \$35.00  
Unit Price Per Ton for Concrete: .....\$ 6.00  
Unit Price Per Ton for Tree Stumps: ...No bid

**WHEREAS**, the proposals have been reviewed by the Department of Public Works, and recommendation has been made to award a contract to Ocean County Recycling Center, Inc., as the lowest responsible bidder, at \$5.00 per ton for Asphalt, \$5.00 per ton for concrete and \$25.00 per ton for Tree Stumps;

**WHEREAS**, Ocean County Recycling Center, Inc. has the necessary means for the removal and recycling services for the disposal of concrete, asphalt and tree stump products;

**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 Ocean County Recycling Center, Inc., for the removal and recycling services to dispose of concrete, asphalt and tree stumps, at the Municipal Recycling Center in need of disposal, to be paid as follows:

Unit Price Per Ton for Asphalt: ..... \$ 5.00  
Unit Price Per Ton for Concrete: ..... \$ 5.00  
Unit Price Per Ton for Tree Stumps: ...\$25.00

Term of Contract: Date of Award through December 31, 2016.

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

2. This contract may be cancelled by either party, upon thirty (30) days written notice.

3. 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.

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

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

- a) Township Attorney
- b) Public Works Department
- c) Chief Financial Officer
- d) Purchasing Division
- e) Ocean County Recycling Center, Inc.  
1497 Lakewood Road  
Toms River, N.J. 08755
- f) Stavola Construction Material, Inc.  
175 Drift Road  
Tinton Falls, NJ 07724

**CERTIFICATION**

**THIS IS TO CERTIFY** that the contract with Ocean County Recycling Center, Inc., for concrete, asphalt and tree stump recycling services, will be open-ended, with funds being encumbered each time an order is placed, contingent upon availability in the applicable 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: February 9, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF SOFTWARE AND HARDWARE MAINTENANCE FOR TOWN HALL AND THE DEPARTMENT OF POLICE FROM CDW-G, INC.; IN THE AMOUNT NOT TO EXCEED \$11,801.56, AND NACR, INC., IN THE AMOUNT NOT TO EXCEED \$16,561.47, FOR A TOTAL COMBINED MAXIMUM AMOUNT NOT TO EXCEED \$28,363.03**

**FEBRUARY 9, 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. Pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(dd), it hereby awards a contract to CDW-G, Inc., for the Purchase of Software and Hardware Maintenance for Town Hall and the Department of Police, as listed below.
2. The support or maintenance of proprietary software is authorized pursuant to N.J.S.A. 40A:11-5(1)(dd).

CDW-G, Inc.  
230 North Milwaukee Avenue  
Vernon Hills, IL 60061

Barracuda Three Year Maintenance Town Hall:	\$ 5,900.78
Barracuda Three Year Maintenance Police Dept.:	\$ 5,900.78
<b>TOTAL:</b>	<b>\$11,801.56</b>

NACR, Inc.  
Industrial Way West  
Eatontown, NJ 07724

Extremeworks Hardware Maintenance:	\$ 6,238.36
Software Maintenance:	\$ 19.27
Extreme Maintenance (next business day service)	\$10,303.84

TOTAL: \$16,561.47

Contract Awarded to: CDW-G, Inc.  
230 North Milwaukee Avenue  
Vernon Hills, IL 60061

Maximum Amount: \$11,801.56

Contract Awarded to: NACR, Inc.  
Industrial Way West  
Eatontown, NJ 07724

Maximum Amount: \$16,561.47

Total Combined  
Maximum Amount: \$28,363.03

Account No.: 6-01- -A17-510

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) Township Attorney
- d) IT Department
- e) Police Department
- f) CDW-G, Inc.  
230 North Milwaukee Avenue  
Vernon Hills, IL 60061
- g) NACR, Inc.  
Industrial Way West  
Eatontown, NJ 07724

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract with CDW-G, Inc., in the maximum amount not to exceed \$11,801.56, and NACR, Inc., in the maximum amount not to exceed \$16,561.47, for a total combined maximum amount not to exceed \$28,363.03, are available in Account No. 6-01- -A17-510.

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: February 9, 2016

**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 ST. ELISABETH'S CHAPEL BY THE SEA, BLOCK 1011,  
LOTS 150 THRU 152 (THIRD AVENUE)**

**FEBRUARY 9, 2016**

WHEREAS, the Township has reported to the Township Council with respect to a Major Site Plan, known as St. Elisabeth's Chapel By The Sea, Block 1011, Lots 150 thru 152.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$4,400.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$250.00 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 St. Elisabeth's Chapel By The Sea, 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. St. Elisabeth's Chapel By The Sea  
5 Third Avenue  
Ortley Beach, NJ 08751

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS  
RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE  
GUARANTEES FOR A MAJOR SUBDIVISION KNOWN AS LAUREN ESTATES,  
BLOCK 688.03, LOTS 14 and 112  
(CLIFTON AVENUE)**

**February 9, 2016**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision, known as Lauren Estates, Block 688.03, Lots 14 & 112.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond # CT021468 in the amount of \$329,400.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$36,600.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$7,625.28 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 ARYA Properties, 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. ARYA Properties, LLC  
PO BOX 145  
Island Heights, NJ 08732

*RESOLUTION*

**FEBRUARY 9, 2016**

*WHEREAS, an overpayment of taxes has appeared on the following properties for the year (s) indicated; DUE TO A DAV EXEMPTION BEING GRANTED ON THIS PROPERTY,*

