

March 8, 2016

A Regular Meeting of the Township Council of the Township of Toms River was held in the L. Manuel Hirshblond Meeting Room, Municipal Complex, 33 Washington Street, Toms River, New Jersey at 6:01 PM.

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

Council President Kubiell 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	- Present
Council Vice-President Manforti	- Present
Council President Kubiell	- Present

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

**APPROVAL OF MINUTES**

A motion was made by Council Member Hill, seconded by Council Member Carr, and carried with Council Members Carr, Geoghegan, Hill, Kubiell, Manforti, Wittmann, and Council President Kubiell voting yes, and with Council Member Maruca absent, to continue approval of the ***Special Meeting Minutes of February 3, 2016, to March 22, 2016 as no quorum existed to approve as Council Members Manforti and Wittmann were not present on February 3, 2016, and Council Member Geoghegan was not yet on Council.***

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 Kubiell voting yes, and Council Member Maruca absent, and with Council Member Wittmann abstaining as he was absent on February 23, 2016, to approve the Minutes of the ***Regular Meeting of February 23, 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 Manforti, and carried with Council Members Carr, Hill, Geoghegan, Manforti, Wittmann, and Council President Kubielski voting yes, and Council Member Maruca absent, to make the following honoring proclamation a part of the Minutes.

Council President Kubielski and Council presented retirement clock to Corporal Chris Raia, and Chief Little spoke regarding Officer Raia career in Toms River Township.

A motion was made by Council Member Hill, seconded by Council Member Carr, and carried with Council Members Carr, Geoghegan, Hill, Manforti, Wittmann, and Council President Kubielski voting yes, and with Council Member Maruca absent, that the following Ordinance:

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

**BE TABLED TO THE NEXT COUNCIL MEETING ON March 22, 2016 FOR  
LEGAL NOTICE.**

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

**RESOLUTION OF THE TOWNSHIP OF TOMS RIVER, COUNTY OF OCEAN, STATE OF  
NEW JERSEY SUPPORTING THE SITING OF THE NEW KC-46A TANKER AIRCRAFT AT  
JOINT BASE MCGUIRE-DIX-LAKEHURST**

**MARCH 8, 2016**

**WHEREAS**, Joint Base McGuire-Dix-Lakehurst covers 42,000 acres in Ocean and Burlington Counties, is the only Tri-Service Joint Base in the nation, is the second largest employer in the State of New Jersey and generates a \$6.9 Billion economic impact; and

**WHEREAS**, the Joint Base supports 80+ mission partners and is a critical asset for the Air Force, Army, Navy, Marines, Guard and Reserve; and

**WHEREAS**, the creation of the Joint Base in 2009 resulted in increased coordination and collaboration between the military services and achieved greater efficiencies, as desired by the Department of Defense; and

**WHEREAS**, Air Mobility refueling is a major mission at the Joint Base which is home to KC-10 and KC-135 tanker aircraft; and

**WHEREAS**, the current fleet is aging and must be replaced with the new KC-46A tankers, and

**WHEREAS**, Joint Base McGuire-Dix-Lakehurst is one of eleven installations nationwide that are being evaluated by the Department of the Air force for the siting of KC-46A aircraft; and

**WHEREAS**, the Joint Base has superior facilities and capabilities for continued air mobility missions using the KC-46A tanker aircraft.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Toms River, County of Ocean, State of New Jersey that:

1. It fully supports the siting of the new KC-46A aircraft at Joint Base McGuire-Dix-Lakehurst.
2. It urges the Department of the Air Force to consider all aspects of the Joint and Total Force capabilities of Joint Base McGuire-Dix-Lakehurst in making its selection, including its advantageous location for trans-Atlantic operations.
3. Certified copies of this resolution shall be sent to Governor Chris Christie, the Ocean County Board of Chosen Freeholders, and Congressman Thomas MacArthur and Christopher Smith.

**CONSENT AGENDA**

Council President Kubiak 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, Wittmann, and Council President Kubiak voting yes, and with Council Member Maruca, absent, to approve all the following items listed on the Consent Agenda, except item **J**, which was done separately.

*RESOLUTION*

*MARCH 8, 2016*

*WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTIES FOR THE YEAR (S) INDICATED, DUE TO AN ERRONEOUS TAX PAYMENT OR DUPLICATE TAX PAYMENT, 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>JSM AT HICKORY STREET LLC. ATTN; SEAN MARTIN</i>	<i>164</i>	<i>7</i>	<i>2015/4</i>	<i>\$4301.12</i>
<i>WELLS FARGO REAL ES. TX SVS LLC ATTN FINANCIAL SUPPORT</i>	<i>1109.14</i>	<i>26</i>	<i>2015/4</i>	<i>783.34</i>
			<i>2016/1</i>	<i>743.84</i>
<b><i>TOTALS:</i></b>				<b><i>\$5828.30</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**

**MARCH 8, 2016**

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTIES FOR THE YEAR (S) INDICATED, DUE TO A NEW JERSEY STATE TAX APPEAL,

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>EMPIRE LAND LLC @ ZIPP TNNENBAUM &amp; CACCAVELLI LLC.</b>	<b>646</b>	<b>35</b>	<b>2012/4</b>	<b>12,768.16</b>
<b>TOTALS</b>				<b>12,768.36</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 OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT TO DOWN THE SHORE ICE CREAM LLC, FOR THE LEASE OF THE TOWNSHIP OF TOMS RIVER VETERANS RECREATION COMPLEX CONCESSION, IN THE AMOUNT OF \$3,200.00 PER SEASON/\$9,600.00 OVER THREE (3) YEARS/SEASONS, PAYABLE TO THE TOWNSHIP OF TOMS RIVER**

**MARCH 8, 2016**

WHEREAS, bids were invited on February 11, 2016 for the Lease of the Township of Toms River Veterans Recreation Complex Concession; and

WHEREAS, bids were received, as follows:

Toms River Girls Softball  
120 Old Orchard Road East

Toms River, NJ 08755

Down the Shore Ice Cream LLC  
209 Gilford Avenue  
Island Heights, NJ 08732

WHEREAS, Toms River Girls Softball did not submit the required bid bond, which makes them non-responsive; and

WHEREAS, the Department of Recreation reviewed the bids received, and it is their recommendation to award the bid to Down the Shore Ice Cream, LLC, as the highest bidder and meets all the bid specifications, as follows:

Fee Per Season: . . . . . \$3,200.00  
Three (3) Year Season Total: . . . . . \$9,600.00

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

1. It hereby awards the contract for the Lease of the Veterans Recreation Complex Concession to Down the Shore Ice Cream LLC, as the highest bidder meeting all the bid specifications, for a lease amount of \$3,200.00 per season, for a three (3) year/season total of \$9,600.00, payable to the Township of Toms River.
2. Term of Contract: April 1, 2016 through October 31, 2018.
3. The award of this contract is subject to all the other terms and conditions of the bid specifications.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Purchasing Division
  - b) Chief Financial Officer
  - c) Township Attorney
  - d) Director, Recreation Department
  - e) Toms River Girls Softball League  
120 Old Orchard Road East  
Toms River, NJ 08755
  - f) Down the Shore Ice Cream LLC  
209 Gilford Avenue  
Island Heights, NJ 08732

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE FIRST EXTENSION OF AN OPEN-ENDED, ONE (1) YEAR CONTRACT WITH AQUARIUS CAPITAL SOLUTIONS GROUP LLC, FOR ACTUARIAL SERVICES FOR COMPLIANCE WITH GASB45, THROUGH NOVEMBER 25, 2016**

**MARCH 8, 2016**

WHEREAS, resolution of the Township Council dated November 26, 2013, authorized the award of an open-ended contract for Actuarial Services for Compliance with GASB45 to Aquarius Capital Solutions Group LLC, for a two (2) year term, effective from November 26, 2013 through November 25, 2015, at the rate of \$250.00 per hour, not to exceed \$5,500.00; and

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

WHEREAS, it is in the best interest of the Township to extend the contract with Aquarius Capital Solutions Group LLC, pursuant to the Local Public Contracts Law, for an additional one (1) year period, through November 25, 2016, under the same terms and conditions as the original contract :

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

1. It hereby authorizes the first extension of the contract with Aquarius Capital Solutions Group LLC, for Actuarial Services for Compliance with GASB45, for a one (1) year period through November 25, 2016, under the same terms and conditions as the original contract.

2. This will be an open-ended contract extension with funds being encumbered each time an order is placed, and funds are available in Account No. 5-01- -F41-401. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The extension of this contract is subject to all the terms and conditions of the original contract.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Human Resources
- e) Aquarius Capital Solutions Group LLC  
110 Betsy Brown Road  
Port Chester, New York 10573

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended, first one (1) year extension of the contract with Aquarius Capital Solutions Group LLC, are available in Account No. 5-01- -F41-401.

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: March 8, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CONTRACTS TO VENDORS WITH STATE CONTRACT, ATLANTIC TACTICAL OF NJ, INC.; LAWMEN SUPPLY CO. OF NJ INC.; AND EAGLE POINT GUN SHOP C/O TJ MORRIS & SON, FOR THE PURCHASE OF POLICE AND HOMELAND SECURITY SUPPLIES FOR THE POLICE DEPARTMENT, FROM STATE CONTRACT NO. T-0106, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$71,808.42 (USING FEDERAL DEA SEIZURE FUNDS)

MARCH 8, 2016

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

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

2. Contract for the Purchase of Police and Homeland Security Supplies for the Police Department, using State Contract No. T-0106 for the Purchase of Ammunition, New Guns and Accessories, using Federal DEA Seizure funds, from the following vendors:

Atlantic Tactical of NJ Inc.  
14 Worlds Fair Drive  
Somerset, NJ 08873

	<u>Quantity</u>	<u>Each</u>	<u>Total</u>
<u>Vendor No. 82102</u>			
Safariland SLS Duty Holster	140	\$ 80.40	\$11,256.00
<u>Vendor No. 81329</u>			
Streamlight Rail Mounted Weapon Light	140	\$ 120.49	\$16,868.60
<u>Vendor No. 81297</u>			
FHN Replacement Rifles	2	\$2,472.01	\$ 4,944.02
TOTAL			\$33,068.62

Lawmen Supply Co. of NJ Inc.  
7115 Airport Highway  
Pennsauken, NJ 08109

<u>Vendor No. 81295</u>			
Leupold Mark 4 Rife Scopes	2	\$1,183.20	\$2,366.40
Leupold Mark IV Rings	2	\$ 117.24	\$ 234.48
TOTAL			\$2,600.88

Eagle Point Gun Shop  
c/o TJ Morris & Son  
1707 Third Street  
Thorofare, NJ 08086

<u>Vendor No. 81296</u>			
Ammunition			
4E40R1.40 S&W 180GR FMJ	70	\$ 248.54	\$17,397.80
XM193 55GR FMJ 5.56 BOAT TAIL	80	\$ 160.06	\$12,804.80
AE45A .45 230GR FMJ	2	\$ 297.79	\$ 595.58
P40HST1 .40 S&W HP	5	\$ 308.67	\$ 1,543.35
AE9AP 9MM FMJ	10	\$ 203.87	\$ 2,038.70
P9HST1 9MM 124GR HP	1	\$ 269.39	\$ 269.39
GM308M .308 168GR SIERRA MATCH	10	\$ 148.93	\$ 1,489.30
TOTAL			\$36,138.92

TOTAL PURCHASE FROM T-0106 \$71,808.42

Contract With: Atlantic Tactical of NJ, Inc.  
14 Worlds Fair Drive  
Somerset, NJ 08873

Vendor No. 82102

Amount: \$33,068.62

Lawmen Supply Co. of NJ Inc.  
7115 Airport Highway  
Pennsauken, NJ 08109

Vendor No. 81295

Amount: \$2,600.88

Eagle Point Gun Shop  
c/o TJ Morris & Son  
1707 Third Street  
Thorofare, NJ 08086

Vendor No. 81296

Account No. X-19- -600-052  
FEDERAL DEA SEIZURE

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) Police Department
- e) Atlantic Tactical of NJ, Inc.  
14 Worlds Fair Drive  
Somerset, NJ 08873
- f) Lawmen Supply Co. of NJ Inc.  
7115 Airport Highway  
Pennsauken, NJ 08109
- g) Eagle Point Gun Shop  
c/o TJ Morris & Son  
1707 Third Street  
Thorofare, NJ 08086

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract for vendor with State contract with:

Atlantic Tactical of NJ, Inc., in the amount of \$33,068.62

Lawmen Supply Co. of NJ Inc., in the amount of \$2,600.88

Eagle Point Gun Shop c/o TJ Morris & Son, in the amount of \$36,138.92,

for a total maximum amount not to exceed \$71,808.42, are available in Account No. X-19- -600-052 (FEDERAL DEA SEIZURE).

