

February 23, 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.

Roll Call:

Council Member Carr	- Present
Council Member Geoghegan	- Present
Council Member Hill	- Present
Council Member Maruca	- Absent
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, and Council President Kubiel voting yes, and with Council Members Maruca and Wittmann absent, to approve an excused absence for Council Member Maruca for personal reasons..

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

APPROVAL OF MINUTES

A motion was made by Council Member Manforti, seconded by Council Member Carr, and carried with Council Members Carr, Geoghegan, Hill, Manforti, and Council President Kubiel voting yes, and with Council Members Maruca and Wittmann absent, to approve the Minutes of the **Regular Meeting of February 9, 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, Geoghegan, Manforti, and Council President Kubiel voting yes, and Council Members Maruca and Wittmann absent, to make the following honoring proclamations a part of the Minutes.

Mayor Kelaher and Council presented the following certificates to each of the following groups.

Toms River Angels Cheerleaders – National Championship for fourth time.

Toms River South Raiders Inspiration Cheerleaders-National Championship first place.

Toms River South Raider Football Team New Jersey Champions AYF Cadet title and third in country at Nationals.

A recess was held at 6:14 p.m.

The meeting reconvened at 6:16 p.m.; all Council Members previously present with Council Members Maruca and Wittmann absent.

J. Mark Mutter, Township Clerk read the following Ordinance of which the title only was read in full:

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

**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 taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Kubiell announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith.

Martha Bowden questioned this Ordinance and positions in the Township. Township Administrator Shives responded.

On motion by Council Member Manforti, seconded by Council Member Carr and carried, the public hearing was closed.

Council Member Manforti offered the following resolution and moved its adoption, Council Member Carr seconded the motion:

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

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

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

Council Member Carr	- Yes
Council Member Geoghegan	- Yes
Council Member Hill	- Yes
Council Member Maruca	- Absent
Council Member Wittmann	- Absent
Council Vice-President Manforti	- Yes
Council President Kubiell	- Yes

J. Mark Mutter, Township Clerk read the following Ordinance of which the title only was read in full:

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

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 taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Kubiell announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith.

Richard Wieland spoke regarding this Ordinance and its description in the Ordinance.

On motion by Council Member Hill, seconded by Council Member Carr and carried, the public hearing was closed.

Council Member Hill offered the following resolution and moved its adoption, Council Member Carr seconded the motion:

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

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

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

Council Member Carr	- Yes
Council Member Geoghegan	- Yes
Council Member Hill	- Yes
Council Member Maruca	- Absent
Council Member Wittmann	- Absent
Council Vice-President Manforti	- Yes
Council President Kubiell	- Yes

J. Mark Mutter, Township Clerk read the following Ordinance of which the title only was read in full:

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

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

On motion by Council Member Manforti, seconded by Council Member Hill and carried, the public hearing was closed.

Council Member Hill offered the following resolution and moved its adoption, Council Member Manforti seconded the motion:

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

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

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

Council Member Carr	- Yes
Council Member Geoghegan	- Yes
Council Member Hill	- Yes
Council Member Maruca	- Absent
Council Member Wittmann	- Absent
Council Vice-President Manforti	- Yes
Council President Kubieli	- Yes

J. Mark Mutter, Township Clerk read the following Ordinance of which the title only was read in full:

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ESTABLISHING CEASE AND DESIST ZONES PROHIBITING REAL ESATE CANVASSING

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Kubieli announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith.

The following individuals supported the Ordinance:

Gail Runion	Lisa Rinaldo
Chris Bottomley	Michael DeDominicis
Mauricio Borrero	Doreen Sirota
Alan Fossa	Bill Blohm
Beverly Clancy	Anna Marie McElroy
Laura Britton Dentrux	Chrissie Barber
Kay Salera	

Meg Otchy questioned the Ordinance regarding mail solicitations. Township Attorney Fitzsimmons responded. She said she supported the Ordinance.

Tom Nivison supported the Ordinance and questioned the length of the plan after the five years is over.

Diane Cimo supported the Ordinance and spoke regarding the future of Toms River Schools and taxes.

Laura Britton Dentrux questioned the area of the Ordinance and of an expanded zone. Township Attorney Fitzsimmons replied and spoke regarding mailings of solicitations.

On motion by Council Member Hill, seconded by Council Member Carr and carried, the public hearing was closed.

Council Member Manforti offered the following resolution and moved its adoption, Council Member Carr seconded the motion:

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

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.

2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press.

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

Council Member Carr	- Yes
Council Member Geoghegan	- Yes
Council Member Hill	- Yes
Council Member Maruca	- Absent
Council Member Wittmann	- Absent
Council Vice-President Manforti	- Yes
Council President Kubiell	- Yes

Councilman Kubiell spoke regarding Ordinance after it was adopted.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ADOPTING THE REPORT ON REAL ESTATE CANVASSING ACTIVITIES IN THE TOWNSHIP OF TOMS RIVER, PREPARED BY PAUL J. SHIVES, BUSINESS ADMINISTRATOR AND KENNETH B. FITZSIMMONS, TOWNSHIP ATTORNEY, DATED FEBRUARY 5, 2016, PURSUANT TO SECTION 391-54B OF CHAPTER 391 (PEDDLING & SOLICITING) OF THE TOWNSHIP CODE

FEBRUARY 23, 2016

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

1. The Township Council hereby adopts the February 5, 2016, Report on Real Estate Canvassing Activities in the Township of Toms River, issued by the Business Administrator and Township Attorney, pursuant to Section 391-54B of Chapter 391 (Peddling & Soliciting) of the Township Code. A copy of the Report will be kept on file in the Office of the Township Clerk.