*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>
<b><i>STOFFEY, WILLIAM &amp; THERESA</i></b>	<b><i>135.14</i></b>	<b><i>6</i></b>	<b><i>2015/1</i></b>	<b><i>769.45</i></b>
			<b><i>2015/2</i></b>	<b><i>824.41</i></b>
			<b><i>2015/3</i></b>	<b><i>916.79</i></b>
			<b><i>2015/4</i></b>	<b><i>916.79</i></b>
<b><i>TOTALS:</i></b>				<b><i>\$3,427.44</i></b>

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

*Approved as to content:*

RESOLUTION

FEBRUARY 9, 2016

WHEREAS, an overpayment of taxes has appeared on the following properties for the year (s) indicated; DUE TO AN ADDED COUNTY TAX APPEAL RESULTING IN REFUNDS,

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:

NAME	BLOCK	LOT	Qual,Year	Amount
<b>BAKKER, RICHARD S.</b>	<b>1090.01</b>	<b>24</b>	<b>2015/4</b>	<b>395.85</b>
<b>FIORITO, DONALD &amp; CAMILLE</b>	<b>264</b>	<b>41</b>	<b>2015/4</b>	<b>330.30</b>
<b>LOBELLO, VINCENT &amp; DIANE</b>	<b>232.29</b>	<b>37</b>	<b>2015/4</b>	<b>167.90</b>
<b>Totals</b>				<b>\$894.04</b>

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

Approved as to content:

RESOLUTION

FEBRUARY 9, 2016

WHEREAS, an overpayment of taxes has appeared on the following properties for the year (s) indicated; DUE TO AN NEW JERSEY STATE TAX APPEALS RESULTING IN REFUNDS,

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:

NAME	BLOCK	LOT	Qual,Year	Amount
LIGUORI, JAMES & CAROL @ THE DAVIDSON LEGAL GROUP LLC.	724.17	76	2015/4	3,921.29
ZERO BARNEGAT BAY LLC @ WOLF, NATHAN LLC.	947	1	2009/4	8,567.81
			2010/4	11,963.82
			2011/4	12,668.57
			2012/4	13,424.27
<b>Totals:</b>				<b>\$50,545.76</b>

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

Approved as to content:

**RESOLUTION AUTHORIZING PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1507-44-013-004 ISSUED TO 1617 HIGHWAY LLC LOCATED AT 1617 ROUTE 37 EAST, TOMS RIVER NJ. 08753 (EXPANSION PURPOSES)**

**February 9, 2016**

WHEREAS, an application has been filed to the governing body of the Township of Toms River for a **PLACE-TO-PLACE TRANSFER** (expansion of premises) of 1617 Highway LLC., holder of Plenary Retail Consumption License #**1507-44-013-004** issued by the Township of Toms River for premises located at 1617 Route 37 East, Toms River, NJ 08753; and

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

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

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

1. It authorize; the **Place-To-Place Transfer** to place Plenary Retail Consumption License Number **1507-44-013-004**, held by **1617 Highway LLC** trading as "**Monaghan's Liquors**" to include building expansion, located at **1617 Route 37 East, Toms River, NJ, 08753**.

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

- a) Police Department
- b) Chief Financial Officer
- c) Council
- d) Attorney
- e) State of New Jersey  
Division of Alcoholic Beverage Control  
140 E. Front Street  
P. O. Box 087  
5th Floor  
Trenton, N. J. 08625-0087
- f) 1617 LLC  
952 Lakewood Rd  
Toms River, NJ 08753
- g) Frank Mandia, Esq.  
685 Neptune Blvd  
Neptune, NJ 07753

**RESOLUTION AUTHORIZING TOMS RIVER TOWNSHIP,  
COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING  
AMUSEMENT GAMES LICENSE APPLICATION FOR BARNACLE  
BILL’S, INC.**

**February 9, 2016**

WHEREAS, the Township of Toms River has adopted an ordinance to provide for the licensing, conduct, operation and playing of certain amusement games in accordance with the “Amusement Licensing Law” (Chapter 109, P.I. 1959) and fixed the fees for said licenses; and

WHEREAS, the ordinance provides for all of the premises to which licenses are to be issued which are located in this municipality which said municipality has heretofore been designated by Ordinance No. 4458-14 as a seashore. or resort area with parts hereof customarily constituting an amusement or arcades can operate lawfully: and

WHEREAS, the barrier island sections of the Township qualify as seashore or resort areas in which designated amusements or entertainment zones can be established: and

WHEREAS, the said applicant has complied with the “Amusement Games Licensing Law” (Chapter 109, P.I. 1959), the rules and regulations promulgated by the Office of Amusement Games Control Commission in the Department of Community Affairs and the State of New Jersey, and with local ordinances, have submitted the proper license fees and application and is being the desire of this governing body to grant said license.

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 Amusement Game License to Barnacle Bill’s, Inc. attached, located at 1968 Route 35 North Ortley Beach, N.J. 08751 to operate from February 11, 2016 to February 11, 2017.
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) Business Administrator
- d) Township Council
- e) Mitchell Little, Chief of Police
- f) Barnacle Bill's Inc  
1968 Route 35 North  
Ortley Beach, NJ 08751
- g) NJ Department of Law & Public Safety  
Division of Consumer Affairs  
Legalized Games of Chance Control Commission  
P.O. Box 46000  
Newark, NJ 07101

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND  
ACCEPTING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS  
XFINITY, BLOCK 577, LOT 10 (1256 HOOPER AVENUE)**

**FEBRUARY 9, 2016**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan Entitled Xfinity, Block 577, Lot 10.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount of \$1,950.00 which represents the 10% Maintenance Guarantee, accepted by way of Resolution 'V' dated August 25, 2015 and is currently on deposit in account X-19- -601-786 and will remain on account to represent the Maintenance Cash Bond;

WHEREAS, the Township Engineer has made an inspection of said Major 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 #AL100268 in the amount of \$17,550.00, is to be released;

- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;

The bonds set forth in the preamble hereto are hereby approved.