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: March 8, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CONTRACT TO VENDOR WITH STATE CONTRACT, CHAS S. WINNER INC. D/B/A WINNER FORD, FOR THE PURCHASE OF TWO (2) 2016 POLICE INTERCEPTOR UTILITY REPLACEMENT VEHICLES FOR THE POLICE DEPARTMENT, FROM STATE CONTRACT NO. T-2776, VENDOR #88728, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$50,881.00

**MARCH 8, 2016**

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

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

2. Contract for the Purchase of Two (2) 2016 Police Interceptor Utility Replacement Vehicles for the Police Department, One(1) Marked and One(1) Unmarked Vehicle, from Chas S. Winner Inc. d/b/a Winner Ford, State Contract No. T-2776, Vendor No. 88728, in the amount not to exceed \$50,881.00 with Additional Options, as listed below:

**DESCRIPTION OF VEHICLES TO BE PURCHASED:**

2016 Police Interceptor Utility K8A AWD Base Vehicle		\$23,069.00
Marked Vehicle		
Factory Options Listed Below:	List Price	Less 16% Discount
Purchase Order # 16-01140		
#LK Dark Blue Exterior Paint		\$ 0.00
#60R Radio Noise Suppression	\$100.00	\$ 84.00
#43D Courtesy Lamps Disable	\$ 20.00	\$ 16.80
#52P Rear Door Locks In op	\$160.00	\$ 134.40
#18W Rear Window Switch Disabled	\$ 25.00	\$ 21.00
#51Y Drivers Side Spotlight	\$215.00	\$ 180.60
#549 Power Heated Mirrors	\$ 60.00	\$ 50.40
#17T Red/Clear Dome 5" (2 @ \$50)	\$100.00	\$ 84.00
#87R Rear Camera Installed in Rear View Mirror – No Cost	\$ 0.00	\$ 0.00
#86P Front Headlamps Pre-Drilled for Ions	\$125.00	\$ 105.00
#86T Rear Tail Lights Pre-Drilled for Vertex's	\$ 60.00	\$ 50.40
#595 Remote Keyless Entry Key Fob (w/o Keypad, less PATS)	\$260.00	\$ 218.40

Non-Contract Items	Quoted
*EA153 80 Amp Power Source	\$ 601.00
Skid Plate	\$ 760.40
<b>TOTAL FOR ONE VEHICLE</b>	<b>\$25,069.00</b>

2016 Police Interceptor Utility K8A Base Vehicle \$23,069.00

Unmarked Vehicle

Factory Options Listed Below: List Price Less 16% Discount

Purchase Order No. 16-01141

#UX Silver Exterior Paint \$ 0.00

60R Radio Noise Suppression \$100.00 \$ 84.00

#549 Power Heated Mirrors \$ 60.00 \$ 50.40

#17T Red/Clear Dome 5" (2 @ \$50) \$100.00 \$ 84.00

#87R Rear Camera Installed in Rear View Mirror – No Cost \$ 0.00 \$ 0.00

#65L Wheel Covers \$ 60.00 \$ 50.40

#65U Interior Upgrade Package \$390.00 \$327.60

#16C Carpet Floor Covering \$125.00 \$105.00

#595 Remote Keyless Entry Key Fob (w/o Keypad, less PATS) \$260.00 \$ 218.40

#867P Front Headlamps Pre-Drilled for Ions \$125.00 \$ 105.00

#86T Rear Tail Lights Pre-Drilled for Vertex's \$ 60.00 \$ 50.40

Non-Contract Items Quoted

\*EA153 80 Amp Power Source \$ 601.00

Skid Plate \$ 760.40

**TOTAL FOR ONE VEHICLE \$25,505.60**

Contract With: Chas S. Winner Inc.  
d/b/a Winner Ford  
250 Berlin Road  
Cherry Hill, NJ 08034

State Contract No. T-2776

Vendor No. 88728

Amount: \$50,881.00

Account No. X-04- -233-003

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) Police Department
- e) Laurie Knemoller, Clerk's Office
- f) Chas S. Winner Inc.  
d/b/a Winner Ford  
250 Berlin Road  
Cherry Hill, NJ 08034

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract for vendor with State contract, Chas S. Winner Inc. d/b/a Winner Ford, in the total maximum contract price not to exceed \$50,881.00, 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 account at that time.

CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: March 8, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CONTRACT TO VENDOR WITH STATE CONTRACT, HERTRICH FLEET SERVICES, FOR THE PURCHASE OF TEN (10) REPLACEMENT 2016 DODGE CHARGER VEHICLES FOR THE POLICE DEPARTMENT, FROM STATE CONTRACT NO. T-2776, VENDOR #88729, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$246,026.80**

**MARCH 8, 2016**

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

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

2. Contract for the Purchase of Ten (10) Replacement Vehicles for the Police Department, 2016 Dodge Chargers (Eight (8) Marked and Two (2) Unmarked) from Hertrich Fleet Services, State Contract No. T-2776, Vendor No. 88729, in the amount not to exceed \$246,026.80 with Additional Options, as listed below:

**DESCRIPTION OF VEHICLES TO BE PURCHASED:**

	<u>Each</u>	<u>For 8</u>
2016 Dodge Charger Police Pursuit Vehicles, RWD	\$22,085.00	\$176,680.00
Options:		
Bright White Paint – Code PW7	\$ 0.00	\$ 0.00

Black Interior, HD Cloth, Front Bucket Seats & Rear Bench Seats – Code C8X9	\$ 0.00	\$ 0.00
V8 5.7 Hemi Engine – Code EZH	\$ 2,230.00	\$ 17,840.00
Heated Mirrors – Code GUK	\$ 60.00	\$ 480.00
Deactivate Rear Doors/Windows – Code CW6	75.00	\$ 600.00
Driver’s Side Spotlight Black – Code LNF	\$ 210.00	\$ 1,680.00
Fleet Park Assist Group AMV	\$ 350.00	\$ 2,800.00
Sub Total:	\$ 2,925.00	\$ 23,400.00
Less 12 percent for Options:	\$ 351.00	\$ 2,808.00
<b>SUB TOTAL:</b>	<b>\$ 24,659.00</b>	<b>\$197,272.00</b>

	<u>Each</u>	<u>For 2</u>
2016 Dodge Charger Police Pursuit Vehicles, RWD	\$22,085.00	\$44,170.00
Options:		
Pitch Black Paint – Code PX8 (One)	\$ 0.00	\$ 0.00
Billet Silver Metallic Clear Coat PSC (One)	\$ 0.00	\$ 0.00
Black Interior, HD Cloth, Front Bucket Seats & Rear Bench Seats – Code C8X9	\$ 0.00	\$ 0.00
V8 5.7 Hemi Engine – Code EZH	\$ 2,230.00	\$ 4,460.00
Street Appearance Group AEB	\$ 375.00	\$ 750.00
Sub Total:	\$ 2,605.00	\$ 5,210.00
Less 12 percent for Options:	\$ 312.60	\$ 625.20
<b>SUB TOTAL:</b>	<b>\$ 24,377.40</b>	<b>\$ 48,754.80</b>
<b>TOTAL:</b>		<b>\$246,026.80</b>

Contract With: Hertrich Fleet Services  
1427 Bay Road  
Milford, DE 19963

State Contract No. T-2776

Vendor No. 88729

Amount: \$246,026.80

Account No. 6-01- -S75-242

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) Police Department
- e) Laurie Knemoller, Clerk's Office
- f) Hertrich Fleet Services  
1427 Bay Road  
Milford, DE 19963

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract for vendor with State contract, Hertrich Fleet Services, in the total maximum contract price not to exceed \$246,026.80, are available in Account No. 6-01- -S75-242.

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: March 8, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO ADVERTISE FOR AND RECEIVE BIDS FOR PHASE IV BULKHEAD REPAIR PROJECT & HUDDY PARK RENOVATIONS**

**MARCH 8, 2016**

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

**PHASE IV BULKHEAD REPAIR PROJECT & HUDDY PARK RENOVATIONS**

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

1. The Purchasing Division is hereby authorized to prepare bid specifications for the above-mentioned items/project(s).
2. The Purchasing Division of the Township of Toms River is hereby authorized to advertise for the receipt of bids for the above-mentioned items/project(s).
3. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING ROBERT J. CHANKALIAN, TOWNSHIP ENGINEER, TO FILE AN APPLICATION WITH THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND THE U.S. ARMY CORPS OF ENGINEERS, FOR VARIOUS ENVIRONMENTAL PERMITS FOR THE CONSTRUCTION OF A PUBLIC BOAT RAMP IN GILFORD PARK (GILFORD PARK BOAT RAMP PROJECT), AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS IN CONNECTION WITH THIS PROJECT, AND AUTHORIZING PAYMENT OF THE REQUIRED FEES IN THE AMOUNT OF \$22,500.00**

**MARCH 8, 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. Robert J. Chankalian, Township Engineer, is hereby authorized to file an application with the State of New Jersey Department of Environmental Protection, and the U.S. Army Corps of Engineers, for various environmental permits for the construction of a public boat ramp in Gilford Park (Gilford Park Boat Ramp Project), and authorizing the execution of all necessary documents in connection with this project.

2. Payment of the application fees in the amount of \$22,500.00 are hereby authorized, and are available in Account No. X-04- -213-006. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Township Attorney
- b) Chief Financial Officer
- c) Engineering Division
- d) Purchasing Division
- e) Frank Scarantino, P.E.  
Ocean County Engineer  
Ocean County Department of Engineering  
129 Hooper Avenue  
Toms River, N.J. 08754
- f) State of New Jersey  
Department of Environmental Protection  
Division of Land Use Regulation  
501 E. State Street  
Mail Code 501-02A  
PO Box 420  
Trenton, N.J. 08625-0420

***CERTIFICATION***

***THIS IS TO CERTIFY*** that the required fees for the Department of Environmental Protection for environmental permits for the Gilford Park Boat Ramp Project, in the amount of \$22,500.00, are available in Account No. X-04- -213-006.

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 J. MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: March 8, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, REJECTING ALL BIDS RECEIVED FOR  
EMERGENCY POWER GENERATOR SYSTEMS MAINTENANCE, GENTRACKER  
MONITORING AND REPAIR SERVICES, AUTHORIZATION TO SUBSTANTIALLY  
REVISE THE SPECIFICATIONS, AND AUTHORIZING REBID OF THIS SERVICE**

**MARCH 8, 2016**

WHEREAS, bids were invited on February 11, 2016 for Emergency Power Generator Systems Maintenance, Gentracker Monitoring and Repair Services; and

WHEREAS, bids were received from the following vendors:

Penn Power Systems  
8330 State Road  
Philadelphia, PA 19136

GenServe, Inc.  
115A Twinbridge Drive  
Pennsauken, NJ 08110

FM Generator, Inc.  
35 Pequit Street  
PO Box 528  
Canton, MA 02021

Giles and Ransome, Inc.  
2975 Galloway Road  
PO Box 8522  
Bensalem, PA 19020

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

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

1. It hereby rejects the above-mentioned bids received, in the best interest of the Township.
2. It hereby authorizes the Purchasing Division to substantially revise the specifications for this project, pursuant to N.J.S.A. 40A:11-13.2(d).
3. The appropriate Township Officials are hereby authorized to advertise for rebid of this project.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Purchasing Division
  - b) Chief Financial Officer
  - c) Township Attorney
  - d) Parks, Buildings & Grounds
  - e) Aforementioned bidders

- g) T&M Associates  
11 Tindall Road  
Middletown, NJ 07748  
Attn: Ericka Naklicki  
Senior Environmental Scientist

**CERTIFICATION**

***THIS IS TO CERTIFY*** that the required fees for the Department of Environmental Protection for environmental permits for the Gilford Park Boat Ramp Project, in the amount of \$22,500.00, are available in Account No. X-04- -213-006.

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 J. MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: March 8, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACKNOWLEDGING THE TENURE OF JOANNE FLANAGAN AS CERTIFIED MUNICIPAL COURT ADMINISTRATOR**

**MARCH 8, 2016**

**WHEREAS**, *Joanne Flanagan has been employed as the Municipal Court Administrator since January 1, 2007; and*

**WHEREAS**, *Joanne Flanagan has been certified as a municipal court administrator by the State of New Jersey Municipal Court Administrator Certification Board during the entire time she has served as the Municipal Court Administrator; and*

**WHEREAS**, *N.J.S.A. 2A:8-13.3 sets forth the qualifications for tenure of a Municipal Court Administrator, and this Council finds that Joanne Flanagan has met those qualifications:*

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

1. *It hereby acknowledges that Joanne Flanagan has received tenure pursuant to N.J.S.A. 2A:8-13.3 as the Municipal Court Administrator.*

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

- a) *Mayor Thomas Kelaher*
- b) *Township Council*
- c) *Business Administrator*
- d) *Township Attorney*
- e) *Chief Financial Officer*
- f) *Ocean County Court Administrator, Municipal Division  
Ocean County Justice Complex  
120 Hooper Avenue  
Toms River, New Jersey 08754*
- g) *Joanne Flanagan*

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH MICHAEL J. GROSS, ESQ., OF GIORDANO, HALLERAN & CIESLA, ESQS., FOR THE GILFORD AVENUE BOAT RAMP PROJECT NEAR DILLON'S CREEK**

**MARCH 8, 2016**

**WHEREAS**, *the Township Council of the Township of Toms River is desirous to construct a boat ramp at the southern boundary of Gilford Avenue, near Dillon's Creek in the Gilford Park section of the Township; and*

**WHEREAS**, *there is a need to retain environmental legal services to obtain the necessary CAFRA permits and other approvals as required by state and federal law; and*

**WHEREAS**, *on December 9, 2014, the Township Council appointed Michael J. Gross, Esq., of the firm of Giordano, Halleran & Ciesla, Esqs., as environmental counsel to oversee this project; and*