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

- a) Mayor Thomas Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Police Department
- f) Chief Financial Officer
- g) Code Enforcement

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

TOMS RIVER SPECIAL IMPROVEMENT DISTRICT BUDGET

FEBRUARY 23, 2016

WHEREAS, the Toms River Township Special Improvement Budget is stated, below, and

WHEREAS, public hearing shall be held on March 22, 2016;

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

1. It hereby introduces the Special Improvement District Budget for 2016. The Special Improvement District Budget for the period of January 1, 2016 through December 31, 2016 is hereby approved, as follows:

S01 Ratables	\$141,913,500
S02 Ratables	\$ 53,850,900

Total 2016 Revenue to be raised by taxation:

S01 Budget	\$234,000.00
S02 Budget	\$ 26,000.00
S01 Proposed 2016 Tax Rate	\$0.165
S02 Proposed 2016 Tax Rate	\$0.049

2. Public hearing of the Budget shall be held at the Toms River Township Council Meeting to be held:

Tuesday, March 22, 2016, 6:00 p.m.

Toms River Municipal Building
33 Washington Street
Toms River, NJ 08753
L. Manuel Hirshblond Meeting Room,

at which time the public shall be heard, and at which time the Township Council shall consider said budget for final adoption.

Formal action may be taken.

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

- a) Chief Financial Officer
- b) Township Attorney
- c) Township Auditor
- d) Tax Assessor
- e) Tax Collector
- f) New Jersey Division of Local Government Services
- g) Toms River Business Improvement District
218 Main Street
Toms River, N.J. 08753
- h) Ocean County Board of Taxation

4 . The Municipal Clerk shall advertise this resolution, in its entirety, as public notice of its introduction and as public notice of the hearing.

A motion was made by Council Member Hill, seconded by Council Member Carr, and carried with all Council Members voting yes, to approve the following Resolution:

RESOLUTION PROVIDING FOR EMERGENCY TEMPORARY APPROPRIATIONS

February 23, 2016

WHEREAS, the Township Council of the Township of Toms River passed a 2016 Temporary Budget Resolution on January 4, 2016; and,

WHEREAS, N.J.S.A. 40A:4-20 authorizes the Township Council by resolution adopted by a two-thirds vote of the full membership thereof to make emergency temporary appropriations;

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, that the attached list of 2016 emergency temporary appropriations are hereby approved.

BE IT FURTHER RESOLVED that certified copies of this Resolution be provided by the Office of the Township Clerk to each of the following:

- a) Director, Division of Local Government Services
- b) Administrator
- c) Township Attorney
- d) Township Auditor
- e) Chief Financial Officer
- f) Affected Department Heads

Approved as to Content:

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	Absent
Council Member Wittmann	Absent
Council Vice-President Manforti	Yes
Council President Kubiel	Yes

A motion was made by Council Member Manforti, seconded by Council Member Hill, and carried with all Council Members voting yes, to approve the following Resolution:

RESOLUTION AUTHORIZING BUDGET APPROPRIATION

RESERVE TRANSFERS

February 23, 2016

WHEREAS, N.J.S.A. 40A:4-59 permits the Township of Toms River to transfer funds between 2015 Budget Appropriations Reserve accounts during the first three months of the succeeding fiscal year;

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 that the following transfer is made between 2015 Budget Appropriation Reserves, as follows:

	Transfer From	Transfer To
General Appropriations Operations – within “CAPS”		
Department of Police Salaries and Wages	\$20,000.00	
Department of Police Other Expenses		\$20,000.00
	<hr/>	<hr/>
	<u>\$ 20,000.00</u>	<u>\$ 20,000.00</u>

A certified copy of this resolution shall be provided by the Office of the Township

Clerk to each of the following:

- a) Division of Local Government Services
- b) Auditor
- c) Chief Financial Officer
- c) Affected Department Heads

Approved as to Content

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	Absent
Council Member Wittmann	Absent
Council Vice-President Manforti	Yes
Council President Kubiel	Yes

CONSENT AGENDA

Council President Kubiel 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 Manforti, and carried with Council Members Carr, Geoghegan, Hill, Manforti, and Council President Kubiel voting yes, and with Council Members Maruca and Wittmann absent, to approve all the following items listed on the Consent Agenda, except item **G, I, and R**, which were done separately.

RESOLUTION

FEBRUARY 23, 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 A REFUND,

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>
<i>BILES, KENNETH & LISA</i>	<i>235.22</i>	<i>18</i>	<i>2015/4</i>	<i>147.53</i>
<i>TOTALS:</i>				<i>147.53</i>

- 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 23, 2016

WHEREAS, an overpayment of taxes has appeared on the following properties for the year (s) indicated; DUE TO DUPLICATE TAX PAYMENT AND OR ERRONEOUS TAX PAYMENT, RESULTING IN A REFUND,

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>
COLUMBIA BANK	644.21	30	2015/4	20597.63
CORELOGIC ATTN; RECOVERIES	756	36.01	2015/4	5474.06
LICHTENSTEIN, ISRAEL & NESIA	193	4.08	2016/1	3857.18
TOTALS:				29928.87

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 23, 2016

WHEREAS, an overpayment of taxes was taken out of the Township of Toms river TTL Account, which was an erroneous check written in the amount of \$88.70. This was for block: 443.07 Lot 1, regarding a tax lien redeem #12-00444. This check was the second one to be come out of the TTL Account and now must be replenished to the TTL Account;
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>
TOWNSHIP OF TOMS RIVER	443.07	1	2015/1	\$ 88.70
TOTALS:				\$ 88.70

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 OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO DISPOSE OF, BY RECYCLING, A LIVESCAN CABINET 250 SERIES FINGERPRINT SCANNER, FIXED ASSET NO. 5186, FOR THE POLICE DEPARTMENT, WHICH IS NO LONGER NEEDED FOR PUBLIC USE, OR BY THE TOWNSHIP, PURSUANT TO N.J.S.A. 40A:11-36

FEBRUARY 23, 2016

WHEREAS, the Purchasing Division and the Police Department are requesting authorization to dispose of a Livescan Cabinet 250 Series Fingerprint Scanner, Fixed Asset No. 5186, which is no longer need for public use or by the Township, pursuant to N.J.S.A. 40A:11-36; and

WHEREAS, certain items are not usable by the Township and should be disposed of by recycling or waste, as applicable;

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

1. Pursuant to N.J.S.A. 40A:11-36, it hereby authorizes the Purchasing Division to dispose of a Livescan Cabinet 250 Series Fingerprint Scanner, Fixed Asset No. 5186, for the Police Department, which is no longer needed for public use, or by the Township, and should be disposed of by recycling.