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

- a. Township Engineer
- b. Chief Finance Department
- c. Township Attorney
- d. Frontier Toms River, LLC  
1801 SW Third Avenue, Suite 500  
Miami, Florida 33129

**RESOLUTION**

**February 9, 2016**

**WHEREAS, the following application for masseuse  
and massage business licenses have been made under the  
Provisions of Ordinance numbers 1606 and 1682:**

**MASSAGE LICENSE                      Blue Moon Therapy**

#01-16

1242 Route 166  
Toms River, NJ 08753

MASSAGE LICENSE  
#02-16

Jeong Hee Tomasetti  
902 Valley Rd #26D  
Elkins Park, PA 19027

**WHEAREAS, said applicants have complied with all the requirements of Ordinance numbers 1606 and 1682, Chapter 357, of the “Code of the Township of Toms River, New Jersey,” with respect to licensing; and**

**WHEREAS, the appropriate licensing fee has been paid To the Township of Toms River;**

**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. **The Township Clerk is hereby authorized to issue the licenses Listed in the preamble hereof.**
2. **A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:**
  - a. **Attorney**
  - b. **Chief of Police**
  - c. **Code Enforcement**
  - d. **Applicants listed above**

**RESOLUTION  
February 9, 2016**

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

<u>Name</u>	<u>Type of License</u>	<u>Taxi Company</u>
01-16 Jeffrey Stuhl	Taxi Driver (New)	AA-1 Taxi
02-16 Sonia Bermudez	Taxi Driver (Renewal)	LA& Taxi LLC
04-16 Chris Marashlian	Taxi Driver (Renewal)	LA Taxi LLC
05-16 Carmine Sauchelli	Taxi Driver (Renewal)	AA-1 Taxi
07-16 Richard DeGraff	Taxi Driver (Renewal)	Ace Taxi
09-16 Basiliso Burgos	Taxi Driver (Renewal)	AB Taxi
10-16 Alex Lartey	Taxi Driver (Renewal)	Alex Taxi
11-16 Sam DeGennaro	Taxi Driver (Renewal)	All Pro Taxi

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

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

1. That the Clerk of this Township is hereby authorized and directed to issue the TAXI LICENSE to the applicants listed above, in accordance with Chapter 457 (Taxicab and Taxicab Drivers) the “Code of the Township of Toms River”.

2. The applicant is required to conform to all provisions of Chapter 457 (Taxi cabs and Taxi Drivers)

3. The Township Clerk shall send a certified copy of Resolution to the:

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

## RESOLUTION February 9, 2016

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

Taxi Company                      License #, Year, Car Description, Vin#

Renewals

1.	ABC Taxi /Beach Taxi 1881 Route 37 West Toms River, NJ 08753 Adam Mateo	201-16 2011 203-16 1996 204-16 2000 205-16 1997	Lincoln Lincoln Lincoln Lincoln	55327 69918 13828 34556
2.	LA& Taxi LLC 649 Brace Ave Perth Amboy, NJ 08861 Ahmet Ugur	165-16 2000	Nissan	36859
3.	TC USA Service 244 Edgewood Dr Toms River, NJ 08755 Balwinder Chandi	275-16 2001	Dodge	91957
4.	All Pro Taxi, LLC 27 Cedar Brook Lane Little Egg Harbor, NJ 08087 Sam DeGennaro	492-16 2000 496-16 2002	Mercury Mercury	86941 28131
5.	A Absolutely the Best P.O. Box 125 Toms River, NJ 08754 Carol Smith	311-16 2001	Lincoln	23936
6.	Ace Livery Service, Inc. 239 Drum Pt Rd Brick, NJ 08723 Richard DeGraff	605-16 2003	Ford	17518
7.	A&B Taxi 29-C Cedar Street Toms River, NJ 08757 Basiliso Burgos	500-16 2005	Mercury	56259
8.	Alex Taxi 802 Main Street Toms River, NJ 08754 Alex Lartey	490-16 2002	Ford	66960
9.	EZ Taxi Service 160 James Street Toms River, NJ 08753 Balkar Mola	510-16 2004	Dodge	19490

10.	Walter's Taxi 1105 Ruby Dr Toms River, NJ 08753 Walter Powell	445-16 1998 446-16 2001 449-16 2000	Mercury Ford Dodge	78234 85755 34797
11.	AA-1 Taxi 12 Como Court Manchester, NJ 08759 Thomas Clerico	390-16 1997 391-16 1997 392-16 1997 393-16 1996 394-16 2000	Mercury Ford Lincoln Mercury Ford	55361 14936 37424 15724 04956
12.	All American Cab LLC P.O. Box 13 Toms River, NJ 08753 All American Cab John Edgar	254-16 1999	Lincoln	52859
13.	7 Star Taxi 244 Edgewood Dr Toms River, NJ 08753 Balwinder Chandi	423-16 2001	Mercury	70452
14.	Access Shore Taxi 903 Brookside Dr Toms River, NJ 08753 Maher Fattah	131-16 2004 132-16 2005	Ford Lincoln	95872 68749

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:

2. 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, AUTHORIZING THE TOWNSHIP TO TERMINATE THE CONTRACT WITH BAHR & SONS, INC., FOR LICENSED ELECTRICIAN SERVICES, AND AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS TO ADVERTISE FOR REBID OF THIS SERVICE**