**WHEREAS**, *additional legal services are required to complete this project; and*

**WHEREAS**, *Michael J. Gross, Esq., of the firm of Giordano, Halleran & Ciesla, Esqs., specializes in this field and has provided competent and professional legal environmental representation to the Township in the past; and*

**WHEREAS**, *the total award of this contract in the aggregate shall be less than \$17,500.00 and not subject to campaign contribution reform laws as set forth in N.J.S.A. 19:44A-20.4 et. seq.:*

**NOW, THEREFORE, BE IT RESOLVED**, *that the Township Council of the Township of Toms River, in the County of Ocean, State of New Jersey, that the Mayor is hereby authorized to execute and the Municipal Clerk to attest to an agreement with Michael J. Gross, Esq., of the firm of Giordano, Halleran & Ciesla, Esqs., at the hourly rate of \$220.00 per hour, commencing December 9, 2015 up to and including December 8, 2016 contingent upon availability of funds, the execution of a contract and approval of the 2016 calendar year budget.*

**BE IT FURTHER RESOLVED** *that the award of this professional service contract is being made in conformance with N.J.S.A. 19:44A-20.4 et. seq.; and*

**BE IT FURTHER RESOLVED** *that notice of this contract award shall be published within 10 days of the date of this Resolution, in the Asbury Park Press; and*

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

- a) Mayor Thomas Kelaher
- b) Chief Financial Officer
- c) Business Administrator
- d) Township Attorney
- e) Township Clerk
- f) Director of Engineering & Community Development
- g) Township Engineer
- h) Michael J. Gross, Esq.  
Giordano, Halleran & Ciesla, Esqs.  
125 Half Mile Road  
Red Bank, N.J. 07701

**CERTIFICATION OF CHIEF FINANCIAL OFFICER**

**PURSUANT TO  
LOCAL PUBLIC CONTRACT LAW**

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

\_\_\_\_\_  
*CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER*

*Dated: March 8, 2016*

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS  
RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE  
GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS BLOCK 235.14, LOT 9  
AND 10 (GREEN ISLAND ROAD)**

*MARCH 8, 2016*

*WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision, known as Block 235.14, Lots 9 and 10.*

*WHEREAS, Performance Bonds have been posted as follows:*

- 1) Surety Bond #BMYA811424 in the amount of \$1,890.00 which represents the ninety percent portion of the performance guarantee amount.*
- 2) Check in the amount of \$210.00 which represents the ten percent portion of the performance guarantee amount.*
- 3) 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 Vincent and Donna Papa, their 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. Vincent and Donna Papa  
1383 Cabernet Court  
Toms River, NJ 08753*

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS VILLAGES AT BEY LEA, BLOCK 571.64, 58 AND 59 (FREEHOLD ROAD)**

**March 8, 2016**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Villages at Bey Lea, Block 571.64, Lots 58 and 59.

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) Maintenance Surety Bond #PA8903172 in the amount of \$116,625.00, is hereby released.
- 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. SK Bey Lea  
Po Box 6622  
Bridge Water, NJ 08807

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AWARDED CONTRACTS FOR SERVICES EXEMPT FROM THE BIDDING PROCESS COMMENCING APRIL 1, 2016 UP TO AND INCLUDING DECEMBER 31, 2016**

**MARCH 8, 2016**

*WHEREAS, the Township Council of the Township of Toms River is desirous of awarding contracts for services that are exempt from the bidding process commencing April 1, 2016 up to and including December 31, 2016; and*

**PART I**

*WHEREAS, the Township of Toms River has a need to acquire an Administrative Agent for Affordable Housing Units commencing April 1, 2016 up to and including December 31, 2016; 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 firm submitted a conforming proposal, which was publicly opened and read on December 1, 2015:*

1. *Piazza & Associates, Inc., 216 Rockingham Row, Princeton, N.J. 08540; and*

*WHEREAS, Piazza & Associates, Inc. has over twenty years of experience in the administration of affordable housing; and*

*WHEREAS, Frank Piazza, Jr., President, has served five years as a Rutgers COAH instructor; and*

*WHEREAS, Piazza & Associates, Inc. has served as the Administrative Agent for Affordable Housing Units for the Township of Toms River since April 2010, and find their services to be competent and professional:*

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Toms River, in the County of Ocean, State of New Jersey, that the Mayor is hereby authorized to execute and the Municipal Clerk is authorized to attest to an agreement with Piazza & Associates, Inc. as the Administrative Agent for Affordable Housing Units, not to exceed a total maximum amount of \$15,000.00 for CY16, contingent upon the execution of a contract, the availability of funds, and the adoption of the CY16 budget, commencing on April 1, 2016 up to and including December 31, 2016. Funds for this contract are available in Account No. X-19- - 600-027. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

**BE IT FURTHER RESOLVED** that this Resolution is conditioned upon approval by the Council on Affordable Housing.

**BE IT FURTHER RESOLVED** that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.

## **PART II**

**WHEREAS**, the Township of Toms River has a need to acquire certain professional bankruptcy counsel legal services commencing April 1, 2016 up to and including December 31, 2016; 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 firm submitted a conforming proposal, which was publicly opened and read on December 2, 2015:

1. Chiesa, Shahinian and Giantomasi P.C., 1 Boland Drive, West Orange, New Jersey 07052; and

**WHEREAS**, Chiesa, Shahinian and Giantomasi, P.C. has extensive experience in collecting and securing assets on behalf of creditors in Chapter 11 proceedings and other forms of bankruptcies; and

**WHEREAS**, Chiesa, Shahinian and Giantomasi, P.C. is familiar with the local rules of bankruptcy in the District of New Jersey; and

**WHEREAS**, Chiesa, Shahinian and Giantomasi, P.C. has represented the Township as bankruptcy counsel and find their services to be professional and responsive:

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Toms River authorizes the Mayor to enter into and the Township Clerk to attest to a contract with the firm of Chiesa, Shahinian and Giantomasi, P.C. for professional bankruptcy counsel legal services at the rate of \$220.00/hr. commencing April 1, 2016 up to and including December 31, 2016, contingent upon the execution of a contract, the availability of funds and the adoption of the CY16. The certification of funds available statement with respect to this contract award is on file in the Office of the Township Clerk.

**BE IT FURTHER RESOLVED** that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.

## **PART III**

**WHEREAS**, the Township of Toms River has a need to acquire certain municipal bond legal services from April 1, 2016 up to and including December 31, 2016; and

**WHEREAS**, the Township of Toms River solicited qualifications 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 publicly opened and read on December 2, 2015:

1. Waters, Mc Pherson, McNeill, 300 Lightin Way, P.O. Box 1560, Seacaucus, N.J. 07096
2. Parker McCay, P.A., 9000 Midlantic Drive, Suite 300, P.O. Box 5054, Mount Laurel, New Jersey 08054-1539
3. Gluck, Walrath, L.L.P., 428 River View Plaza, Trenton, New Jersey 08611
4. Squire, Patton, Boggs L.L.P., 30 Rockefeller Plaza, 23<sup>rd</sup> Floor, New York, N.Y. 10112; and

**WHEREAS**, a review of the submitted proposals to the Council reveal that the firm of Gluck, Walrath, L.L.P. has been providing the Township of Toms River with legal bond services for several years; and

**WHEREAS**, Gluck, Walrath, L.L.P. is familiar with the current bonding needs of Toms River Township; and

**WHEREAS**, Gluck, Walrath, L.L.P. has been appointed as bond counsel by 63 public entities in the State of New Jersey, and has extensive experience in the field of municipal bonding law:

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Toms River authorizes the Mayor to enter into and the Township Clerk to attest to a contract with the firm of Gluck, Walrath, L.L.P., for municipal bond legal services commencing April 1, 2016 up to and including December 31, 2016, at \$250.00 per hour for tax attorney services, \$225.00 per hour for bond attorney services, and between \$80.00 per hour to \$150.00 per hour for legal assistants, and at rates for the following services:

- a. For services rendered or in connection with each bond sale, a fee of \$3,500.00 plus \$1.00 per thousand dollars of bonds issued.
- b. For services rendered in connection with the preparation or review of each ordinance and the compiling of a certified record of proceedings in connection therewith, a fee of \$400.00 for each single purpose ordinance and \$600.00 for each multipurpose ordinance. If the preparation of the ordinance involves consultations, meetings or discussions that are out of the ordinary, there will be additional fees to be charged at the hourly rates of the attorneys and paralegals providing such services, as described above. The fees for services in connection with the ordinances will be charged periodically during the course of the year.
- c. The fee for any temporary financing involving a private placement and not involving numerous notes, preparation of an Official Statement, complicated arbitrage analysis, investment yield restrictions or attendance at closing, shall be billed at the hourly rates for attorneys and paralegals as described above, with a minimum fee of \$750.00.
- d. Written post issuance tax compliance procedures will be provided by Bond Counsel at the request of the CFO at a fixed cost of not more than \$5,000.00 for a template; with any modifications thereto billed at Bond Counsel's normal hourly rates for attorneys and paralegals as described above.
- e. Services rendered beyond the scope of those described herein will be billed at the hourly rates for attorneys and paralegals as described above depending on the attorney or paralegal involved. Such services may include attendance at meetings, all work required in connection with any financing through a borrowing through the New Jersey Environmental Infrastructure Trust Program, extraordinary work involved in the preparation of the Official Statement, attention to any litigation that may occur, complicated arbitrage analysis, implementation of procedures required by IRS Circular 230 or applications to the Federal Reserve Bank for investments of bond or note proceeds in State and Local Government Series federal obligations. If the Bond sale involves the sale of minibonds, the sale of obligations to the United States Department of Agriculture, Farmers Home Administration, or an application to the Local Finance Board, such services will be billed for attorneys and paralegals at the hourly rates described above with a minimum fee of \$750.00. In the event that bond insurance, a letter of credit or similar credit enhancement facility is used in connection with a bond issue, an additional fee based on the responsibility assumed and time involved will be charged.
- f. In the event of a refunding bond issue providing for an escrow agreement and an investment of the proceeds consistent with the restrictions of the Internal Revenue Code to provide for the payment of a prior issue of bonds, there will be a fee of \$10,000.00 in addition to the fees described herein.

g. *In the event that a bond sale is held but all bids are rejected or the sale is canceled, the fee to be charged shall be a reasonable one, based on the services performed.*

h. *Customary disbursements for postage, telephone, photocopying, travel and out-of-pocket expenses shall be added to the fees referred to in this Agreement.*

**BE IT FURTHER RESOLVED** *that this award is contingent upon the execution of a contract, the 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.*

**BE IT FURTHER RESOLVED** *that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.*

#### **PART IV**

**WHEREAS**, *the Township of Toms River has a need to acquire certain professional COAH legal services from April 1, 2016 up to and including December 31, 2016; 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 firm submitted a conforming proposal, which was publicly opened and read on December 2, 2015:*

*1. DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., 15 Mountain Blvd., Warren, New Jersey 07059; and*

**WHEREAS**, *DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. has provided legal services for the Township of Toms River for several years in a professional and competent manner; and*

**WHEREAS**, *DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. has extensive experience in the field of COAH law; and*

**WHEREAS**, *DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. has held the position of Special COAH Counsel for the Township of Howell, Township of Berkeley Heights, Township of Stafford, Township of Bedminister, Township of Woodbridge and the Borough of Manville:*

**NOW, THEREFORE, BE IT RESOLVED**, *that the Township Council of the Township of Toms River authorizes the Mayor to enter into and the Township Clerk to attest to a contract with the firm of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. for professional COAH legal services at the rate of \$175.00/hr. for COAH services; and paralegal services at \$75.00/hr. commencing April 1, 2016 up to and including December 31, 2016, in Account X-19-600-027, contingent upon the execution of a contract and the availability of funds. The certification of funds available statement with respect to this contract award is on file in the Office of the Township Clerk.*

**BE IT FURTHER RESOLVED** *that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.*

#### **PART V**

**WHEREAS**, *the Township of Toms River has a need to acquire certain professional COAH planning/consulting services from April 1, 2016 up to and including December 31, 2016; 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 firm submitted a conforming proposal, which was publicly opened and read on December 1, 2015:*

1. John D. Maczuga, P.P., A.I.C.P. of the firm of JDM Planning Associates, L.L.C., 614 Harbor Road, Brick, New Jersey 08724; and

**WHEREAS**, John D. Maczuga, P.P., A.I.C.P. of the firm of JDM Planning Associates, L.L.C., has previously served as the Township's affordable housing planner, and found his services to be competent and professional; and

**WHEREAS**, John D. Maczuga, P.P., A.I.C.P. of the firm of JDM Planning Associates, L.L.C. has over 37 years of municipal planning experience and has been involved in the affordable housing field in New Jersey since its inception with the series of Mount Laurel decisions; and

**WHEREAS**, John D. Maczuga, P.P., A.I.C.P. of the firm of JDM Planning Associates, L.L.C. specializes in the preparation of Housing Plans in accordance with the Council on Affordable Housing (COAH) requirements; and

**WHEREAS**, John D. Maczuga, P.P., A.I.C.P. of the firm of JDM Planning Associates, L.L.C. has served as affordable housing planning consultant for Jackson Township, Lacey Township, Spring Lake Borough, Wall Township, Little Egg Harbor Township, Eagleswood Township, Bay Head Borough, Pont Pleasant Beach Borough, Point Pleasant Township, Stafford Township and Fair Lawn Borough; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Toms River authorizes the Mayor to enter and the Township Clerk to attest to a contract with John D. Maczuga, P.P., A.I.C.P. of the firm of JDM Planning Associates, L.L.C., from April 1, 2016, up to and including December 31, 2016 at the following rates:

*Jr. Technical Staff*

*Administrative Support Staff* . . . . . \$ 60.00/hour

*Field Staff*

*Professional Entry Level* . . . . . \$ 75.00/hour

*Technical Staff*

*Jr. Professional Staff* . . . . . \$108.00/hour

*Professional Staff*

*Senior Technical and Field Staff* . . . . . \$118.00/hour

*Senior Professional Staff*

*Supervising Technical Staff* . . . . . \$123.00/hour

*Supervising Professional Staff* . . . . . \$125.00/hour

*Principal*

*Division Manager*

*Corporate Manager* . . . . . \$135.00/hour

**BE IT FURTHER RESOLVED** that this award is not to exceed a total maximum amount of \$36,000.00 for the entire CY16, contingent upon the execution of a contract. Funds for this award are available in Account No. X-19- -600-027, the Township of Toms River's Affordable Housing Trust Fund. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

**BE IT FURTHER RESOLVED** that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.

**PART VI**

**WHEREAS**, the Township of Toms River has a need to acquire conflict auditing services from April 1, 2016 up to and including December 31, 2016; 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 et. seq.; and*

**WHEREAS**, *the following firm submitted a conforming proposal, which was publicly opened and read on December 2, 2015:*

*1. William E. Antonides and Company, 2807 Hurley Pond Road, Suite, 200, P.O. Box 1137, Wall, N. J. 07719-1137*

**WHEREAS**, *William E. Antonides and Company has been the Conflict Township Auditor for the Township in 2015 and the council finds their services to be competent and professional:*

**NOW, THEREFORE, BE IT RESOLVED**, *that the Township Council of the Township of Toms River authorizes the Mayor to enter into and the Township Clerk to attest to a contract with William E. Antonides and Company., as Conflict Township Auditor from April 1, 2016 up to and including December 31, 2016, for a total maximum amount not to exceed \$4,000.00 for CY16, (\$3,200 - 2015 Statutory Audit of the Toms River Municipal Court, and \$800.00 - Preparation of the 2015 Statutory Municipal Court Report) for CY16 contingent on the execution of a contract, the 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.*

**BE IT FURTHER RESOLVED** *that the award of this professional service contract is being made in conformance with N.J.S.A. 19:44A-20.4 et. seq. and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 et. seq.;*

**BE IT FURTHER RESOLVED** *that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.*

#### **PART VII**

**WHEREAS**, *there exists a need for the retention of professional legal services for Conflict Prosecutor from April 1, 2016 up to and including December 31, 2016; and*

**WHEREAS**, *the amount of the contract to be awarded under this resolution shall be \$350.00 per court session, not to exceed \$5,000.00 for the entire calendar year of 2016; 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 firm submitted a conforming proposal which was publicly opened and read on December 2, 2015:*

*1. Bonnie Peterson, Esq., 1201 S.W. Central Avenue, P.O. Box J, Seaside Park, New Jersey 08752;*

**WHEREAS**, *Bonnie Peterson Esq. has been the conflict prosecutor of the Township of Toms River for several years and provided services in a competent, professional manner:*

**NOW, THEREFORE, BE IT RESOLVED**, *by the Township Council of the Township of Toms River, in the County of Ocean, State of New Jersey, that the Mayor is hereby authorized to execute and the Municipal Clerk is authorized to attest to an agreement with Bonnie Peterson, Esq. from April 1, 2016 up to and including December 31, 2016 at \$350.00 per court session, not to exceed \$5,000.00 for the entire calendar year of 2016, contingent upon the execution of a contract, the 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.*

**BE IT FURTHER RESOLVED** *that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.*

#### **PART VIII**

**WHEREAS**, *the Township of Toms River has a need to retain certain professional legal services regarding the Township of Dover v. Ciba Specialty Chemicals Corp., et. als., Docket Number L-2884-03 and Ciba Specialty Chemicals Corp. v. the Township of Dover, Docket Number L-OCN-1686-06-PW matters from April 1, 2016 up to and including December 31, 2016; 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 et. seq.; and*

**WHEREAS**, *the following firm submitted a conforming proposal, which was publicly opened and read on December 2, 2015:*

*1. Chiesa, Shahinian and Giantomasi, P.C., P.C., 1 Boland Drive, West Orange, New Jersey 07052; and*

**WHEREAS**, *a review of the submitted proposals reveals the firm of Chiesa, Shahinian and Giantomasi, P.C. has represented the municipalities of Sayreville, East Brunswick and Verona in environmental legal issues; and*

**WHEREAS**, *members of the firm Chiesa, Shahinian and Giantomasi, P.C. include a former New Jersey Attorney General, and a member of the New Jersey Brownfields and Contaminated Site Remediation Task Force; and*

**WHEREAS**, *the firm of Chiesa, Shahinian and Giantomasi, has represented clients in connection with waste site cleanups and the reallocation of clean-up costs at sites in New Jersey, New York, Pennsylvania, Ohio, Michigan, and other states; and*

**WHEREAS**, *the firm employs over 100 attorneys and staff providing a full range of legal services in connection with environmental law; and*

**WHEREAS**, *the firm of Chiesa, Shahinian and Giantomasi, P.C. has represented the Township of Toms River in the Ciba-Geigy litigation for many years, and is familiar with the facts and legal issues necessary to represent the interests of the Township in a competent and efficient manner:*

**NOW, THEREFORE, BE IT RESOLVED**, *that the Township Council of the Township of Toms River authorizes the Mayor to enter into and the Township Clerk to attest to a professional legal services contract with the firm of Chiesa, Shahinian and Giantomasi, P.C. in the law suits, Township of Dover v. Ciba Specialty Chemicals Corp., et. als., Docket Number L-2884-03 and Ciba Specialty Chemicals Corp. v. the Township of Dover, Docket Number L-OCN-1686-06-PW at the rate of \$220.00 per hour, from April 1, 2016 up to and including December 31, 2016, in an amount not to exceed a total of \$23,000.00 for CY16, \$11,500.00 to be budgeted in Account No. 6-01- -L21-550 and \$11,500.00 to be budgeted in Account No. 6-01- -L21-553, contingent upon the execution of a contract, the 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.*

**BE IT FURTHER RESOLVED** *that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.*

#### **PART IX**

**WHEREAS**, *the Township of Toms River has a need to acquire professional services to administer the Township's Employee Assistance Program (EAP) from April 1, 2016 up to and including December 31, 2016; 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 publicly opened and read on February 19, 2016:*

1. *Compsych Corporation, NBC Tower, 455 North Cityfront Plaza Drive, Chicago, Illinois, 60611*
2. *Deer Oaks EAP Services, L.L.C., 126 E. Main Plaza, Ste. 8, San Antonio, Texas, 78205*
3. *Preferred Behavioral Health Group, Inc. 1500 Route 88  
Brick, New Jersey 08724*
4. *Princeton HealthCare System, 1000 Herrontown Road, The Clock Building, Princeton,  
New Jersey 08540*
5. *e4 Health, Inc. 85 Broad Street, 18<sup>th</sup> Floor, New York, N.Y. 10004*  
*Employee Resource Systems, Inc., 29 E. Madison Street, suite 1600, Chicago, Illinois  
60602*
6. *Maxwell EAP, L.L.C., 3231 Hopkinville, Kentucky 42240*
7. *MHN Services, Inc., 2370 Kerner Blvd., San Rafael, California 94901-5546; and*

**WHEREAS,** *Preferred Behavioral Health Consulting Group, Inc. has previously served as the administrator for the Township's Employee Assistance Program (EAP), and has provided services to employees in a professional and responsible manner; and*

**WHEREAS,** *Preferred Behavioral Health Group, Inc. provides services to the following companies and organizations: The County of Ocean (24 years), The Ocean County Library (20 years), Ocean County Superior Court (12 Years), The Township of Brick (6 years) and is fully experienced in this field:*

**NOW, THEREFORE, BE IT RESOLVED,** *by the Township Council of the Township of Toms River, in the County of Ocean, State of New Jersey, that the Mayor is hereby authorized to execute and the Municipal Clerk is authorized to attest to an agreement with Preferred Behavioral Health Consulting Group, Inc., to serve as the administrator for the Township's Employee Assistance Program (EAP), from April 1, 2016 up to and including December 31, 2016 to provide the following services:*

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

*EAP Services shall include the following:*

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

- 24-hour phone access handling routine appointments within 72 hours,
- Emergent appointments scheduled within 24 hours,
- Face-to-face consultation as opposed to just phone consultation.

*The fee to be submitted shall be per employee / per month, for approximately 522 full-time employees and 44 part-time employees.*

*The Township shall have the right to increase or decrease the number of full time and/or part time employees based upon the actual number of persons covered by this service. The cost of services shall be adjusted based upon the cost per individual as established by the successful bidder.*

**BE IT FURTHER RESOLVED** *that this award is for a total maximum amount not to exceed \$20,000.00 for CY16, in Account No. 6-01- -F41-401, subject to the execution of a contract, 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.*

**BE IT FURTHER RESOLVED** *that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.*

### **PART X**

**WHEREAS**, *the Township of Toms River solicited proposals for Employee Benefits Consultancy and Brokerage Services for Medical, Prescription, Dental, and Vision Coverage commencing April 1, 2016 up to and including December 31, 2016 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**, *Horizon Blue Cross/Blue Shield pays for these services as the Township; and*

**WHEREAS**, *the following firms submitted conforming proposals, which were publicly opened and read on December 3, 2015:*

1. *Connor, Strong & Buckelew, 231 Main Street, P.O. Box 2017, Toms River, New Jersey 08754*
2. *Brown and Brown Metro, Inc., 56 Livingston Avenue, Roseland, New Jersey 07068; and*

**WHEREAS**, *Connor, Strong & Buckelew has represented the Township for several years and find their services to be professional and responsive; and*

**WHEREAS**, *Connor, Strong & Buckelew has extensive experience in this field and represents the County of Ocean, Ocean County Board of Social Services, and Brick Township:*

**NOW, THEREFORE, BE IT RESOLVED**, *by the Township Council of the Township of Toms River authorizes the Mayor to enter into and the Township Clerk to attest to a contract with the firm of Connor, Strong & Buckelew for Employee Benefits Consultancy and Brokerage Services from April 1, 2016 up to and including December 31, 2016 for Medical, Prescription, Dental, and Vision Coverage, subject to the execution of a contract, 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.*

**BE IT FURTHER RESOLVED** *that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.*

### **PART XI**

**WHEREAS**, *the Township of Toms River has a need to acquire an environmental consultant expert on CIBA/BASF tax appeals from April 1, 2016 to December 31, 2016; 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 firm submitted a conforming proposal which was publicly opened and read on December 1, 2015:

1. Maser Consulting, PA, 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701; and

**WHEREAS**, Maser Consulting, PA are experienced in the area of hazardous waste sites, including the closing of the Meadowlands Landfill site, and provide environmental Impact studies and ecological restoration/mediation plans; and

**WHEREAS**, Maser Consulting, PA has been an expert witness involving CIBA/BASF tax appeals and the council finds their services responsive and professional:

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Toms River approves the proposed contract award and authorizes the Mayor to enter into and the Township Clerk to attest to a contract with the firm of Maser Consulting PA from April 1, 2016 up to and including December 31, 2016 at the following rates:

Environmental Consultant expert on CIBA/BASF tax appeals in Account 6-01- -L21-534 not to exceed \$75,000.00 at the following rates:

Principal	\$ 195.00/hr.
Senior Technical Director	\$ 190.00/hr.
Senior Project Professional	\$ 185.00/hr.
Senior Project Manager	\$ 175.00/hr.
Project Professional	\$ 170.00/hr.
Technical Director	\$ 160.00/hr.
Project Manager	\$ 155.00/hr.
Senior Project Specialist	\$ 145.00/hr.
Senior Technical Professional	\$ 140.00/hr.
Project Specialist	\$ 135.00/hr.
Senior Technical Specialist	\$ 130.00/hr.
Technical Professional	\$ 125.00/hr.
Senior Specialist	\$ 120.00/hr.
Technical Specialist	\$ 110.00/hr.
Specialist	\$ 100.00/hr.
Senior Data Technician	\$ 95.00/hr.
Senior Technical Assistant	\$ 85.00/hr.
Technical Assistant	\$ 75.00/hr.
Data/Field Technician	\$ 65.00/hr.
Survey Crew – 2 Man	\$ 200.00/hr.
Survey Crew – 1 Man	\$ 170.00/hr.
Expert	\$ 250.00/hr.
Sr. LSRP	\$ 225.00/hr.
LSRP	\$ 190.00/hr.