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

- a) Purchasing Division
- b) Township Attorney
- c) Chief Financial Officer
- d) Public Works Department
- e) Police Department
- f) Lorraine Adams, Grant Coordinator

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE**

SAFE AND SECURE COMMUNITIES PROGRAM

RESOLUTION OF PARTICIPATION

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

FEBRUARY 23, 2016

WHEREAS, the Township of Toms River wishes to apply for funding of approximately \$60,000.00 with a match of \$252,420.00 for an approximate project total cost of \$312,420.00 for a project under the State of New Jersey Safe and Secure Grant Program; and

WHEREAS, the Township of Toms River Council has reviewed the accompanying application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Township of Toms River, for the purpose described in the application;

THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River that:

1. As a matter of public policy the Township of Toms River wishes to participate to the fullest extent possible with the Department of Law and Public Safety.

2. The Attorney General will receive funds on behalf of the applicant.

3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.

4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

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

- a) Kenneth B. Fitzsimmons, Township Attorney
- b) Christine Manolio, Chief Financial Officer
- c) Chief Mitchell Little, Police Department
- d) Lorraine Adams, Grant Coordinator
- e) Division of Criminal Justice
Program Development/Grants Section
25 Market Street 5th Floor W.
P.O. Box 085
Trenton, N.J. 08625-0085
Attn: Heddy Levine-Sabol, Chief

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE**

SAFE AND SECURE COMMUNITIES PROGRAM

CERTIFICATION OF RECORDING OFFICER

This is to certify that the foregoing Resolution is a true and correct copy of a resolution which was duly and regularly introduced and finally adopted at the meeting of the Township Council of the Township of Toms River, held on the 23rd day of February, 2016, and duly recorded in my office; that all requirements of law pertaining to the conduct of said meeting and the passage of this resolution were observed; and that I am duly authorized to execute this certificate.

DATED: This 23rd day of February, 2016.

SEAL

Signature of Certifying Officer

Name of Certifying Officer

Title (Mayor)

Grant # P-6331-16

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF SOFTWARE MAINTENANCE FOR THE DEPARTMENT OF POLICE FROM SPILLMAN TECHNOLOGIES, INC., IN THE AMOUNT OF \$136,712.00 FOR ONE YEAR, COMMENCING FEBRUARY 1, 2016 (\$34,178.00 PER QUARTER FOR 2016)

FEBRUARY 23, 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), (the support or maintenance of proprietary software exception to public bidding), it hereby awards a contract to Spillman Technologies, Inc., for the Purchase of Software Maintenance for the Department of Police.

2. The support or maintenance of proprietary software is authorized pursuant to N.J.S.A. 40A:11-5(1)(dd).

Contract Awarded to:	Spillman Technologies, Inc. 4625 West Lake Park Blvd. Salt Lake City, Utah 84120
Maximum Amount:	\$136,712.00 for 2016 (\$ 34,178.00 per quarter for 2016)
Account Nos.:	6-01- -P45-510 - \$97,534.50 6-01- -P44-535 - \$34,178.00 6-01- -P43-535 - \$ 5,000.00

3. This contract shall commence February 1, 2016 and terminate January 31, 2016.

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) IT Services
- e) Police Department
- f) Spillman Technologies, Inc.
4625 Lake Park Blvd.
Salt Lake City, Utah 84120

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with Spillman Technologies, Inc., in the amount of \$136,712.00 for 2016 (\$34,178.00 per quarter for 2016), are available in the following account numbers:

6-01- -P45-510 - \$97,534.50
6-01- -P44-535 - \$34,178.00
6-01- -P43-535 - \$ 5,000.00

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: February 23, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING
THE EXECUTION OF A SCHEDULE "C" AGREEMENT WITH THE COUNTY OF
OCEAN FOR 2016 FOR THE PROVISION OF SERVICES, MATERIALS, AND
EQUIPMENT (ROAD DEPARTMENT SERVICES - \$30,000.00 AND
VEHICLE SERVICES - \$17,000.00)**

FEBRUARY 23, 2016

WHEREAS, the Uniform Shared Services and Consolidations Act, N.J.S.A. 40A:65-1 et. seq., authorizes the Township of Toms River to enter into a contract for the provision of certain governmental services with the County of Ocean; and

WHEREAS, N.J.S.A. 40A:65-5, requires such a contract to be authorized by resolution; and

WHEREAS, it is the desire of the governing body to authorize the execution of a contract with the County of Ocean for the provision of services, materials and equipment as set forth in Schedule "C" attached hereto;

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. Thomas F. Kelaher, Mayor of the Township of Toms River is hereby authorized to execute and J. Mark Mutter, Township Clerk, to attest to a Schedule "C" agreement with the County of Ocean in accordance with the provisions of the law to include \$30,000.00 for Road Department Services, and \$17,000.00 for Vehicle Services, for a total maximum amount not to exceed \$47,000.00, and funds are available in Account No. 6-01- -L25-547 (\$47,000.00), contingent upon availability of funds and the adoption of the CY16 budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. A copy of the said agreement is attached hereto and made part hereof as Schedule "C"

2. This agreement is for the period retroactive to January 1, 2016 through December 31, 2016.

3. A copy of this agreement referenced herein shall be kept on file and made available for public inspection in the Municipal Clerk's office during normal business hours.