**FEBRUARY 9, 2016**

WHEREAS, by resolution of the Township Council of the Township of Toms River dated October 27, 2015, an open-ended contract was awarded to Bahr & Sons, Inc., for Licensed Electrician Services, for a maximum amount not to exceed \$500,000.00 over two (2) years, and \$250,000.00 per year upon extension, commencing October 27, 2015 and terminating on October 26, 2017; and

WHEREAS, the Township has received notification from Bahr & Sons, Inc., that they cannot complete the contract per the current pricing and specifications, and wish to terminate their contract with the Township, and that they will continue the service until the Township has a new bid in place; and

WHEREAS, the Township Council has determined that it would be in the best interest of the Township to terminate the contract with Bahr & Sons, Inc., effective when the Township has a new bid in place;

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 resolution adopted by the Township Council on October 27, 2015, awarding an open-ended contract to Bahr & Sons, Inc., for Licensed Electrician Services, is hereby terminated and declared null and void.
2. Bahr & Sons, Inc. will continue the service until the Township has a new bid in place.
3. The appropriate Township Officials are hereby authorized to advertise for receipt of new sealed bids for this service.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Mayor Thomas F. Kelaher
  - b) Township Council
  - c) Business Administrator
  - d) Chief Financial Officer
  - e) Township Attorney
  - f) Purchasing Division
  - g) Parks, Buildings & Grounds
  - h) Bahr & Sons, Inc.  
82 Shorewood Drive  
Bayville, NJ 08721

Carol Benson questioned the following Resolution.

Councilman Kubiell explained the following Resolution.

A motion was made by Council Member Hill, seconded by Council Member Manforti, and carried with Council Members Carr, Hill, Manforti, Maruca, and Council President Kubiell voting yes, and Council Member Geoghegan abstaining, and with Council Member Wittmann 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**

**FEBRUARY 9, 2016**

WHEREAS, Nobility Crest at Dover, LLC and/or Successor and Assigns (hereinafter referred to as the "Sponsor") proposed to construct a 50 unit housing development for families (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14k- 1 et seq.), the rules promulgated thereunder at N.J.A.C.5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirement")

within the Township of Toms River (hereinafter referred to as the “Municipality”) on a site described as Block 166, Lot 15.02, as shown on the Official Assessment Map of the Township of Toms River, Ocean County; and

WHEREAS, the Project will be subject to HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

WHEREAS, pursuant to the HMFA Requirements the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the Township Council (the “Council”) of the Township of Toms River, Ocean County New Jersey, that:

- (1) The Council finds and determines that the 50 unit affordable housing development for families proposed by the Sponsor meets or will meet an existing housing need;
- (2) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of HMFA Law to enable the Agency to process the Sponsor’s application for Agency funding to finance the Project.

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) Tax Collector
- h) Tax Assessor
- i) Gerald Cernero  
Jerald Development Group, LLC  
Nobility Crest at Dover, LLC  
2101 Highway 34 South, Suite A  
Wall, NJ 07719
- j) New Jersey Housing and Mortgage Finance Agency  
637 South Clinton Avenue  
PO Box 18550  
Trenton, NJ 08650-2085
- k) Riverwood Chase Apartments, LLC  
Attn: Eric Ansell  
7 Conaskonk Drive  
Ocean, NJ 07712

Carol Benson questioned the following Resolution.

Township Administrator Shives explained the following Resolution.

A motion was made by Council Member Hill, seconded by Council Member Manforti, and carried with Council Members Carr, Hill, Manforti, Maruca, and Council President Kubiell voting yes, and Council Member Geoghegan abstaining, and with Council Member Wittmann 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**

**FEBRUARY 9, 2016**

WHEREAS, Nobility Crest at Dover, LLC; and/or Successors and Assigns (hereinafter referred to the “Sponsor”) proposes to construct an affordable rental housing development for families consisting of 50 units (hereinafter referred to as the “Project”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the “HMFA Requirements”) within the Township of Toms River (hereinafter referred to as the “Township”) on a site described as Block 166, Lot 15.02 as shown on the Official Assessment Map of the Township of Toms River, Ocean County, New Jersey; and

WHEREAS, the Project will be subject to HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

WHEREAS, pursuant to HMFA Requirements, the governing body of the Township hereby determines that there is a need for this housing project in the Township; and

WHEREAS, the Sponsor has presented to the Township Council a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Township Council (the “Council”) of the Township of Toms River, in the County of Ocean, and State of New Jersey, that:

- (1) The Council finds and determines that the proposed Project will meet or meets an existing housing need;
- (2) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and
- (3) The Council does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in HMFA Requirements, provided that payments in lieu of taxes for municipal services supplies to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit “B”; and
- (4) The Council hereby authorizes and directs the Mayor of the Township of Toms River to execute, on behalf of the Township, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit “B”; and
- (5) The Council understand and agrees that the revenue projections set forth in Exhibit “A” are estimated and that the actual payments in lieu of taxes to be paid by the Sponsor to the municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and municipality.

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) Tax Collector
- h) Tax Assessor
- i) Gerald Cernero  
 Jerald Development Group, LLC  
 Nobility Crest at Dover, LLC  
 2101 Highway 34 South, Suite A  
 Wall, NJ 07719
- j) New Jersey Housing and Mortgage Finance Agency  
 637 South Clinton Avenue  
 PO Box 18550  
 Trenton, NJ 08650-2085
- k) Riverwood Chase Apartments, LLC  
 Attn: Eric Ansell  
 7 Conaskonk Drive  
 Ocean, NJ 07712

**EXHIBIT “A”**

**TOMS RIVER FAMILY APARTMENTS**

**AGREEMENT FOR PAYMENT IN LIEU OF TAXES**

Projected Annual Gross Rents	\$515,268
Proforma Vacancy at 5%	( <u>\$-25,763</u> )
Projected Annual Utility Costs	( <u>\$-75,000</u> )
Gross Sheltered Rents	\$414,505
Payment in Lieu Percentage	6.5%
Annual Projected Payment in Lieu Amount	\$ 26,943

**EXHIBIT “B”**

**AGREEMENT FOR PAYMENT IN LIEU OF TAXES**

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, between Nobility Crest at Dover, LLC, a corporation of the State of New Jersey, having an office located at Highway 34 South, Suite A, Wall, NJ 07719 (hereinafter the “Sponsor”) and the Township of Toms River, a municipal corporation in the County of Ocean and State of New Jersey (hereinafter the “Municipality”).