#### REIMBURSABLE EXPENSES

General Expenses	Cost + 15%
Mileage Reimbursement*	\$ 0.56/per mile
Travel (Hotel, Airfare, Meals)	Cost
Printing	\$ 2.85/each
Computer Mylars/Color Plots	\$ 40.00/each
Color Copies	\$ 1.50/each
Document Binding	\$ 3.00/each
Compact Disk CD/DVD	\$ 45.00/each
Bulk Printing	Cost
Sub-Consultant/Sub-Contractors	Cost + 15%

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

**BE IT FURTHER RESOLVED** that this award is not to exceed a total maximum amount of \$75,000.00 for CY16 from Account 6-01- -L32-534, contingent upon the execution of a contract, the 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.*

**BE IT FURTHER RESOLVED** *that notice of this contract award shall be published once within 10 days of the date of this Resolution, in the Asbury Park Press.*

## **PART XII**

**WHEREAS**, *the Township of Toms River has a need to acquire a Financial Advisor and Counseling Services (Arbitrage) from April 1, 2016 up to and including December 31, 2016; 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 publicly opened and read on December 3, 2015:*

1. *Acacia Financial Group, Inc., 601 Route 73 North, Suite 20, Marlton, New Jersey*
2. *NW Financial Group, L.L.C., 3000 Atrium Way, Suite 240, Mount Laurel, N.J. 08054*

**WHEREAS**, *Acacia Financial Group is experienced in the field as financial advisor and counseling services to public entities; and*

**WHEREAS**, *Acacia Financial Group has provided these services to eight state level authorities, and six New Jersey counties; and*

**WHEREAS**, *Acacia Financial Group represents twenty six municipalities, including the Township of Brick, the Township of Cherry Hill and the City of Newark; and*

**WHEREAS**, *Acacia Financial Group has represented many local authorities including the Toms River Township Municipal Utilities Authority:*

**NOW, THEREFORE, BE IT RESOLVED**, *that the Township Council of the Township of Toms River authorizes the Mayor to enter into and the Township Clerk to attest to a contract with the firm of Acacia Financial for Financial Advisor and Counseling Services from April 1, 2016 up to and including December 31, 2016 at the rate of \$145.00/hr. for professionals and \$50.00/hr. for administrative purposes, contingent upon the execution of a contract, the 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.*

**BE IT FURTHER RESOLVED** *that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.*

## **PART XIII**

**WHEREAS**, *the Township of Toms River has a need to retain professional services for General Environmental Legal Counsel, including but not limited to applications to the N.J. D.E.P., and State House Commission matters from April 1, 2016 up to and including December 31, 2016; 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 et. seq.; and*

**WHEREAS**, *the following firms submitted conforming proposals, which were publicly opened and read on December 2, 2015:*

1. *Maraziti, Falcon & Healey, L.L.P., 150 John F. Kennedy Parkway, Short Hills, New Jersey 07078*
2. *Sedita, Comisano & Campisano, Esqs., Wayne Plaza 1, 145 Route 46 West, Suite 102, Wayne, New Jersey 07470*

3. Chiesa, Shahinian and Giantomasi, P.C., 1 Boland Drive, West Orange, New Jersey 07052; and

**WHEREAS**, a review of the submitted proposals reveal that the firm of Chiesa, Shahinian and Giantomasi, P.C. has represented the municipalities of Sayreville, East Brunswick and Verona in environmental legal issues; and

**WHEREAS**, the firm of Chiesa, Shahinian and Giantomasi, P.C. has represented clients in connection with waste site cleanups and the reallocation of clean-up costs at sites in New Jersey, New York, Pennsylvania, Ohio, Michigan, and other states; and

**WHEREAS**, the firm employs over 100 attorneys and staff providing a full range of legal services in connection with environmental law; and

**WHEREAS**, the firm of Chiesa, Shahinian and Giantomasi, P.C. has represented the Township of Toms River on general environmental issues for many years and is familiar with the facts and legal issues necessary to represent the interests of the Township in a competent and efficient manner:

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Toms River authorizes the Mayor to execute and the Township Clerk to attest to a contract with the firm of Chiesa, Shahinian and Giantomasi, P.C. for General Environmental Legal Counsel, including but not limited to applications to the N.J.D.E.P., and State House Commission matters, at the rate of \$220.00 per hour for attorneys, and paralegals at the rate of \$95.00 per hour, from April 1, 2016 up to and including December 31, 2016, contingent upon the execution of a contract, the 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.

**BE IT FURTHER RESOLVED** that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.

#### **PART XIV**

**WHEREAS**, the Township of Toms River has a need to acquire general legal and litigation services from April 1, 2016 up to and including December 31, 2016; 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 publicly opened and read on December 2, 2015:

1. Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors, 620 West Lacey Road, P.O. Box 1057, Forked River, New Jersey 08731
2. Heagen, Pagano & Seems, P.C., 325 Water Street Toms River, New Jersey 08753
3. Hiering, Gannon, & McKenna, 29 Hadley Avenue, Suite 2, Toms River, New Jersey 08753
4. Kevin B. Riordan, Esq., L.L.C., 20 Hadley Avenue, Toms River, New Jersey 08753
5. Hiering, Dupignac, Stanzione, Dunn & Beck, P.C., 64 Washington Street, Toms River, New Jersey 08753
6. Long Marmero & Associares, L.L.P., 44 Euclid Street, Woodbury, New Jersey 08096
7. Charles P. Tivenan, 426 Herbertsville Road, Brick, New Jersey 08724
8. Brown and Connery, L.L.P., 360 Haddon Avenue, Westmont, New Jersey 08108
9. Gertner, Mandel & Peslak, L.L.C., P.O. Box 499, Lakewood, New Jersey 08701; and

**WHEREAS**, the firm of Kevin B. Riordan, L.L.C., has represented various municipalities in defense litigation, was appointed as Borough Attorney for Point Pleasant Beach and Labor Attorney for Stafford Township; and

**WHEREAS**, the firm of Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors, P.C. has represented numerous municipalities, as a municipal solicitor, labor counsel and land use board counsel; and

**WHEREAS**, the firm of Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors, P.C., is approved for the Ocean/Monmouth Joint Insurance Fund and the Municipal Excess Liability Fund; and

**WHEREAS**, the firm of Hiering, Gannon, & McKenna has represented over twelve municipalities and over eleven local boards and authorities in Ocean County; and

**WHEREAS**, the firm of Heagen, Pagano & Seems, P.C., have been performing litigation for 20 years including defense cases for Qual-Lynx (formerly Scibal Associates, Inc.), the municipal insurer of the Township:

**BE IT RESOLVED**, that the Township Council of the Township of Toms River authorizes the Mayor to enter into and the Township Clerk to attest to contracts with the firms of Kevin B. Riordan, Esq., L.L.C., Heagen, Pagano & Seems, P.C., Hiering, and Gannon, & McKenna, Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors, P.C., for general legal and litigations services from April 1, 2016 up to and including December 31, 2016, at the rate of \$135.00 per hour, contingent upon the execution of a contract, the 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.

**BE IT FURTHER RESOLVED** that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.

#### **PART XV**

**WHEREAS**, the Township of Toms River has a need to acquire certain professional labor counseling services from April 1, 2016 up to and including December 31, 2016; 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 publicly opened and read on December 2, 2015:

1. Brown & Connery, L.L.P., 360 Haddon Avenue, P.O. Box 539 Westmount, New Jersey 08108
2. Rudeman, Horn, and Esmerando, P.C., 675 Morris Avenue, Springfield, New Jersey 07801
3. Roth D'Aquanni, L.L.C., 150 Morris Avenue, Suite 206, Springfield, New Jersey 07081
4. Amando V. Ricco, L.L.P., 20 Hadley Avenue, Toms River, New Jersey 08753
5. Long Marmero and Associates, L.L.P., 44 Euclid Street, Woodbury, New Jersey 08096
6. The Corrigan Law Firm, 54B West Front Street, Keyport, New Jersey 07732; and

**WHEREAS**, the firm of Amando V. Ricco, L.L.P. has represented the following public entities: Township of Long Beach, Borough of Point Pleasant Beach, Township of Maple Shade, Kingsway Regional School District, County of Cumberland, Borough of Gibbsboro, Township of Pemberton, Borough of Berlin, Egg Harbor Township School District, Township of Evesham and Township of Haddonfield; and

**WHEREAS**, the area of focus has been labor and employment law for twenty years in representing management in the public and private sectors; and

**WHEREAS**, the firm of Amando V. Ricco, L.L.P. has experience in representing public entities in contract negotiations with collective bargaining units, grievance and arbitration hearings, and litigation in Federal and State Court:

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Toms River authorizes the Mayor to enter into and the Township Clerk to attest to a contract with the firm of Amando V. Ricco, L.L.P. to represent Toms River Township for professional labor counseling services from April 1, 2016 up to and including December 31, 2016, at the rate of \$135.00 per hour, contingent upon the execution of a contract, the 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.

**BE IT FURTHER RESOLVED** that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.

#### **PART XVI**

**WHEREAS**, the Township of Toms River has a need to acquire land acquisition and dune easement counsel services from April 1, 2016 up to and including December 31, 2016; 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 publicly opened and read on January 12, 2016:

1. Paul R. Rizzo, Esq., of the firm of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., 15 Mountain Blvd., Warren, New Jersey 07059
2. Riker, Danzing, Scherer, Hyland, Perretti, L.L.P., One Speedwell Avenue, P.O. Box 1981, Morristown, New Jersey 07962; and

**WHEREAS**, Paul R. Rizzo, Esq. of the firm DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., has provided legal services to Toms River for many years as a land acquisition counsel in a professional and competent manner; and

**WHEREAS**, Paul R. Rizzo, Esq. of the firm of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., has conducted condemnation proceedings in Edison, South Plainfield, Sayerville, and has acted as a condemnation commissioner in Somerset County:

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Toms River authorizes the Mayor to enter into and the Township Clerk to attest to a contract with Paul R. Rizzo, Esq. of the firm of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., for land acquisition and dune easement counsel services from April 1, 2016 up to and including December 31, 2016, at the rate of \$195.00 per hour, for attorneys, and \$75.00 per hour for paralegals, not to exceed a total maximum amount of \$100,000.00 for CY16, contingent upon the execution of a contract, the 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.

**BE IT FURTHER RESOLVED** that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.

#### **PART XVII**

**WHEREAS**, the Township of Toms River has a need to acquire landfill environmental consultant services from April 1, 2016 up to and including December 31, 2016; 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 publicly opened and read on December 2, 2015:

1. Maser Consulting, PA, 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701

2. TRC Environmental Corp., 41 Spring Street, New Providence, New Jersey 07974
3. CME Associates 3759 U.S. 1 Highway South, Monmouth Junction, New Jersey 08852

**WHEREAS**, the firm of TRC Environmental Corp. has consulted on over 2,000 environmental site assessments and over 1,500 site investigations; and

**WHEREAS**, TRC Environmental Corp. is currently involved in 9 LSRP matters; and

**WHEREAS**, TRC Environmental Corp. has been the environmental consultant for the Township of Toms River, and the Council has found these services to be responsive and professional:

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Toms River authorizes the Mayor to enter into and the Township Clerk to attest to a contract with the firm of TRC Environmental Corp. for landfill environmental counseling services from April 1, 2016 up to and including December 31, 2016, not to exceed a total maximum amount of \$98,000.00 for CY16, at the rate of

Technical Assistant	\$60.00/hour
Field Technician	\$70.00/hour
Computer Design and Drafting	\$90.00/hour
Sr. Computer Design and Drafting	\$105.00/hour
Hydrogeologist I/Scientist I/Engineer I	\$75.00/hour
Hydrogeologist II/Scientist II/Engineer II	\$90.00/hour
Hydrogeologist III/Scientist III/Engineer III	\$105.00/hour
Associate Project Manager	\$125.00/hour
Project Manager	\$140.00/hour
Sr. Project Manager	\$160.00/hour
Sr. Scientist/Engineer	\$170.00/hour
Project Director	\$180.00/hour
Sr. Project Director	\$185.00/hour
Principal Consultant	\$200.00/hour
Sr. Principal Consultant	\$225.00/hour
Sr. Principal Consultant II	\$260.00/hour
Equipment: TRC costs + 10%	
Office expenses: TRC labor force + 4%	

**BE IT FURTHER RESOLVED** that this award is contingent upon the execution of a contract, the 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.

**BE IT FURTHER RESOLVED** that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.

## PART XVIII

**WHEREAS**, the Township of Toms River has a need to acquire municipal auditor services as required pursuant to N.J.S.A. 40A:5-4, et. seq. from April 1, 2016 up to and including December 31, 2016; 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 firm submitted a conforming proposal which was publicly opened and read on December 3, 2015:

1. Holman, Frenia, Allison, P.C., 680 Hooper Avenue Suite 201, Building B, Toms River, New Jersey 08753; and

**WHEREAS**, a review of the submitted proposals by the Council reveals that the firm of Holman, Frenia, Allison, P.C., has conducted auditing services for over 40 municipalities in the State of New Jersey; and

**WHEREAS**, the firm of Holman, Frenia, Allison, P.C., has been retained by the Township of Toms River and the Council finds that their past services has been responsive and professional:

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Toms River authorizes the Mayor to execute and Township Clerk to attest to a contract with the firm of Holman, Frenia, Allison, P.C., at the hourly rates for Partners: \$145.00; Manager: \$115.00; Supervisor \$90.00; Senior Staff: \$75.00 and Staff: \$65.00, from April 1, 2016 up to and including December 31, 2016, in Account No. 6-01- -F12-206, contingent upon the execution of a contract, the 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.