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) Public Works Department
- f) Purchasing Division
- g) Ocean County Road Department
129 Hooper Avenue
P.O. Box 2191
Toms River, N.J. 08754-2191
Attn: J. Thomas Curcio
County Road Supervisor

CERTIFICATION

I, J. Mark Mutter, Municipal Clerk of the Township of Toms River, do hereby certify that the foregoing resolution was duly adopted by the Township Council of the Township of Toms River, Ocean County, New Jersey at the regular meeting of February 23, 2016.

J. MARK MUTTER
MUNICIPAL CLERK

CERTIFICATION

THIS IS TO CERTIFY that the funds for agreement with the County of Ocean - Schedule C – 2016, for road department services - \$30,000.00 and vehicle services - \$17,000.00, for a total amount not to exceed \$47,000.00, are available in Account No. 6-01- -L25-547, contingent upon availability of funds and the adoption of the CY16 budget.

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: February 23, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF TWO (2) ADDITIONAL REPLACEMENT AUTOMATED REFUSE COLLECTION SYSTEMS CAB & CHASSIS, NEW AND UNUSED 2016 MODEL 66,000 LB GVW FOR THE DEPARTMENT OF PUBLIC WORKS FROM HUNTER JERSEY PETERBILT, AT A COST OF \$265,975.00 EACH, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$531,950.00 FOR TWO (2)

(ORIGINAL AWARD OF CONTRACT JULY 28, 2015, FOR TWO (2) UP TO A MAXIMUM OF FIVE (5) AUTOMATED REFUSE COLLECTION SYSTEMS CAB & CHASSIS NEW AND UNUSED 2016 MODEL 66,000 LB GVW MINIMUM (OR EQUAL), FOR THE DEPARTMENT OF PUBLIC WORKS, AT A COST OF \$265,975.00 EACH, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$531,950.00 FOR TWO (2))

FEBRUARY 23, 2016

WHEREAS, bids were invited on July 7, 2015 for Two (2) Up to a Maximum of Five (5) Automated Refuse Collection Systems Cab & Chassis New and Unused 2016 Model 66,000 LB GVW Minimum (or equal) for the Department of Public Works; and

WHEREAS, resolution of the Township Council dated July 28, 2015, awarded a contract to Hunter Jersey Peterbilt, as sole bidder meeting all the specifications, for two (2) up to a maximum of five (5) Automated Refuse Collection Systems Cab & Chassis New and Unused 2016 Model 66,000 LB GVW Minimum (or equal) for the Department of Public Works, for a total cost not to exceed \$531,950.00 for two (2) (\$265,975.00 each), with the option to purchase up to three (3) additional, contingent upon availability of funds in future municipal budgets; and

WHEREAS, the Township Council has determined that it would be in the best interest of the Township to exercise its option to purchase Two (2) Additional Replacement Automated Refuse Collection Systems Cab & Chassis New and Unused 2016 Model 66,000 LB GVW for the Department of Public Works, for a total cost not to exceed \$531,950.00 for two (2) (\$265,975.00 each) from:

Hunter Jersey Peterbilt
524 Monmouth Road
Clarksburg, NJ 08510

AUTOMATED REFUSE COLLECTION SYSTEMS
CAB & CHASSIS NEW AND UNUSED
2016 MODEL 66,000 LB GVW MINIMUM (OR EQUAL)
PRICE PER EACH:\$265,975.00

MAKE CAB /CHASSIS BID: Peterbilt
MODEL BID: 320
YEAR BID: 2016
DELIVERY DATE: 120 Days A.R.O.

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

1. It hereby authorizes the purchase of Two (2) Additional Replacement Automated Refuse Collection Systems Cab & Chassis New and Unused 2016 Model 66,000 LB GVW for the Department of Public Works, from Hunter Jersey Peterbilt, for a total cost not to exceed \$531,950.00 for two (2) (\$265,975.00 each) The award of this contract is subject to all the terms and conditions of the bid specifications. Funds in the maximum amount not to exceed \$531,950.00 (\$265,975.00 each), are available in Account No. X-04- -233-003. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Public Works Department
- e) Hunter Jersey Peterbilt
524 Monmouth Road
Clarksburg, NJ 08510

CERTIFICATION

THIS IS TO CERTIFY that the funds for the Purchase of 2 Additional Replacement Automated Refuse Collection Systems Cab & Chassis New and Unused 2016 Model 66,000 LB GVW, for the Department of Public Works, from Hunter Jersey Peterbilt, in the total contract price not to exceed \$531,950.00 (\$265,975.00 each), are available in Account No. X-04- -233-003.

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: February 23, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING CONTRACTS PREVIOUSLY AWARDED TO T & M ASSOCIATES, MASER CONSULTING, P.A., AND MICHAEL BAKER JR., INC., FOR HUD-FUNDED POST-SANDY PLANNING AND RECOVERY WORK TO COMPLY WITH HUD REGULATIONS

FEBRUARY 23, 2016

WHEREAS, by resolution dated January 29, 2015, the Township Council approved a contract with T & M Associates for services associated with the re-examination and update of the Township's Master Plan and Land Use Code; and

WHEREAS, by resolution dated January 29, 2015, the Township Council approved a contract, with Maser Consulting, P.A., for the preparation of a Neighborhood Circulation Plan for Downtown Toms River Waterfront Redevelopment; and

WHEREAS, by resolution dated July 14, 2015, the Township Council approved a contract with Michael Baker Jr., Inc., for services associated with the preparation of a Community Vulnerability Assessment and Hazard Mitigation Plan; and

WHEREAS, these contracted-for services are funded through grants issued by the Department of Housing and Urban Development ("HUD"); and

WHEREAS, HUD has examined these contracts and requires amendments to the contracts covering performance requirements and specifying damages; and

WHEREAS, the contractual amendments are attached hereto as Schedules A, B, and C:

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

1. The three contracts referenced above are hereby amended to include the provisions required by HUD, as provided in Schedules A (T & M Associates), B (Maser Consulting PA), and C (Michael Baker, Jr., Inc.), attached hereto.