WITNESSETH

In consideration, of the mutual covenants herein contained and for other good and valuable consideration, it is mutually covenanted and agreed as follow:

1. This Agreement is made pursuant to the authority contained in Section 37 of the New Jersey Housing and Mortgage Agency Law of 1983 (N.J.S.A. 55:14K-1 et seq.) (hereinafter “HMFA Law”) and a Resolution of the Council of the Municipality dated January 26, 2016, (the “Resolution”) and with the approval of the New Jersey Housing and Mortgage Finance Agency (hereinafter the “Agency”), as required by N.J.S.A. 55:14K-37.

2. The Project is or will be situated on that parcel of land designated as Block 166, Lot 15.02 as shown on the Official Tax Assessment Map of the Township of Toms River, New Jersey.

3. As of the date of Substantial Completion of the Project, the land and improvements comprising the Project shall be exempt from real property taxes, provided that the Sponsor shall make payments in lieu of taxes (“PILOT Payments”) to the municipality as provided hereinafter. The exemption of the Project from real property taxation and the sponsor’s obligation to make payments in lieu of taxes shall not extend beyond the earlier of thirty (30) years from the date of Substantial Completion (as defined below) or the date on which the Sponsor’s Mortgage with the Agency (the “Agency Mortgage”) is paid in full.

4. (a) The Sponsor shall make payment to the Municipality of an annual service charge in lieu of taxes in such amount as follows:

(1) From the date of the execution of the Agency Mortgage until the date of Substantial Completion of the Project, the Sponsor shall make payment to The Municipality in the amount equal to the current real estate taxes (pursuant to HMFA Law, the annual amount may not exceed the amount of taxes due on the property for the year preceding the recording of the Agency Mortgage). As used herein, “Substantial Completion” means the Date upon which the Municipality issues the Certificate of Occupancy for All of the units in the Project.

(2) From the date of Substantial Completion of the Project and for the remaining term of this Agreement, the Sponsor shall make an annual payment to the Municipality in an amount equal to the greater of \$26,943 (“Minimum Payment”) or 6.5 percent of Project Revenues. Notwithstanding the foregoing, the Minimum Payment requirement shall not become effective until one year after the date of Substantial Completion.

(b) As used herein, “Project Revenues” means the total annual gross rental and other income of the Sponsor from the Project less the costs of utilities furnished by the Project, which shall include the costs of gas, electricity, heating fuel, water supplied, and sewage charges, and less vacancies if any.

(c) The amount of payment in lieu of taxes to be paid pursuant to paragraphs (a) or (b) above is calculated in Exhibit “A” attached hereto. It is expressly understood and agreed that the revenue projections provided to the Municipality as set forth in Exhibit “A” and as part of the Sponsor’s application for an agreement for payments in lieu of taxes are estimates only. The actual payments in lieu of taxes to be paid by the Sponsor shall be determined pursuant to Section 5 below.

5. (a) Payments by the Sponsor shall be made on a quarterly basis in accordance with bills issued by the Tax Collector of the Municipality in the same manner and on the same dates as real estate taxes are paid to the Municipality and shall be based upon Project Revenues of the previous quarter. No later than three (3) months following the end of the first fiscal year of operation after (i) the date of Substantial Completion (for projects receiving construction and permanent financing) or (ii) the date of the Agency Mortgage (for projects receiving permanent financing only) and each year thereafter that this Agreement remains in effect, the Sponsor shall

submit to the Municipality a certified, audited financial statement of the operation of the Project (the "Audit"), setting forth the Project Revenues and the total payments in lieu of taxes due to the Municipality calculated at 6.5 percent of Project Revenues as set forth in the Audit (the "Audit Amount"). The Sponsor simultaneously shall pay the difference, if any, between (i) the Audit Amount and (ii) payments made by the Sponsor to the Municipality for the preceding fiscal year. The Municipality may accept any such payment without prejudice to its right to challenge the amount due. In the event that the payments made by the Sponsor for any fiscal year shall exceed the Audit Amount for such fiscal year, the Municipality shall credit the amount of such excess to account of the Sponsor.

(b) All payments pursuant to this Agreement shall be in lieu of taxes and the Municipality shall have all the rights and remedies of tax enforcement granted to Municipalities by law just as if said payments constituted regular tax obligations on real property within the Municipality. If, however, the Municipality disputes the total amount of the annual payment in lieu of taxes due it, based upon the Audit, it may apply to the Superior Court, Chancery Division for an accounting of the service charge due the Municipality, in accordance with this Agreement and HMFA Law. Any such action must be commenced within one year of the receipt of the Audit by the Municipality.

(c) In the event of any delinquency in the aforesaid payments, the Municipality shall give notice to the Sponsor and NJHMFA in the manner set forth in 9(a) below, prior to any legal action being taken.