**BE IT FURTHER RESOLVED** that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.

#### **PART XIX**

**WHEREAS**, the Township of Toms River has a need to acquire non-emergency pool veterinary services from April 1, 2016 up to and including December 31, 2016; 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 publicly opened and read on December 1, 2015:

1. Toms River Animal Hospital, 769 Route 37 West, Toms River, N.J. 08755;
2. Vetcor of Toms River, L.L.C., t/a Calling All Creatures Veterinary Hospital, 246 Washington Street, Toms River, New Jersey 08753; and

**WHEREAS**, The Toms River Animal Hospital has been retained by the Township for veterinary services in previous years and the Council finds that their services have been competent and professional; and

**WHEREAS**, Vetcor of Toms River, L.L.C., t/a Calling All Creatures Veterinary Hospital, has been retained by the Township for veterinary services in previous years and the Council finds that their services have been competent and professional:

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Toms River, in the County of Ocean, State of New Jersey, that the Mayor is hereby authorized to execute and the Municipal Clerk is authorized to attest to an agreement with the Toms River Animal Hospital, for a total maximum amount not to exceed \$26,000.00 for CY16, in Account No. 6-13- -911-011 - \$23,000.00 and Account No. 6-13- -911-002 - \$3,000.00; and Vetcor of Toms River, L.L.C., t/a Calling All Creatures Veterinary Hospital for a total maximum amount not to exceed \$40,000.00 for CY16, and funds are available in Account No. 6-13- -911-011 - \$30,000.00, Account No. 6-13- -911-002 - \$5,000.00, and Account No. 6-01- -P45-534 - \$5,000.00, for the term of April 1, 2016 up to and including December 31, 2016, contingent upon the execution of a contract, the 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.

**BE IT FURTHER RESOLVED** that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.

#### **PART XX**

**WHEREAS**, the Township of Toms River has a need to acquire certain professional pool architectural services for Township capital projects and other general Township services from April 1, 2016 up to and including December 31, 2016; 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**, successful candidates will be placed on an approved list to receive bids and/or requests for proposals as required by law for said future services; and

**WHEREAS**, the following firms submitted conforming proposals which were publicly opened and read on December 1, 2015:

1. Wayne A. Neville, AIA, 430 Commerce Lane Suite C, West Berlin, New Jersey 08091
2. Alaimo Group Consulting Engineers, 200 High Street, Mt. Holly, New Jersey 08060
3. DMR Architects, 777 Terrace Avenue, Suite 607, Hasbrouck Heights, New Jersey 07604
4. The Musial Group, 191 Mill Lane, Mountainside, New Jersey 07092

**WHEREAS**, The Musial Group, specializes in architectural services for municipal buildings since 1976 and has provided these services to public entities throughout the State of New Jersey; and

**WHEREAS**, The Musial Group has been a member of the architectural pool of the Township of Toms River and provided competent and professional services; and

**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 following firm shall be placed on a pre-approved list from April 1, 2016 up to and including December 31, 2016, to receive bids, requests or solicitations as required by law for future architectural capital improvement projects and general architectural services on behalf of the Township of Toms River:

*The Musial Group, 191 Mill Lane, Mountainside, New Jersey 07902*

2. The Toms River Township Engineer may seek authorization from this Council for specific capital projects or miscellaneous architectural services on behalf of the Township to be awarded to the Musial Group.

**BE IT FURTHER RESOLVED** that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.

## **PART XXI**

**WHEREAS**, the Township of Toms River has a need to acquire professional inspection and general engineering services from April 1, 2016 up to and including December 31, 2016; and

**WHEREAS**, the Township of Toms River solicited qualifications, 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**, proposals were sought by way of public notice seeking such services, with successful candidates to be placed on an approved list for the calendar year 2016 to render services described above at the following rates:

Principal Engineer	\$148.00/hr.
Project Manager (PE)	\$128.00/hr.
Design Engineer (EIT)	\$107.00/hr.
Design Engineer	\$ 97.00/hr.
Professional Land Surveyor (PLS) (As a principal or partner)	\$133.00/hr.
Professional Land Surveyor (PLS) (As an associate)	\$112.00/hr.
Senior Designer	\$ 77.00/hr.
Computer Technician	\$ 77.00/hr.
Engineering Technician	\$ 77.00/hr.
Survey Technician	\$ 66.00/hr.

<i>Senior CADD Operator</i>	<i>\$ 77.00/hr.</i>
<i>CADD Operator</i>	<i>\$ 61.00/hr.</i>
<i>Field Survey Crew</i>	<i>\$138.00/hr.</i>
<i>Senior Inspector</i>	<i>\$ 87.00/hr.</i>
<i>Inspector Level 1</i>	<i>\$ 51.00/hr.</i>
<i>Inspector Level 2</i>	<i>\$ 71.00/hr.</i>
<i>Secretary/Clerical</i>	<i>\$ 33.00/hr.</i>
<i>Delivery</i>	<i>\$ 33.00/hr.</i>
<i>Prints</i>	<i>\$ 0.25/sq.ft.</i>
<i>Mylars</i>	<i>\$ 1.53/sq.ft.</i>
<i>Cloths</i>	<i>\$ 2.10/sq.ft.</i>
<i>Subcontract Services</i>	<i>120% of cost</i>
<i>Expenses</i>	<i>At cost; and</i>

**WHEREAS**, *the following firms submitted conforming qualifications which were publicly opened and read on December 1, 2015:*

1. *Remington, Vernick & Vena Engineers, 9 Allen Street, Toms River, N. J. 08753*
2. *Owen, Little & Associates, 443 Atlantic City Blvd., Beachwood, N.J. 08722*
3. *T & M Associates, 9 Grand Avenue, Building #1, Toms River, N.J. 08753-7503*
4. *Alaimo Group Consulting Engineers, 200 High Street, Mt. Holly, N.J. 08060*
5. *French & Parrello Associates, P.A., 1800 Route 34, Suite 101, Wall, New Jersey 07719*
6. *Hatch, Mott & MacDonald, 3 Paragon Way, Freehold, N.J. 07728*
7. *Maser Consulting, PA 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701*
8. *Suburban Consulting Engineers, 100 Valley Road Suite 202, Mt. Arlington, New Jersey 07856*

**WHEREAS**, *the firm of Owen, Little & Associates is currently the Toms River Township Board of Adjustment Engineer and is familiar with approved and pending projects; and*

**WHEREAS**, *the Toms River Township Council finds the firm of Remington, Vernick & Vena Engineers has previously provided satisfactory work for Toms River Township; and*

**WHEREAS**, *T & M Associates has previously provided satisfactory work for Toms River Township; and*

**WHEREAS**, *T & M Associates is the Manchester Township Engineer and would be able to interface with Toms River involving joint jurisdiction issues; and*

**WHEREAS**, *Alaimo Group Consulting Engineers has performed work for the Township on various local projects including the Oak Park Soccer Complex, inspections of various bulkhead reconstruction, and the Gilford Park Drainage Study and is familiar with the current development applicants in the Township; and*

**WHEREAS**, *French & Parrello Associates is experienced with public sector capital projects, such as the expansion of the Ocean County Library and has provided competent and professional services to the Township; and*

**WHEREAS**, *Hatch, Mott & MacDonald is experienced in road and bridge construction in Toms River and the Ocean County area and has provided competent and professional services to the Township; and*

**WHEREAS**, *Hatch, Mott & MacDonald has represented over 40 government entities including inspection and general engineering:*

**NOW, THEREFORE, BE IT RESOLVED**, *that the Township Council of the Township of Toms River authorizes the Mayor to enter into and the Township Clerk to attest to contracts from April 1, 2016 up to and including December 31, 2016, with the firms of Owen, Little & Associates; Remington, Vernick & Vena Engineers; T & M Associates; Alaimo Group*

Consulting Engineers; French & Parrello Associates; Hatch, Mott & MacDonald, for inspection and general engineering services at the rate of:

Principal Engineer	\$148.00/hr.
Project Manager (PE)	\$128.00/hr.
Design Engineer (EIT)	\$107.00/hr.
Design Engineer	\$ 97.00/hr.
Professional Land Surveyor (PLS) (As a principal or partner)	\$133.00/hr.
Professional Land Surveyor (PLS) (As an associate)	\$112.00/hr.
Senior Designer	\$ 77.00/hr.
Computer Technician	\$ 77.00/hr.
Engineering Technician	\$ 77.00/hr.
Survey Technician	\$ 66.00/hr.
Senior CADD Operator	\$ 77.00/hr.
CADD Operator	\$ 61.00/hr.
Field Survey Crew	\$138.00/hr.
Senior Inspector	\$ 87.00/hr.
Inspector Level 1	\$ 51.00/hr.
Inspector Level 2	\$ 71.00/hr.
Secretary/Clerical	\$ 33.00/hr.
Delivery	\$ 33.00/hr.
Prints	\$ 0.25/sq.ft.
Mylars	\$ 1.53/sq.ft.
Cloths	\$ 2.10/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost

**BE IT FURTHER RESOLVED** this award contingent upon the execution of a contract, the 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.

**BE IT FURTHER RESOLVED** that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.

## PART XXII

**WHEREAS**, the Township of Toms River has a need to retain certain legal professional services with regard to litigation filed against the Township of Toms River captioned NJDEP v. Almo Anti-Pollution Services, et als. v. Toms River Township, et als., BUR-L-00895-02 from April 1, 2016 up to and including December 31, 2016; 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 et. seq.; and

**WHEREAS**, the following firm submitted a conforming proposal which was publicly opened and read on December 2, 2015:

1. Coffey & Associates, 310 South Street, Morristown, New Jersey 07960

**WHEREAS**, the law firm of Coffey and Associates, 310 South Street, Morristown, N.J. 07960, was retained by this Council on August 10, 2010 in the matter of NJDEP v. Almo Anti-Pollution Services, et. als. v. Toms River Township, et. als., BUR-L-00895; and

**WHEREAS**, this Council finds that the law firm of Coffey and Associates has provided services to the Township in a professional and competent manner in the court matter described above;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Toms River authorizes the Mayor to execute and the Township Clerk to attest to a contract with Coffey & Associates, regarding litigation filed against the Township of Toms River known as NJDEP v. Almo Anti-Pollution Services, et als. v. Toms River Township, et als., BUR-L-00895-02, at the rate of \$200.00 per hour for partners, and \$140.00 per hour for associates,

from April 1, 2016 up to and including December 31, 2016, not to exceed a total maximum amount of \$15,000.00 for CY16, contingent upon the execution of a contract, the 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.

**BE IT FURTHER RESOLVED** that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.

### **PART XXIII**

**WHEREAS**, the Township of Toms River has a need to acquire special legal counsel in the matter of CIBA/BASF tax appeals from April 1, 2016 up to and including December 31, 2016; 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 firm submitted a conforming proposal, which was publicly opened and read on December 3, 2015:

1. Chiesa, Shahinian and Giantomasi, P.C., 1 Boland Drive, West Orange, New Jersey 07052

**WHEREAS**, Chiesa, Shahinian and Giantomasi, P.C. represented or represents the municipalities of Hamilton Township, the Township of South Orange, the Borough of Paramus, Livingston Township, the Township of Morristown, City of East Orange, and the Borough of Bergenfield for tax appeals; and

**WHEREAS**, Chiesa, Shahinian and Giantomasi, P.C. has represented the Township of Toms River in tax appeal matters, and the Council finds their work to be responsive and professional; and

**WHEREAS**, Chiesa, Shahinian and Giantomasi, P.C. has represented the Township in companion cases with Ciba-Geigy litigation and are familiar with the site and collateral issues in this matter:

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Toms River authorizes the Mayor to enter into and the Township Clerk to attest to a professional legal services contract with the firm of Chiesa, Shahinian and Giantomasi, P.C. for CIBA/BASF tax appeals at the rate of \$220.00 per hour, from April 1, 2016 up to and including December 31, 2016, contingent upon the execution of a contract, the 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.