2. Certified copies of the fully-executed amendments and this resolution shall remain on file in the Office of the Township Clerk, and provided to the following parties:

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Township Engineer
- f) Township Planner
- g) Assistant Township Planner
- h) Maser Consulting, PA,
331 Newman Springs Road, Suite 203
Red Bank, New Jersey 07701
- i) T&M Associates
9 Grand Avenue
Building #1
Toms River, New Jersey 08753-7503
- j) Michael Baker, Jr., Inc.
MICHAEL BAKER INTERNATIONAL
300 American Metro Blvd.
Suite 154
Hamilton, NJ 08619

SCHEDULE "A"

T&M ASSOCIATES

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

The PROFESSIONAL SERVICES AGREEMENT between the TOWNSHIP OF TOMS RIVER (“Township”) and T & M ASSOCIATES (“T & M”), approved by resolution dated January 29, 2015, and executed on January 30, 2015 is hereby amended as follows:

- 6. T & M shall commence the work described herein no later than March 18, 2015, and complete the project no later than February 18, 2016. One three-month extension to complete the project may be granted at the Township’s discretion. Time is of the essence.

- 7. The performance measure for this agreement shall include the timely performance and completion of the contractor’s obligations as provided in the original contract. T & M shall submit progress reports as provided in the original contract. Should T & M fail to provide the required progress reports, or should those progress reports demonstrate insufficient progress, the Township may terminate the contract.

All other provisions of the original contract remain in full force and effect.

For the Township:

Attest:

J. MARK MUTTER
Township Clerk

THOMAS F. KELAHER
Mayor

For T & M Associates:

SCHEDULE “B”

MASER CONSULTING, PA

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

The PROFESSIONAL SERVICES AGREEMENT between the TOWNSHIP OF TOMS RIVER (“Township”) and MASER CONSULTING, P.A. (“Maser”), approved by resolution dated January 29, 2015, and executed on January 30, 2015, is hereby amended as follows:

- 6. Maser shall commence the work described herein no later than March 3, 2015, and complete the project no later than March 3, 2016. One three-month extension to complete the project may be granted at the Township’s discretion. Time is of the essence.

- 7. The performance measure for this agreement shall include the timely performance and completion of the contractor’s obligations as provided in the original contract. Maser shall submit progress reports as provided in the original contract. Should Maser fail to provide the required progress reports, or should those progress reports demonstrate insufficient progress, the Township may terminate the contract.

All other provisions of the original contract remain in full force and effect.

For the Township:

Attest:

J. MARK MUTTER
Township Clerk

THOMAS F. KELAHER
Mayor

For Maser Consulting, P.A.:

SCHEDULE "C"

MICHAEL BAKER, JR., INC.

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

The PROFESSIONAL SERVICES AGREEMENT between the TOWNSHIP OF TOMS RIVER ("Township") and MICHAEL BAKER, JR., INC., ("Baker"), approved by resolution dated July 14, 2015, and executed on July 15, 2015, is hereby amended as follows:

- 6. Baker shall commence the work described herein no later than August 17, 2015, and complete the project no later than August 17, 2016. One three-month extension to complete the project may be granted at the Township's discretion. Time is of the essence.
- 7. The performance measure for this agreement shall include the timely performance and completion of the contractor's obligations as provided in the original contract. Baker shall submit progress reports as provided in the original contract. Should Baker fail to provide the required progress reports, or should those progress reports demonstrate insufficient progress, the Township may terminate the contract.

All other provisions of the original contract remain in full force and effect.

For the Township:

Attest:

J. MARK MUTTER
Township Clerk

THOMAS F. KELAHER
Mayor

For Michael Baker, Jr., Inc:

MICHAEL J CONABOY
Vice President

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT FOR ROOFING/ROOF CONSULTATION SERVICES TO COFFEY BROTHERS, INC.,

**AS LOWEST RESONSIBLE OVERALL BIDDER, FOR A TOTAL MAXIMUM
AMOUNT NOT TO EXCEED \$400,000.00 OVER TWO (2) YEARS**

FEBRUARY 23, 2016

WHEREAS, bids were received on January 12, 2016 for Roofing/Roof
Consultation Services; and

WHEREAS, bids were received, as follows:

Coffey Brothers, Inc.
2559 Route 9
Howell, NJ 07731

Hourly Rates Bid:

1. First Year
 - Journeyman - \$85.00
 - Supervisor - \$95.00
 - Apprentice - \$85.00
2. Second Year
 - Journeyman - \$88.00
 - Supervisor - \$98.00
 - Apprentice - \$85.00
3. Cost of Materials Above Dealer's Cost: 20%

GMH Associates of America Inc.
5 Chelton Way, Building 15
Trenton, NJ 08638

Hourly Rates Bid:

1. First Year
 - Journeyman - \$105.00
 - Supervisor - \$105.00
 - Apprentice - \$105.00
2. Second Year
 - Journeyman - \$105.00
 - Supervisor - \$105.00
 - Apprentice - \$105.00
3. Cost of Materials Above Dealer's Cost: 25%

Roof Maintenance Systems
1060 Route 33
Freehold, NJ 07728

Hourly Rates Bid:

1. First Year
 - Journeyman - \$125.00
 - Supervisor - \$126.00
 - Apprentice - \$125.00
2. Second Year
 - Journeyman - \$129.00
 - Supervisor - \$130.00
 - Apprentice - \$129.00
3. Cost of Materials Above Dealer's Cost: 15%