6. The tax exemption provided herein shall apply only so long as the Sponsor or its successors and assigns remain subject to the provisions of the HMFA Law and Regulations made thereunder and the supervision of the Agency, but in no event longer than the term of the Agency Mortgage. In the event of (a) a sale, transfer or conveyance of the Project by the Sponsor or (b) a change in the organizational structure of the Sponsor, this Agreement shall be assigned to the Sponsor's successor and shall continue in full force and effect so long as the successor entity qualifies under the HMFA Law or any other state law applicable at the time of the assignment of this Agreement and assumes the Agency Mortgage.

7. Upon any termination of such tax exemption, whether by affirmative action of the Sponsor, its successors and assigns, or by virtue of the provisions of the HMFA Law, or any other applicable state law, the Project shall be taxed as omitted property in accordance with the law.

8. The Sponsor, its successors and assigns shall, upon request, permit inspection of property, equipment, buildings and other facilities of the Project and also documents and papers by representative duly authorized by the Municipality. Any such inspection, examination or audit shall be made during reasonable hours of the business day, in the presence of an officer or agent of the Sponsor or its successors and assigns.

9. Any notice or communication sent by either party to the other hereunder shall be sent by certified mail, return receipt requested, addressed as follows:

(a) When sent by the Municipality to the Sponsor, it shall be addressed to 34 Highway South, Suite A, Wall, NJ 07719 or to such other address as the Sponsor may hereafter designate in writing and a copy of said notice or communication by the Municipality to the Sponsor shall be sent by the Municipality to the New Jersey Housing and Mortgage Finance Agency, 637 South Clinton Avenue, P.O. Box 18550, Trenton, New Jersey 08650-2085.

(b) When sent by the Sponsor to the Municipality, it shall be addressed to the Municipality, Township Hall, P.O. Box 728, Toms River, New Jersey, 08754-0728 attention: Municipal Clerk, or to such other address as the Municipality may designate in writing; and a copy of said notice or communication by the Sponsor to the Municipality shall be sent by the Sponsor to the New Jersey Housing and Mortgage Finance Agency, 637 South Clinton Avenue, P.O. Box 18550, Trenton, New Jersey 08650-2085.

10. In the event of a breach of this Agreement by either of the parties hereto or a dispute arising between the parties in reference to the terms and provisions as set forth herein,

either party may apply to the Superior Court, Chancery Division, to settle and resolve said dispute in such fashion as will tend to accomplish the purposes of the HMFA Law.

11. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement. It shall not be necessary in making proof of this Agreement to produce or account for more than a sufficient number of counterparts to evidence the execution of the Agreement by each party hereto.

12. This agreement is binding upon, and inures to the benefit of, the parties and their respective successors and assigns.

ATTEST

Nobility Crest at Dover, LLC

By: \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

ATTEST

Township of Toms River

By: \_\_\_\_\_

J. Mark Mutter  
Municipal Clerk

Thomas F. Kelaher  
Mayor

Chris Golembeski questioned the following Resolution.

A motion was made by Council Member Hill, seconded by Council Member Manforti, and carried with Council Members Carr, Hill, Manforti, Maruca, and Council President Kubiel voting yes, and Council Member Geoghegan abstaining, and with Council Member Wittmann 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**

**FEBRUARY 9, 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. The Mayor is authorized to execute and the Township Clerk to attest to a Developer's Agreement between the Township of Toms River and Nobility Crest at Dover LLC (Developer), in connection with the construction of 200 proposed townhome-condominium units and 50 proposed affordable rental housing units to be located on property known after subdivision approval as Block 166, Lots 3.01 and 15.02. This project is commonly known as Riverwood Chase.

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) Engineering Division
- g) Township Planner
- h) Tax Collector
- i) Tax Assessor
- j) Gerald Cernero  
Jerald Development Group, LLC  
Nobility Crest at Dover, LLC  
2101 Highway 34 South, Suite A  
Wall, NJ 07719
- k) Riverwood Chase Apartments, LLC  
Attn: Eric Ansell  
7 Conaskonk Drive  
Ocean, NJ 07712

**DEVELOPER'S AGREEMENT**

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016,

between,

TOWNSHIP OF TOMS RIVER, a municipal corporation of the State

of New Jersey, located in the County of Ocean,

hereinafter referred to as "Township";

and,

Nobility Crest at Dover, LLC and/or successors and assigns

hereinafter referred to as "Developer";

affects all or a portion of real estate to be known after subdivision approval as Block 166, Lots 3.01 and 15.02 on the Township tax map and hereinafter referred to as the "Subject Property", which has been approved for 200 townhome-condominium units and 50 affordable rental housing units, commonly known as Riverwood Chase.

1. This Developer's Agreement shall apply only to the "Subject Property".

2. The Developer agrees to be bound by the testimony, representations, commitments, matters of fact and matters of law which constitute the file and record of the Zoning Board of Adjustment and Township Council of the Township of Toms River in this matter and that it will faithfully discharge all of the obligations and commitments thereof that are not herein affected by the entering of this agreement.

3. The subject of this agreement is the condition of the Toms River Zoning Board of Adjustment Resolution originally adopted on March 23, 2006 and amended in 2009 by Resolution 2009-84 and amended again in 2011 by Resolution 2011-21. Specifically, as part of the 2011-21 Resolution, the Developer is to construct 50 COAH units and allotted approvals for construction of 200 townhomes. This phasing incorporated in the approval provides for the project to construct up to 100 townhomes before completing 25 COAH units.