**BE IT FURTHER RESOLVED** that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.

### **PART XXIV**

**WHEREAS**, the Township of Toms River has a need to acquire a police emergency medical service and volunteer emergency medical service director from April 1, 2016 up to and including December 31, 2016; 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 amount for these services shall not exceed the maximum amount of \$18,500.00 for CY 16, at \$1,542.00 per month, which includes 10 hours per month spent for the aforementioned activities; and

**WHEREAS**, the following firm submitted a conforming proposal, which was publicly opened and read on December 3, 2015:

1. *Dr. Laurence De Rochers, t/a Emergemed, L.L.C., 640 Harbor Road, Brick, New Jersey 08724; and*

**WHEREAS, Dr. Laurence De Rochers, t/a Emergemed, L.L.C. is currently the police emergency medical service director of the Township of Toms River, and has performed its duties in a professional and competent manner; and**

**WHEREAS, Dr. Laurence De Rochers, t/a Emergemed, L.L.C. is also the medical director of the Lanoka Harbor and Community Medical Center and has experience in this field:**

**NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Toms River authorizes the Mayor to enter into and the Township Clerk to attest to a contract with Dr. Laurence De Rochers, t/a Emergemed, L.L.C. from April 1, 2016 up to and including December 31, 2016, at the rate not to exceed a total maximum amount of \$18,500.00 for CY16, at \$1,542.00 per month, which includes 10 hours per month spent for the aforementioned activities, contingent upon the execution of a contract, the 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.**

**BE IT FURTHER RESOLVED that the award of this professional service contract is being made in conformance with N.J.S.A. 19:44A-20.4 et. seq. and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 et. seq.**

**BE IT FURTHER RESOLVED that notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.**

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

- a) *Mayor Thomas Kelaher*
- b) *Chief Financial Officer*
- c) *Business Administrator*
- d) *Township Attorney*
- e) *All Department Heads*
- f) *Engineering Division*
- g) *Purchasing Division*
- h) *Township Clerk's Office*
- i) *Township Municipal Court*
- j) *Acacia Financial Group, Inc.,  
601 Route 73 North, Ste. 206  
Marlton, NJ 08053*
- k) *Alaimo Group Consulting Engineers  
200 High Street  
Mount Holly, New Jersey 08060*
- l) *Amando V. Ricco, L.L.P.,  
20 Hadley Avenue  
Toms River, New Jersey 08753*
- m) *Bonnie R. Peterson, Esq.  
1201 SW Central Avenue  
P.O. Box J  
Seaside Park, New Jersey 08752*
- n) *Chiesa, Shahinian and Giantomasi, P.C.  
1 Boland Drive  
West Orange, New Jersey 07052*
- o) *Coffey & Associates  
310 South Street  
Morristown, N.J. 07960*
- p) *Connor, Strong & Buckelew  
231 Main Street, P.O.  
Box 2017  
Toms River, New Jersey 08754*
- q) *Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors, P.C.,  
620 West Lacey Road  
Forked River, New Jersey 08731*
- r) *D iFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.  
15 Mountain Blvd.*

- Warren, New Jersey 07059
- s) *Paul R. Rizzo, Esq*  
*DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.*  
*15 Mountain Blvd.*  
*Warren, New Jersey 07059*
- t) *Edward J. Simone, CPA, RMA, Partner*  
*William E. Antonides & Co.*  
*2807 Hurley Pond Road, Suite 200*  
*P.O. Box 1137*  
*Wall, N.J. 07718-1137*
- u) *Emergemed, L.L.C.*  
*Att'n: Dr. Larry Des Rochers, M.D.*  
*640 Harbor Road*  
*Brick, New Jersey 08724*
- v) *French & Parrello Associates, P.A.*  
*1800 Rte. 34, Suite 101*  
*Wall, N.J. 07719*
- w) *Gluck, Walrath, L.L.P.*  
*428 River View Plaza*  
*Trenton, New Jersey 08611*
- x) *Hatch, Mott & MacDonald*  
*3 Paragon Way*  
*Freehold, New Jersey 07728*
- y) *Heagen, Pagano & Seems, Esqs.,*  
*325 W. Water Street*  
*Toms River, New Jersey 08753*
- z) *Hiering Gannon, & McKenna*  
*29 Hadley Avenue, Suite 2,*  
*Toms River, New Jersey 08753*
- aa) *Holman, Frenia, Allison, P.C.,*  
*680 Hooper Avenue Suite 201, Building B,*  
*Toms River, New Jersey 08753*
- bb) *JDM Planning Associates, L.L.C.*  
*614 Harbor Road*  
*Brick, New Jersey 08724*
- cc) *Kevin Riordan, Esq.*  
*20 Hadley Avenue, Suite 2*  
*Toms River, New Jersey 08753*
- dd) *Maser Consulting, PA,*  
*331 Newman Springs Road, Suite 203*  
*Red Bank, New Jersey 07701*
- ee) *Owen, Little & Associates*  
*443 Atlantic City Blvd.*  
*Beachwood, N.J. 08722*
- ff) *Piazza & Associates, Inc.*  
*216 Rockingham Row,*  
*Princeton, N.J. 08540*
- gg) *Preferred Behavioral Health Group, Inc.*  
*1500 Route 88*  
*Brick, New Jersey 08724*
- hh) *Remington Vernick & Vena Engineers*  
*9 Allen Street*  
*Toms River, N.J. 08753*
- ii) *T & M Associates*  
*9 Grand Avenue, Building #1,*  
*Toms River, New Jersey 8753*
- jj) *TRC Environmental Corp.*  
*41 Spring Street*  
*New Providence, New Jersey 07974*
- kk) *The Musial Group,*  
*191 Mill Lane,*  
*Mountainside, New Jersey 07902*
- ll) *Toms River Animal Hospital*  
*769 Route 37 West*  
*Toms River, N.J. 08755*
- mm) *Vetcor of Toms River, L.L.C.,*

*t/a Calling All Creatures Veterinary Hospital  
246 Washington Street  
Toms River, N.J. 08753*

**CERTIFICATION OF CHIEF FINANCIAL OFFICER PURSUANT TO  
LOCAL PUBLIC CONTRACT LAW**

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

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CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: March 8, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS  
RIVER, OCEAN COUNTY, NEW JERSEY, REJECTING PROPOSALS FOR  
CONFLICT MUNICIPAL PUBLIC DEFENDER AND AUTHORIZING THE DIVISION  
OF PURCHASING TO ADVERTISE AND RECEIVE NEW PROPOSALS FOR THE  
REMAINDER OF THE 2016 CALENDAR YEAR**

**MARCH 8, 2016**

**WHEREAS**, *on November 10, 2015, the Township Council of the Township of Toms River authorized the Division of Purchasing to advertise and receive proposals for conflict public defender services through a fair and open process as set forth in N.J.S.A. 19:44A-20.4, et. seq. and the Toms River Township Administrative Code § 84-1, "Prohibition on awarding public contracts to certain contributors"; and*

**WHEREAS**, *on December 2, 2015 proposals were submitted by the public and opened by the Division of Purchasing and found not to be sufficient; and*

**WHEREAS**, *there remains a need to obtain multiple attorneys through a fair and open process to represent codefendants for the remainder of the calendar year; and*

**WHEREAS**, *the criteria to be considered is as follows:*

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

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

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

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

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

*(f) Other relevant experience.*

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

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

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

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

1. *The proposals submitted to the Division of Purchasing are deemed insufficient and rejected.*

2. *The Division of Purchasing is authorized to advertise for the receipt of proposals for Conflict Public Defender(s) under a fair and open process as set forth in Chapter 84, "Contracts, Public", of the Toms River Township Administrative Code utilizing the following criteria:*

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

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

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

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

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

*(f) Other relevant experience.*

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

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

3. *The rate of compensation for Conflict Municipal Public Defender(s) shall be at at \$350.00 per court session, not to exceed \$5,000.00 for CY16 for all Conflict Public Defenders combined.*

4. *The term for these services shall commence on June 1, 2016 up to and including December 31, 2016.*

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

*a) Mayor Thomas Kelaher*

*b) Township Council*

*c) Business Administrator*

*d) Township Clerk*

*e) Finance*

*f) Township Attorney*

*g) Municipal Court*

*h) Purchasing Division*

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, EXTENDING THE  
TERM OF CERTAIN CONTRACTS EXEMPT FROM PUBLIC BIDDING  
TO MAY 31, 2016**

**MARCH 8, 2016**

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

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

**WHEREAS**, on January 26, 2016 there existed a need for the continued extension of certain contracts exempt from public bidding which were extended to March 31, 2016 by way of resolution: and

**WHEREAS**, there exists a need for the continued extension of these contracts exempt from public bidding from April 1, 2016 to May 31, 2016; and

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

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

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

1. It hereby approves the extensions of contracts up to and including May 31, 2016 with the following firms: Bellu Memoli, LLC (formerly Carmen Memoli, CPA) for rent leveling board accountant; Citta, Holzapfel & Zabarsky, PC for municipal prosecutor; Heagan, Pagano & Seems, P.C. for conflict public defender; Jersey Shore Veterinary Emergency Service for emergency veterinarian services; and Brick Cardiovascular Specialists, PA as township cardiologist, at the same rates approved in 2015 by this Council, subject to the availability of funds, and approval of the CY16 budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

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

- a) Mayor Thomas Kelaher
- b) Chief Financial Officer
- c) Business Administrator
- d) Township Attorney
- e) Municipal Court Administrator
- f) Purchasing Division
- g) Tax Assessor
- h) Township Clerk's Office
- i) Bellu Memoli, LLC  
222 Oak Avenue, Suite 5  
Toms River, New Jersey 08753
- j) Citta, Holzapfel & Zabarsky, PC.  
248 Washington Street  
Toms River, New Jersey 08754
- k) Brick Cardiovascular Specialists, PA

147 Route 37 West

Toms River, New Jersey 08755

l) Heagan, Pagano & Seems, P.A.

325 W. Water Street

Toms River, New Jersey 08753

m) Jersey Shore Veterinary Emergency Service

1000 State Highway 70

Lakewood, New Jersey 08701

**CERTIFICATION OF CHIEF FINANCIAL OFFICER PURSUANT TO  
LOCAL PUBLIC CONTRACT LAW**

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

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CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: March 8, 2016

**RESOLUTION  
March 8, 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  
#18-16**

**Guihua Cui  
687 McCormick Dr  
Toms River, NJ 08753**

**WHEREAS, 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

March 8, 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>
24-16 Stephen Delmar	Taxi Driver	All American Cab
13-16 Luther Young	Taxi Driver (Renewal)	Ace Cab

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 AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE 1507-33-053-002 FROM EMPIRE ENTERTAINMENT LLC, TO GARDEN STATE DINNING, LLC. D/B/A TIO JUAN'S MARGARITAS MEXICAN RESTAURANT (INACTIVE)**

March 8, 2016

WHEREAS, an application has been filed for **PERSON-TO-PERSON TRANSFER** for Plenary Retail Consumption License Number **1507-33-053-002**, heretofore issued to Garden State Dinning LLC. , with a mailing address of 105 White Oak Lane, Suite 201 B, Old Bridge, NJ 08857; and

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

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

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

1. It hereby does authorize the **Person-To Person Transfer** of Plenary Retail Consumption Liquor License Number 1507-33-052-002 from **Empire Entertainment LLC.**, to **Garden State Dinning, LLC.** with a mailing address of: Garden State Dinning LLC., 105 White Oak Lane, Suite 201B, Old Bridge NJ 08857.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Police Department
  - b) Chief Financial Officer
  - c) Township Attorney
  - d) State of New Jersey  
Division of Alcoholic Beverage Control  
140 E. Front Street  
P. O. Box 087  
5th Floor  
Trenton, N. J. 08625-0087
  - e) Garden State Dinning LLC.  
105 White Oak Lane, Suite 201 B  
Old Bridge, NJ 08857

**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 DEED ACKNOWLEDGING THE TOWNSHIP'S EASEMENT RIGHTS AND TO FURTHER CONFIRM AND RATIFY THAT THE TOWNSHIP HAS NO OBJECTION TO THIS CONVEYANCE AND TO WAIVE ANY AND ALL RIGHTS THEY MAY HAVE UNDER N.J.S.A. 40:55D-55 OF A TRANSFER OF A PORTION OF THE PROPERTY TO BE DESIGNATED AS BLOCK 1108.25, LOT 5.02 FROM EAST DOVER VOLUNTEER FIRE CO., INC. TO RICHARD W. WEITZEL, VALERIE WEITZEL, INDIVIDUALLY AND WEITZEL MARINA FAMILY PARTNERSHIP**

**MARCH 8, 2016**

**WHEREAS**, the Township wishes to acknowledge the Township's easement rights and to further confirm and ratify that the Township has no objection to the conveyance and to waive any and all rights they may have under N.J.S.A. 40:55D-55 of a transfer of a portion of the property located at 629 Fischer Boulevard, Toms River, Ocean County, New Jersey, to be designated as Block 1108.25, Lot 5.02 from the East Dover Volunteer Fire Co., Inc. to Richard W. Weitzel and Valerie Weitzel, individually and Weitzel Marina Family Partnership;

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

1. The Mayor is authorized to execute and the Township Clerk to attest to a Deed transferring the ownership of a portion of 629 Fisher Boulevard, Toms River, NJ, to be known as Block 1108.25, Lot 5.02. A copy of the Deed is attached to this resolution as Schedule "A".