WHEREAS, the bids have been reviewed by the Purchasing Division and the Department of Parks, Buildings & Grounds, and it is their recommendation that the contract be awarded to Coffey Brothers, Inc., for a total maximum amount not to exceed \$400,000.00 over two (2) years;

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 the contract for Roofing/Roof Consultation Services to Coffey Brothers, Inc., as lowest responsible overall bidder, for a total maximum amount not to exceed \$400,000.00 over two (2) years, as follows:

Coffey Brothers, Inc.
2559 Route 9
Howell, NJ 07731

Hourly Rates Bid:

1. First Year
 - Journeyman - \$85.00
 - Supervisor - \$95.00
 - Apprentice - \$85.00
2. Second Year
 - Journeyman - \$88.00
 - Supervisor - \$98.00
 - Apprentice - \$85.00
3. Cost of Materials Above Dealer's Cost: 20%

GMH Associates of America Inc.
5 Chelton Way, Building 15
Trenton, NJ 08638

Hourly Rates Bid:

1. First Year
 - Journeyman - \$105.00
 - Supervisor - \$105.00
 - Apprentice - \$105.00
2. Second Year
 - Journeyman - \$105.00
 - Supervisor - \$105.00
 - Apprentice - \$105.00
3. Cost of Materials Above Dealer's Cost: 25%

Roof Maintenance Systems
1060 Route 33
Freehold, NJ 07728

Hourly Rates Bid:

1. First Year
 - Journeyman - \$125.00
 - Supervisor - \$126.00
 - Apprentice - \$125.00
2. Second Year
 - Journeyman - \$129.00
 - Supervisor - \$130.00
 - Apprentice - \$129.00

3. Cost of Materials Above Dealer's Cost: 15%

2. The contract shall not exceed \$400,000.00 over the two-year term.

3. The term of contract shall be for two (2) years, effective from date of award by resolution of the Township Council through twenty-four (24) consecutive months. All terms and conditions of the bid specifications are applicable on this contract. This will be an open-ended contract with funds being encumbered each time service/order is requested, contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

4. Pursuant to N.J.S.A. 40A:11-15, this contract may be extended for up to two (2) additional one (1) year terms after the expiration of the original contract period, contingent upon approval of the governing body by resolution with the agreement of the Contractor. Contract extensions shall be subject to the availability and appropriation of funds for each year the contract is to be extended.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Parks, Buildings & Grounds
- e) Aforementioned Bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Coffey Brothers, Inc., for a total maximum amount not to exceed \$400,000.00 over two (2) years, are contingent upon the availability of funds in the appropriate municipal budget year, as follows:

Hourly Rates Bid:

1. First Year

- Journeyman - \$85.00
- Supervisor - \$95.00
- Apprentice - \$85.00

2. Second Year

- Journeyman - \$88.00
- Supervisor - \$98.00
- Apprentice - \$85.00

3. Cost of Materials Above Dealer's Cost: 20%

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 23, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS FARRO'S TEES, BLOCK 444.07, LOT 22 (FISCHER BLVD)

February 23, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Farro's Tees, Block 444.07, Lot, 22.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,500.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$500.00 which represents the required initial escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Farro's Tees, 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. Dominick Farro
873 Fischer Blvd
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS BLOCK 513.02, LOT 38 (WAWA STORE # 429-ROUTE 37)

February 23, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Wawa, Block 513.02, Lot 38.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$1,400.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$500.00 which represents the required initial escrow amount for inspection fees.

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

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

- 2) Said bond approval is conditioned upon compliance by Wawa, 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. Ms. Kristen Ritz
Wawa Inc.
260 West Baltimore Pike
Wawa, PA 19063

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING
PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES
FOR A MAJOR SITE PLAN, HOMES FOR ALL (PHASE II) KNOWN AS BLOCK 172,
BLOCK 11.03 (HARVEST WAY)**

FEBRUARY 23, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site known as Block 172, Lot 11.03.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) A check in the amount of \$6,000.00 is to represent the 10% Cash Maintenance Guarantee.

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 cash bond in the amount of \$6,000.00 currently on account 6-14- - 902-101, is hereby released;
- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;
Township Clerk shall send a certified copy hereof to each of the following:

- a. Township Engineer
- b. Chief Finance Department
- c. Township Attorney
- d. Homes For All
7 Hyers Street
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING
PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS BLOCK
1097.01, LOTS 81 AND 82 (BAY BLVD)**

FEBRUARY 23, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a MINOR Site Plan, known as Mia's Pizza, Block 1097.01, Lots 81 & 82.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$16,000.00, posted by Peter Hoelderlin which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$400.00 posted by Peter Hoelderlin 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 Mia's Pizza/Peter Hoelderlin, 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 Finance Department
 - c. Township Attorney
 - d. Homes For All
7 Hyers Street
Toms River, NJ 08753

RESOLUTION

February 23, 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>
06-16 Balkar Mola	Taxi Driver (Renewal)	EZ Taxi
08-16 Mohamed Farag	Taxi Driver (Renewal)	Access Shore
12-16 Thomas Clerico	Taxi Driver (Renewal)	AA-1 Taxi
14-15 Michael Hulse	Taxi Driver (Renewal)	Ace Taxi
15-16 Adam Mateo	Taxi Driver (Renewal)	ABC / Beach Taxi
16-16 Walter Powell	Taxi driver (Renewal)	Walter's Taxi
17-16 John MacDonald	Taxi Driver (Renewal)	All Pro Taxi
18-16 Thomas Fry	Taxi Driver (Renewal)	AA-1 Taxi
19-16 Elizabeth Fry	Taxi Driver (Renewal)	AA-1 Taxi
20-16 Linda Lanphere	Taxi Driver (Renewal)	AA-1 Taxi
21-16 Micheal Wulf	Taxi Driver (Renewal)	AA-1 Taxi
22-16 Carol Smith	Taxi Driver (Renewal)	A Absolutely the Best