4. The Township acknowledges and agrees not to issue a stop work order at the "Subject Property" as long as Developer has obtained a financing commitment from a bonafide lender for construction of their 50 unit COAH housing obligation prior to the issuance of the 101<sup>st</sup> building permit. In turn, Developer will contribute to the Toms River Affordable Housing Trust Fund. The conditions of Developer's contribution to the Trust fund are as follows:

- a. The rate will be calculated at the rate of the average residential development fee of \$2,600.00 per unit for every building permit issued for the Riverwood Chase Development until such time that Developer has received a financing commitment from a bonafide lender to construct the 50

Affordable Housing units. Upon the time of commitment until such time the loan closes and is properly funded, the rate of the average residential development fee shall be reduced to \$1,300.00 per unit for every building permit issued thereafter at the site. The total amount calculated shall be paid in full and due at the time of loan closing. After the payment at the time of loan closing, developers obligation under this contract shall be deemed satisfied.

b. Thus, for purposes of practical illustration, 59 building permits have been issued at the date of signing this agreement. Developer anticipates receiving a loan commitment from NJHMFA in May 2016. Accordingly, Developer anticipates 12 more building permits to be issued until May 2016; thus bringing the total of building permits issued to 71 units. The owed obligation of the Developer for these 71 units is \$184,600.00. Further, Developer anticipates that the loan will close in December 2016. Thus, 24 building permits are to be issued from May 2016 until December 2016. Developer's obligation for these units shall be \$1,300 per unit, totaling \$31,200.00.

c. Under the above example, Developer shall pay a total sum of \$215,800.00 into the Toms River Affordable Housing Trust Fund upon the date of actual closing of the NJHMFA Loan. Developer acknowledges that the exact numbers may differ depending upon the timing of the actual issuance of the building permits.

d. The Township shall cooperate in all needed ways to apply for and obtain financing including but not limited to issuing a resolution of need, pilot agreement resolution, and adoption of the pilot agreement.

5. The Developer hereby specifically and unequivocally states that the agreements, conditions and amounts to be paid as agreed upon in this Agreement have not been forced upon it by undue influence, coercion and are not being undertaken or paid under protest. The Developer has reviewed all calculations and rationale for the agreements and payments set forth herein and is undertaking them voluntarily.

6. Developer understands and agrees that in the event it is in violation of any of the terms of this Agreement, the Township may, in its discretion, withhold the issuance of any further Building Permits and/or Certificates of Occupancy related to the Developer's project until the violation has been corrected, or to terminate the agreement.

7. Developer grants permission for this Agreement to be recorded in the Ocean County Clerk's Office and remain on record until it has complied with the obligations herein at which time the governing body shall adopt a Resolution authorizing the execution of a Release and Satisfaction of Developer's Agreement in recordable form.

IN WITNESS WHEREOF, the Developer has hereunto caused these presents to be signed by its proper authorized parties and has caused its proper seals, if any, to be affixed hereto. The Township of Toms River has caused this instrument to be signed by its Mayor and attested by its Clerk and does cause its proper corporate seal to be affixed as of the date and year first above written.

ATTEST: (Affix Seal)

## **TOWNSHIP OF TOMS RIVER**

\_\_\_\_\_  
J. MARK MUTTER  
Municipal Clerk

\_\_\_\_\_  
THOMAS F. KELAHER  
Mayor

## **NOBILITY CREST AT DOVER, LLC**

ATTEST: (Affix Seal)

Martha Bowden questioned the following Resolution.

Council Members Kubiell, Maruca and Township Administrator Shives advised.

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

**EMERGENCY TEMPORARY RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY**

**FEBRUARY 9, 2016**

WHEREAS, an emergent condition has arisen with respect to emergency snow removal in and by the Township of Toms River, in the County of Ocean, New Jersey (the "Township"), and no adequate provision has been made in the Township's 2016 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20, provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2016 pursuant to the provisions of N.J.S.A. 40A:4-20, including this resolution, total \$41,320,979.98;

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 (not less than two-thirds of all members thereof affirmatively concurring), in accordance with N.J.S.A. 40A:4-20, as follows:

1. An emergency temporary appropriation is hereby made for the purpose of snow removal by the Township in the amount of \$1,200,000.00.

2. That said temporary emergency appropriation shall be provided for in full in the 2016 budget, under the title of "Declared State of Emergency Cost for Snow Removal N.J.S.A. (40A:4-45.45 (b), and 40A:4-45.3(bb))".

3. That one (1) certified copy of this resolution shall be filed with the Director of the Division of Local Government Services.

4. A certified copy of this resolution shall also 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

I, J. Mark Mutter, the undersigned Township Clerk of the Township of Toms River, in the County of Ocean, New Jersey, hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Township Council of the Township of Toms River at its meeting held on February 9, 2016.

---

J. Mark Mutter, Township Clerk

---

(SEAL)

Ken Langdon questioned the following Resolution.

Township Attorney Fitzsimmons explained the following Resolution.

A motion was made by Council Member Hill, seconded by Council Member Manforti, and carried with Council Members Carr, Hill, Manforti, Maruca, and Council President Kubiak voting yes, and Council Member Geoghegan abstaining, and with Council Member Wittmann 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 TO THE  
STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION  
OF LAND USE REGULATION (AN APPLICATION FORM FOR  
PERMIT(S)/AUTHORIZATION(S)), FOR THE SUNSET MANOR ASSOCIATION, INC., TO  
PERFORM ANNUAL BEACH AND DUNE MAINTENANCE PROJECT, FOR REAL  
PROPERTY KNOWN AS BLOCK 951.10, LOT 26  
(8 PLAINFIELD AVENUE, TOMS RIVER, NJ)**

**FEBRUARY 9, 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. It hereby authorizes Mayor Thomas F. Kelaher to execute to the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation (an Application form for Permit(s)/Authorization(s)), for the Sunset Manor Association, Inc., Annual Beach and Dune Maintenance Project for real property known as Block 951.10, Lot 26, (8 Plainfield Avenue), Toms River, NJ.