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) Paul J. Shives, Business Administrator
- d) Kenneth B. Fitzsimmons, Township Attorney
- e) Christine Manolio, Chief Financial Officer
- f) Richard Tutela, President  
East Dover Fire Co.  
629 Fisher Blvd.  
Toms River, NJ 08753
- d) Richard and Valerie Weitzel  
3110 Windsor Avenue  
Toms River, NJ 08753

**SCHEDULE "A"**

"SEE ATTACHMENTS"

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF OPEN-ENDED CONTRACTS TO SEETON TURF WAREHOUSE, LLC; DAVISSON GOLF, INC.; REED PERRINE; HARRELL'S, LLC,; PLANT FOOD COMPANY INC.; HANSON AGGREGATES BMC INC.; FISHER AND SON COMPANY, INC.; WINFIELD SOLUTIONS, LLC; GRASS ROOTS TURF PRODUCTS, INC.; TRI-STATE MATERIALS LLC D/B/A GREENPRO MATERIALS; TRU GREEN; LEVITT'S LLC; AND CROP PRODUCTION SERVICES; AS LOWEST RESPONSIBLE BIDDERS PER LINE ITEM, FOR THE SUPPLY OF GRASS SEED, FERTILIZER, HERBICIDES, INSECTICIDES, TOP DRESSING, BUNKER SAND AND DISPOSABLE INSECTICIDE SPRAY SUITS**

**MARCH 8, 2016**

WHEREAS, bids were invited on February 19, 2016 for the Supply of Grass Seed, Fertilizer, Herbicides, Insecticides, Top Dressing, Bunker Sand and Disposable Insecticide Spray Suits; and

WHEREAS, bids were received, as follows:

Seeton Turf Warehouse, LLC  
25 Roland Avenue  
Mount Laurel, NJ 08054

Davisson Golf, Inc.  
7462 Railroad Avenue  
Harmans, MD 21077

Reed Perrine  
PO Box 100  
Tennent, NJ 07763

Harrell's, LLC  
720 Kraft Road  
Lakeland, Florida 33815

Plant Food Company, Inc.  
38 Hightstown-Cranbury Station Road  
Cranbury, NJ 08512

Hanson Aggregates BMC Inc.  
1101 Railroad Avenue  
Newport, NJ 08345

Fischer & Son Company, Inc.  
110 Summit Drive  
Exton, PA 19341

Winfield Solutions, LLC  
120 Alissa Drive  
Toms River, NJ 08753

Grass Roots Turf Products, Inc.  
PO Box 336  
Mt. Freedom, NJ 07970

SiteOne Landscape Supply  
1385 East 36<sup>th</sup> Street  
Cleveland, Ohio 44114

Tri-State Materials LLC  
d/b/a GreenPro Materials  
PO Box 265  
Bound Brook, NJ 08805

Tru Green  
5003 Industrial Road  
Farmingdale, NJ 07727

Levitt's LLC  
621 Edwards Road  
Parsippany, NJ 07054

Crop Production Services  
1470 Jersey Avenue  
North Brunswick, NJ 08902

WHEREAS, the bids have been reviewed by the Purchasing Division and the Bey Lea Golf Course, and they have recommended that contracts be awarded, as follows:

**Seeton Turf Warehouse, LLC** – Item Nos.: 14, 23, 31, 35, 49, 61, 77, 78, 89, 92, and 99.

**Davisson Golf, Inc.** – Item Nos.: 82, 83, 87, and 90.

**Reed Perrine** – Item Nos.: 1, 9, 12, 16, 19, 20, 28, 32, 44, 45, 51, 53, 56, 68, 69, 70, and 80.

**Harrell's, LLC** – Item Nos.: 27, 41, 100, 101, and 102.

**Plant Food Company, Inc.** - Item Nos.: 65, 67, 73, 74, 75, 85, 88, 91, 93, and 103.

**Hanson Aggregates BMC Inc.** – Item Nos.: 59, and 105.

**Fischer & Son Company, Inc.** - Item Nos.: 2, 30, 63, 64, and 86.

**Winfield Solutions, LLC** - Item Nos.: 18, 21, 22, 25, 36, 38, 52, 55, and 81.

**Grass Roots, Turf Products, Inc.,** - Item Nos.: 3, 5, 7, 8, 15, 26, 29, 33, 39, 40, 43, 47, 48, 50, 54, 57, 58, 60, 62, 72, 76, 79, 94, 95, 96, 104, and 107.

**Tri-State Materials LLC d/b/a GreenPro Materials** – Item No.: 71.

**True Green** – Item Nos.: 4, and 6.

**Levitt's LLC.** - Item Nos.: 11, 42, and 98.

**Crop Production Services** – Item Nos.: 10, 13, 17, 24, 34, 37, 46, 84, and 97.

The following items received no bids and will be re-bid: Item Nos.: 66, 106a, 106b, 106c, 108, 109, and 110.

SiteOne Landscape Supply submitted a photocopy of the bid, which makes them non-responsive.

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 the Supply of Grass Seed, Fertilizer, Herbicides, Insecticides, Top Dressing, Bunker Sand and Disposable Insecticide Spray Suits, as follows:

**Seeton Turf Warehouse, LLC** – Item Nos.: 14, 23, 31, 35, 49, 61, 77, 78, 89, 92, and 99.

**Davisson Golf, Inc.** – Item Nos.: 82, 83, 87, and 90.

**Reed Perrine** – Item Nos.: 1, 9, 12, 16, 19, 20, 28, 32, 44, 45, 51, 53, 56, 68, 69, 70, and 80.

**Harrell's, LLC** – Item Nos.: 27, 41, 100, 101, and 102.

**Plant Food Company, Inc.** - Item Nos.: 65, 67, 73, 74, 75, 85, 88, 91, 93, and 103.

**Hanson Aggregates BMC Inc.** – Item Nos.: 59, and 105.

**Fischer & Son Company, Inc.** - Item Nos.: 2, 30, 63, 64, and 86.

**Winfield Solutions, LLC** - Item Nos.: 18, 21, 22, 25, 36, 38, 52, 55, and 81.

**Grass Roots, Turf Products, Inc.**, - Item Nos.: 3, 5, 7, 8, 15, 26, 29, 33, 39, 40, 43, 47, 48, 50, 54, 57, 58, 60, 62, 72, 76, 79, 94, 95, 96, 104, and 107.

**Tri-State Materials LLC d/b/a GreenPro Materials** – Item No.: 71.

**True Green** – Item Nos.: 4, and 6.

**Levitt's LLC**. - Item Nos.: 11, 42, and 98.

**Crop Production Services** – Item Nos.: 10, 13, 17, 24, 34, 37, 46, 84, and 97.

The following items received no bids and will be re-bid: Item Nos.: 66, 106a, 106b, 106c, 108, 109, and 110.

SiteOne Landscape Supply submitted a photocopy of the bid, which makes them non-responsive.

2. All terms and conditions of the bid specifications are applicable on these contracts. These will be open-ended contracts with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The contract term shall be for one (1) year, effective March 11, 2016 through March 10, 2017.

3. The appropriate Township Officials are authorized to advertise for rebid of those items which received no bids

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) Recreation Dept.
- e) Bey Lea Municipal Golf Course Maintenance
- f) Parks, Buildings & Grounds
- g) All Aforementioned Bidders

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended contracts awarded to:

Seeton Turf Warehouse, LLC  
 Davisson Golf, Inc.  
 Reed Perrine  
 Harrell's, LLC  
 Plant Food Company, Inc.  
 Hanson Aggregates BMC Inc.  
 Fischer & Son Company, Inc.  
 Winfield Solutions, LLC  
 Grass Roots Turf Products, Inc.  
 Tri-State Materials LLC d/b/a GreenPro Materials  
 True Green  
 Levitt's LLC  
 Crop Production Services,

are contingent upon the availability of funds in the appropriate municipal budget.

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

CHRISTINE MANOLIO  
 CHIEF FINANCIAL OFFICER

Dated: March 8, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN OPEN-ENDED CONTRACT TO KEYPORT ARMY NAVY FOR THE SUPPLY OF WORK SHOES AND WORK BOOTS**

**MARCH 8, 2016**

WHEREAS, bids were invited on February 23, 2016 for the Supply of Work Shoes and Work Boots; and

WHEREAS, only one bid was received, as follows:

Keyport Army Navy  
 PO Box 985  
 Brick, NJ 08723

WHEREAS, the bids have been reviewed by the Purchasing Division, Department of Public Works and the Department of Parks, Buildings and Grounds, and recommendation has been made to award an open-ended contract, as follows:

**Keyport Army Navy** – Item Nos. 1-30, and 32.  
 Item No. 31 was non-conforming to the bid specifications.

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

1. It hereby awards an open-ended contract for the Supply of Work Shoes and Work Boots, as follows:

**Keyport Army Navy** – Item Nos. 1-30, and 32.  
Item No. 31 was non-conforming to the bid specifications.

The contract term shall be retroactive to March 11, 2016 through March 10, 2017. These will be open-ended contracts with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all terms and conditions of the bid specifications.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Public Works Department
- e) Parks, Buildings & Grounds
- f) Recreation Department
- g) Keyport Army Navy  
PO Box 985  
Brick, NJ 08723

### ***CERTIFICATION***

***THIS IS TO CERTIFY*** that the funds for the open-ended contract awarded to Keyport Army Navy, are contingent upon availability of funds in the appropriate municipal budget.

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

CHRISTINE J. MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: March 8, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE RESOLUTION DATED APRIL 14, 2015, WHICH AWARDED A CONTRACT TO SEABOARD FIRE & SAFETY EQUIPMENT COMPANY, FOR THE INSPECTION, TESTING, MONITORING, MAINTENANCE AND REPAIR SERVICES OF VARIOUS FIRE SYSTEMS INCLUDING PORTABLE FIRE EXTINGUISHERS, FIRE SUPPRESSION SYSTEMS, WATER BASED FIRE PROTECTION SYSTEMS AND FIRE & BURGLAR ALARMS, IN THE TOTAL AMOUNT NOT TO EXCEED \$100,000.00 OVER THREE (3) YEARS, TO INCREASE THE CONTRACT AMOUNT BY AN ADDITIONAL \$20,000.00, FOR AN AMENDED CONTRACT AMOUNT OF \$120,000.00

***MARCH 8, 2016***

WHEREAS, resolution of the Township Council dated April 14, 2015 authorized an award of contract to Seaboard Fire & Safety Equipment Company, as overall lowest, responsible bidder, for the Inspection, Testing, Monitoring, Maintenance and Repair Services of Various Fire Systems Including Portable Fire Extinguishers, Fire

Suppression Systems, Water Based Fire Protection Systems and Fire & Burglar Alarms, in the amount not to exceed \$100,000.00 over three (3) years; and

WHEREAS, the Department of Parks, Buildings & Grounds has determined that additional future work will required under this contract; and

WHEREAS, the Department of Parks, Buildings & Grounds has made a request to increase the contract with Seaboard Fire & Safety Equipment Company, by additional \$20,000.00, for a total amended contract amount of \$120,000.00; and

WHEREAS, the Township Council has determined that it would be in the best interest of the Township to amend the contract with Seaboard Fire & Safety Equipment Company, by an additional \$20,000.00;

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

1. It hereby authorizes an amendment to the resolution dated April 14, 2015 with Seaboard Fire & Safety Equipment Company, by additional \$20,000.00, for a total amended contract amount of \$120,000.00. Term of contract: January 1, 2015 through December 31, 2017

2. This amendment is subject to all the other terms and conditions of the original bid specifications.

3. Funds for the additional amount of \$20,000.00, will be contingent upon the availability of funds in the appropriate municipal budget year, and will be open-ended with funds being encumbered each time service is required. 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) Business Administrator
- b) Purchasing Division
- c) Chief Financial Officer
- d) Township Attorney
- e) Parks, Buildings & Grounds
- f) Seaboard Fire & Safety Equipment Company  
2112 Kings Highway  
Ocean, NJ 07712

### ***AMENDED CERTIFICATION***

***THIS IS TO CERTIFY*** that the funds for the amended contract with Seaboard Fire & Safety Equipment Company, in the amount of \$20,000.00, for a total amended contract amount of \$120,000.00, will be open-ended with funds being encumbered each time service is required, contingent upon adoption of future budgets.

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: March 8, 2016

Ken Langdon spoke regarding the following Resolution.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING  
THE PURCHASING DIVISION TO ADVERTISE FOR AND RECEIVE BIDS FOR  
REPAIRS TO DUNE WALKOVERS DUE TO STORM DAMAGE FROM THE  
JANUARY, 2016 BLIZZARD**

**MARCH 8, 2016**

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

**REPAIRS TO DUNE WALKOVERS DUE TO STORM  
DAMAGE FROM THE JANUARY, 2016 BLIZZARD**

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

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

**REPORTS**

**None**

**APPROVAL OF BILLS**

Council President Carr asked for a report on the bills.

The Bill List, dated **March 4, 2016** was approved on motion by Council Member Manforti, seconded by Council Member Carr, and carried with Council Members Carr, Hill, Manforti, Geoghegan, Wittmann, and Council President Kubielski voting yes, and with Council Member Maruca absent. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 16-01025 (part of Owen, Little), payable to Community Medical Center in the amount of \$202.50.

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

Purchase Order 16-00415 (includes ARYA Properties), payable to Heartwood Ecological Consultant in the amount of \$573.75

Purchase Order 16-00878, 16-00956, 16-01024 and 16-01025, payable to Owen, Little and Associates, Inc. in the amount of \$15,508.03.

Purchase Order 16-01203 and 16-01320, payable to Saint Luke's Church in the amount of \$700.00.

Purchase Order 16-01203 and 16-01320, payable to Toms River Schools in the amount of \$9,075.00.

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

Purchase Order 16-00415 (includes ARYA Properties), payable to Heartwood Ecological Consultant in the amount of \$573.75

### ***ELECTED OFFICIALS COMMENTS***

Mayor Kelaher was not present at the meeting.

Councilman Kubiell spoke regarding dune replenishment project and mentioned that there are five easements left.

Council Members Wittmann and Carr had no comments.

Council Member Hill and spoke regarding a recent fire and the recovery of a person at it. He also spoke regarding the Joint Base Resolution previously approved.

Council Member Manforti spoke regarding Emergency Service in Toms River.

### ***PUBLIC COMMENTS***

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

Pat Klaslo spoke regarding electric billing.

Carol Benson spoke regarding Channel 22; recreation building at Winding River Park; new name for United Water-Toms River and Suez's office location, and Camelot Drive parking and signs posted there regarding same.

Ken Langdon spoke regarding "scarfing" of the beach and planting of old Christmas trees on the beach.

No other business appearing, the meeting was adjourned at 6:40 P. M., with Council Members Carr, Geoghegan, Hill, Manforti, Wittmann, and Council President Kubiell voting yes, and with Council Member Maruca absent.

No Executive Session was held.

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BRIAN S. KUBIEL, COUNCIL PRESIDENT

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J. MARK MUTTER, TOWNSHIP CLERK