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 23, 2016

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

MESSAGE LICENSE #03-16	Sunny Day Massage 1594 Route 9 Unit 8 Toms River, NJ 08755
MESSAGE LICENSE #04-16	Mei Lan Allen 309 Schley Ave Toms River, NJ 08755
MESSAGE BUSINESS #05-16	Asian Therapy 1201 Hooper Ave Toms River, NJ 08753
MESSAGE LICENSE #06-16	Lirong Pei 1120 Aspen Drive Toms River, NJ 08753
MESSAGE LICENSE #07-16	Liguo Dong 1120 Aspen Drive Toms River, NJ 08753
MESSAGE BUSINESS #10-16	Oriental Therapy 1201 Hooper Ave Toms River, NJ 08753
MESSAGE LICENSE #11-16	Baohua Yuan 160 James St 14-10 Toms River, NJ 08753
MESSAGE LICENSE #12-16	Baozhong Yuan 160 James Street 14-10 Toms River, NJ 08753
MESSAGE LICENSE #13-16	Dongmei Kang 160 James Street 14-10 Toms River, NJ 08753
MESSAGE LICENSE #14-16	Dongmei Wu 160 James Street 14-10 Toms River, NJ 08753
MESSAGE BUSINESS #17-16	Spa 1800 Corp. 1800 Lakewood Rd

Toms River NJ , 08755

**MASSAGE LICENSE
#19-16**

**Zhenzi Wen
1670 Bell Blvd Apt 621
Bayside, NY 11360**

**MASSAGE BUSINESS
#20-16**

**Star Spa
83 Route 37 East
Toms River, NJ 08753**

**MASSAGE LICENSE
#21-16**

**Jin Haishun
3201 Lovitt St
Flushing, NY, 11354**

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**

Martha Bowden questioned the following Resolution.
Ken Fitzsimmons responded regarding the additional easements.
Township Administrator Shives also replied. Discussion ensued.

Ken Langdon spoke regarding Cease and Desist Ordinance adoption; Sandy costs, and questioned the amount and cost of sand regarding the following Resolution. Township Engineer Chankalian responded.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO ACCEPT THE SUM OF UP TO \$726,121.60 FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR REIMBURSEMENT FOR EMERGENCY BEACH REPAIR AND STABILIZATION (ASSISTANCE WITH ESTIMATED ADDITIONAL SAND COSTS), IN THE WAKE OF THE JANUARY 22-24, 2016 WINTER STORM

FEBRUARY 23, 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 the Township of Toms River, to accept from the Department of Environmental Protection, the sum of up to \$726,121.60 for reimbursement for emergency beach repair and stabilization (assistance with estimated additional sand costs), due to the January 22-24, 2016 winter storm, per letter dated January 29, 2016 from Bob Martin, Commissioner, State of New Jersey, Department of Environmental Protection. Final payment will be based upon the actual construction cost.

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

- a) Mayor Thomas Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Township Engineer
- g) Bob Martin, Commissioner
State of New Jersey
Department of Environmental Protection
Mail Code 401-07
PO Box 402
Trenton, NJ 08625-0402

Nels Luthmann questioned the following Resolution.

Township Attorney Fitzsimmons explained the following Resolution.

A motion was made by Council Member Manforti, seconded by Council Member Carr, and carried with Council Members Carr, Geoghegan, Hill, Manforti, and Council President Kubiak voting yes, and with Council Members Maruca and 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 AN AMENDMENT TO THE INTERIM SETTLEMENT
AGREEMENT BETWEEN UNION CARBIDE CORPORATION AND THE
TOWNSHIP OF TOMS RIVER**

FEBRUARY 23, 2016

WHEREAS, the Township Committee and Union Carbide Corporation entered into an Interim Settlement Agreement on June 12, 1997, whereby the parties thereto would cooperate in the investigation and remediation of the closed Dover Township Landfill; and

WHEREAS, the Township Committee and Union Carbide Corporation entered into an Amendment to Interim Settlement Agreement dated July 15, 1999 which postponed future litigation until January 31, 2001 and to toll the statute of limitations until June 11, 2001, or until 30 days written notice by either party; and

WHEREAS, the Township Committee and Union Carbide Corporation entered into a Second Amendment to Interim Settlement Agreement dated March 20, 2001, which postponed future litigation until February 1, 2002 and to toll the statute of limitations until May 1, 2002, or until 30 days written notice by either party; and

WHEREAS, the Township Committee and Union Carbide Corporation entered into a Third Amendment to Interim Settlement Agreement dated February 4, 2002 and March 12, 2002, which postponed future litigation until February 2, 2003 and to toll the

statute of limitations until May 3, 2003, or until 30 days written notice by either party; and

WHEREAS, the Township Committee and Union Carbide Corporation entered into a Fourth Amendment to Interim Settlement Agreement dated February 27, 2003 and April 14, 2003, which postponed future litigation until February 2, 2004 and to toll the statute of limitations until May 3, 2004, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Fifth Amendment to Interim Settlement Agreement dated February 10, 2004 and March 18, 2004, which postponed future litigation until February 2, 2005 and to toll the statute of limitations until May 3, 2005, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Sixth Amendment to Interim Settlement Agreement dated April 12, 2005, which postponed future litigation until February 2, 2006 and tolled the statute of limitations until May 3, 2006, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Seventh Amendment to Interim Settlement Agreement dated April 25, 2006, which postponed future litigation until February 5, 2007 and tolled the statute of limitations until May 3, 2007, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into an Eighth Amendment to Interim Settlement Agreement dated April 10, 2007, which postponed future litigation until February 5, 2008 and tolled the statute of limitations until May 6, 2008, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Ninth Amendment to Interim Settlement Agreement dated March 25, 2008, which postponed future litigation until February 5, 2009 and tolled the statute of limitations until May 6, 2009, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Tenth Amendment to Interim Settlement Agreement dated March 10, 2009, which postponed future litigation until February 5, 2010 and tolled the statute of limitations until May 6, 2010, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Eleventh Amendment to Interim Settlement Agreement dated March 10, 2010, which postponed future litigation until February 5, 2011 and tolled the statute of limitations until May 6, 2011, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Twelfth Amendment to Interim Settlement Agreement dated May 12, 2011 which postponed future litigation until February 6, 2012, to toll the statute of limitations until May 7, 2012, or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Thirteenth Amendment to Interim Settlement Agreement dated April 2, 2013 which postponed future litigation until February 6, 2013, to toll the statute of limitations until May 7, 2013 or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Fourteenth Amendment to Interim Settlement Agreement dated March 6, 2013 which postponed future litigation until February 6, 2014, to toll the statute of limitations until May 7, 2013 or until 30 days written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Fifteenth Amendment to Interim Settlement Agreement dated February 26, 2014; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Sixteenth Amendment to Interim Settlement Agreement dated March 11, 2015 and March 13, 2015, to postpone future litigation until February 8, 2016, to toll the statute of limitations until May 9, 2016, or until 30 days written notice by either party; and