2. The Township of Toms River is the holder of an easement on this property and the permit form requires signatures of the owner and any party holding an easement.

3. Project Description: Renewal of General CAFRA Permit, LURP File No. 1507-03-0091.1 (CAF050001), Permit for Annual Beach and Dune Maintenance.

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

- a) Township Attorney
- b) Chief Financial Officer
- c) Engineering Division
- d) State of New Jersey  
Department of Environmental Protection  
Division of Land Use Regulation  
501 E. State Street Mail Code 501-02A  
P.O. Box 420  
Trenton, N.J. 08625-0420
- e) Richard Savacool  
Sunset Manor Association, Inc.  
125 Joseph Street  
Lavallette, NJ 08735

Carol Benson questioned the following Resolution.

Township Attorney Fitzsimmons explained the following Resolution.

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

**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 COMMUNITY MEDICAL CENTER, BLOCK 535.04, LOTS 8 THRU 15 (LAKEHURST ROAD)**

**February 9, 2016**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Community Medical Center, Block 535.04, Lots 8 thru 15.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond # 106307756 in the amount of \$146,434.50 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$16,270.50 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$8,135.26 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 Saint Barnabas Health, 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. Community Medical Center  
99 Route 37 West  
Toms River, NJ 08755

## REPORTS

NONE

## APPROVAL OF BILLS

Council President Kubiel asked for a report on the bills.

The Bill List, dated **February 5, 2016** was approved on motion by Council Member Maruca, seconded by Council Member Manforti, and carried with Council Members Carr, Hill, Manforti, Maruca, and Council President Kubiel voting yes, and Council Member Geoghegan abstaining on all, and with Council Member Wittmann absent. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 15-07077, payable to Community Medical Center (part of Owen, Little) in the amount of \$1,755.00.

Purchase Order 15-07076, payable to Community Medical Center (part of Kim Pascarella) in the amount of \$472.50.

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

Purchase Order 15-07048, payable to Silverton First Aid Squad in the amount of \$81,655.22.

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

Purchase Order 15-05716 and 15-06958, payable to Heartwood Ecological Consultant in the amount of \$2,401.25.

Purchase Order 15-07077, payable to Owen, Little and Associates, Inc. in the amount of \$6,015.85.

Purchase Order 15-07076, payable to Community Medical Center (part of Kim Pascarella) in the amount of \$472.50.

Purchase Order 16-00578 and 16-00403, payable to Saint Luke's Church in the amount of \$962.57.

Purchase Order 16-00101, payable to William & Theresa Stoffey in the amount of \$3,427.44.

Council Member Maruca abstained due to Business conflicts on the following

Purchase Order 15-06957, payable to Dasti, McGuckin-Attorneys at Law in the amount of \$4,585.00.

Purchase Order 15-06974, payable to New Jersey Motor Vehicle Business and Government Services in the amount of \$150.00.

Purchase Order 16-00578, payable to FY16 New Jersey Motor Vehicle Lease in the amount of \$3,030.50.

## **ELECTED OFFICIALS COMMENTS**

Mayor Kelaher spoke regarding beach replenishment.

Councilwoman Maruca spoke regarding DEP Meeting with Commissioner Martin, and newly appointed Councilman.

Council Members Manforti and Geoghegan had no comments.

Councilman Hill thanked the Council for passing Ordinance for Military dependents and giving them free access to beaches.

Councilman Carr welcome new Council Member Geoghegan and Council Member Manforti back from his illness.

## **PUBLIC COMMENTS**

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

Pat Klaslo spoke regarding electric billing in the Township. Township Attorney Fitzsimmons responded regarding "opt out" procedure and regarding billing per State law guidelines.

Carol Benson spoke regarding Zoning Board application on Smith Road. Township Attorney Fitzsimmons responded.

William McPhail spoke regarding "opt out" procedure for electric billing.

Ken Langdon spoke regarding recent meeting with DEP Commissioner and beach replenishment. He questioned Township policy regarding “scarfing” the beach. Township Administrator Shives responded.

Martha Bowden spoke regarding Township website layout.

Phil Castiglione spoke regarding Ordinance number nine on the agenda earlier.

No further comments from the public appearing, a motion was made by Council Member Maruca, seconded by Council Member Manforti, and carried to enter into a private Executive Session at 7:04 PM.

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

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

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

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

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

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

Matters of Personnel  
Attorney Client Privilege  
Land Acquisitions

3. The following specific topics were announced.
  1. January 26, 2016 Executive Session Minutes
  2. Personnel
  3. Potential Open Space Acquisitions
  4. Potential donation of Township land for affordable housing purposes
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 Geoghegan	- Yes
Council Member Hill	- Yes
Council Member Maruca	- Yes
Council Member Wittmann	- Absent
Council Vice-President Manforti	- Yes
Council President Kubiell	- Yes

The Council reconvened the public portion at 7:21 P.M., with Council Members Carr, Hill, Kubiell, Maruca, Geoghegan and Council President Kubiell all present, and with Council Members Manforti and Wittmann absent.

A motion was made by Council Member Carr, seconded by Council Member Maruca, and carried with Council Members Carr, Hill, Maruca, and Council President Kubieli voting yes, and Council Member Geoghegan abstaining, and with Council Members Manforti and Wittmann 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:

**January 26, 2016**

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

No other business appearing, the meeting was adjourned at 7:22 P. M., with Council Members Carr, Geoghegan, Hill, Maruca, and Council President Kubieli voting yes, and with Council Members Manforti and Wittmann absent.

\_\_\_\_\_  
BRIAN S. KUBIEL, COUNCIL PRESIDENT

\_\_\_\_\_  
J. MARK MUTTER, TOWNSHIP CLERK