WHEREAS, the parties wish to amend that agreement to postpone future litigation until February 8, 2017, to toll the statute of limitations until May 9, 2017, or until 30 days written notice by either party; and

WHEREAS, a copy of the Seventeenth Amendment to Agreement will be kept on file in the Office of the Township Clerk upon execution;

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to a Seventeenth Amendment to Interim Settlement Agreement with Union Carbide Corporation, which will postpone future litigation until February 8, 2017, to toll the statute of limitations until May 9, 2017, or until 30 days written notice by either party. A copy of this agreement will be kept on file in the Office of the Township Clerk upon execution.

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

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Paul Shives, Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Engineering Division
- g) Thomas J. Trautner, Esq.
Chiesa, Shahinian & Giantomasi, PC
One Boland Drive
West Orange, NJ 07052
- h) William L. Warren, Esq.
Drinker, Biddle & Reath, LLP
105 College Road East
P.O. Box 627
Princeton, N.J. 08542-0627
- i) Carol L. Dudnick, Esq.
532 Bennetts Farm Road
Ridgefield, CT 06877
- j) Robert Casselberry
The Dow Chemical Company
310 George Patterson Blvd., Suite 100
Bristol, PA 19007

Nels Luthmann questioned the following Resolution regarding Charles Valvano's benefits and requested that his benefits as an MUA Commissioner be eliminated.

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

**RESOLUTION APPOINTING CHARLES VALVANO TO COMMISSIONER OF THE
TOMS RIVER MUNICIPAL UTILITIES AUTHORITY TO FILL VACANCY CREATED BY
VIRGINIA HAINES**

February 23, 2016

WHEREAS, Virginia M. Haines has resigned as a Regular Member of the Toms River Municipal Utilities Authority and her term on the Authority would have expired on January 31, 2017; and

WHEREAS, it is the desire of the Township Council to appoint a current Alternate Member of the Authority, Charles Valvano, Alternate One, to fill the remainder of her term as a Regular Member;

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, that:

- (1) Charles Valvano is hereby appointed as a Regular Member of the Toms River Municipal Utilities Authority to the unexpired term of Virginia Haines. Term expires on January 31, 2017.
- (2) The Term of Charles Valvano, as Alternate #1 of the Toms River Municipal Utilities Authority to January 31, 2019 is declared vacant.
- (3) A certified copy of this resolution shall be provided to each of the following by the Municipal Clerk:

- a. Council
- b. Mayor
- c. Administrator
- d. Law
- e. Toms River Municipal Utilities Authority
- f. Charles Valvano

REPORTS

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

1. Permits & Inspections Office- January 2016- \$297,763.50
2. Bey Lea Golf Course- January 2016- \$29,484.86
3. Winding River Ice Rink- January 2016- \$99,776.49
4. Clerk's Office- January 2016- \$585,519.93
5. Youth Services- January 2016- \$5,000.00

APPROVAL OF BILLS

Council President Carr asked for a report on the bills.

The Bill List, dated **February 19, 2016** was approved on motion by Council Member Manforti, seconded by Council Member Carr, and carried with Council Members Carr, Geoghegan, Hill, Manforti, and Council President Kubieli voting yes, and with Council Members Maruca and Wittmann absent. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 16-00695 and 16-00696, payable to Board of Fire Commissioners in the amount of \$6,648.34.

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

Purchase Order 16-00684, payable to Ryan Carr (part of Toms River MUA) in the amount of \$524.73.

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

Purchase Order 16-00950, payable to Board of Ed-Toms River Schools in the amount of \$10,465,987.75.

Purchase Order 16-00468, payable to Terry Brady, Esquire, in the amount of \$3,916.67.

Purchase Order 16-00444, payable to Ocean County Board of Health in the amount of \$1,603.00.

Purchase Order 16-00884, 16-00745 and 16-00932, payable to Saint Luke's Church in the amount of \$784.00.

Purchase Order 16-00884, 16-00745 and 16-00932, payable to Toms River Schools in the amount of \$8,233.25.

ELECTED OFFICIALS COMMENTS

NONE

PUBLIC COMMENTS

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

Laura Britton DentruX spoke regarding the recent development in her neighborhood and flooding as a result.

Mike DeDominicis spoke regarding Chabad hearing date in March.

Pat Klaslo spoke regarding the electric billing.

The public comment was closed. (No Executive Session was held.)

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No other business appearing, the meeting was adjourned at 7:01 P. M., with Council Members Carr, Geoghegan, Hill, Manforti, and Council President Kubiell voting yes, and with Council Members Maruca and Wittmann absent.

BRIAN S. KUBIEL, COUNCIL PRESIDENT

J. MARK MUTTER, TOWNSHIP CLERK