

March 22, 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 6:06 PM.

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

A moment of silence was held for the Brussels, Belgium bombing victims.

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

**APPROVAL OF MINUTES**

A motion was made by Council Member Maruca, seconded by Council Member Hill, and carried with Council Members Hill, Geoghegan, Manforti, Maruca, Wittmann, and Council President Kubiell voting yes, and Council Member Carr absent, to continue approval of the **Special Meeting Minutes of February 3, 2016, to the Council Meeting of April 12, 2016.**

A motion was made by Council Member Wittmann, seconded by Council Member Manforti, and carried with Council Members Hill, Geoghegan, Manforti, Wittmann, and Council President Kubiell voting yes, and Council Member Carr absent, and with Council Member Maruca abstaining as she was absent on March 8, 2016, to approve the Minutes of the **Regular Meeting of March 8, 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 Manforti, seconded by Council Member Hill, and carried with Council Members Hill, Geoghegan, Manforti, Maruca, Wittmann, and Council President Kubiel voting yes, and Council Member Carr absent, to make the following honoring proclamations a part of the Minutes.

Mayor Kelaher presented proclamation to Alex Palmieri.

*Township of Toms River  
Office of the Mayor and Council  
Commends*

**ALEX PALMIERI**

*As the first woman in Central New  
Jersey to enlist in the United States  
Army for a Combat Engineering Role*

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*Mayor Thomas F. Kelaher*

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*Brian Kubiel  
Council President*

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

*Kevin Geoghegan  
George E. Wittmann, Jr.*

*Alfonso Manforti  
Jeffrey J. Carr*

Mayor Kelaher presented a proclamation for Gambling Awareness Month.

# Township of Toms River

## Proclamation

March 22, 2016

**WHEREAS**, *the month of March is proclaimed National Problem Gambling Awareness Month in the Township of Toms River; and*

**WHEREAS**, *gambling affects millions of Americans in all communities both socially and economically and makes no preference with regards to age, race or ethnic background; and*

**WHEREAS**, *considered a treatable addiction, March is named “National Problem Gambling Awareness Month” for the purpose of promoting education for the public and policymakers about the grievous effect gambling has on individuals and society as a whole – making all aware of the effective treatment available to them from organizations and professionals who have dedicated their efforts towards eliminating problem gambling.*

**NOW, THEREFORE**, *We, Mayor Thomas F. Kelaher and Council President Brian S. Kubiel of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, proclaim the month of March as National Problem Gambling Awareness Month to get the message out to all citizens that there is treatment available for problem gamblers so that they can live a healthy and productive life with family and friends.*

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**Mayor Thomas F. Kelaher**

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**Brian S. Kubiel**  
**Council President**

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**Jeffrey J. Carr**

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**Maurice B. Hill**

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**Kevin M. Geoghegan**

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**Alfonso J. Manforti**

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**Maria L. Maruca**

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**George E. Wittmann**

*Mayor Kelaher presented proclamation to Councilwoman Maria Maruca for National Women’s History Month.*

**RESOLUTION RECOGNING NATIONAL WOMEN’S HISTORY MONTH**

**MARCH 22, 2016**

*WHEREAS*, every year in March, we observe “National Women’s History Month” throughout the country; and

WHEREAS, National Women's History Month is a widely recognized celebration that chooses particular women to honor, and includes community events, essay contests and related projects that highlight the role of women in our society; and

WHEREAS, National Women's History Month encourages discovery stories about our mothers, grandmothers, great grandmothers, and all women, to help us better understand their lives and the challenges they have faced in the world, and

WHEREAS, the National Women's History Month theme for 2016 honors women who have shaped our history and our future through their public service and government leadership; and

WHEREAS, it is all together fitting and proper to recognize women for their public service; and

WHEREAS, here in the Township of Toms River, Councilwoman **Maria Maruca** has served on the Township Council continuously since 2004; and

WHEREAS, **Maria Maruca** was the first woman ever elected under the Township's then new form of government of a Mayor-Council format, in 2003; and

WHEREAS, **Maria Maruca** was re-elected in 2005, 2009, and 2013; and served as Council President in 2014; and

WHEREAS, no other woman in the entire history of the Township - - since 1767 - - has served longer in elected office than **Maria Maruca**; and

WHEREAS, **Maria Maruca** has spear headed numerous projects in the Township during her thirteen years of continuous service, including the Township name change effort in 2006 and the re-building of the Township after Superstorm Sandy in 2012; and

WHEREAS, the Township Council wishes to recognize **Maria Maruca** for these historic achievements in its recognition of women in public service and government - - this year's 2016 Women's History Month theme;

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 recognizes, commends, and thanks **Maria Maruca** for her many years of public service on the Township Council in the Township of Toms River and wishes her many years of future success and achievement.

(2) The Municipal Clerk is directed to forward certified copies of this resolution to:

- a. Mayor
- b. Council
- c. Administration
- d. Maria Maruca

*Councilman Hill presented the Emperor Science Award Proclamation to Hannah Morgan and Kyril Kavetsky. Each student explained their projects.*

# Township of Toms River

# Proclamation

March 22, 2016

**WHEREAS**, *The Emperor Science Award program, sponsored by Bristol-Myers Squibb, is designed to encourage high school students to explore careers in science, specifically cancer research and care, through a unique mentoring opportunity; and*

**WHEREAS**, **Hannah Morgan** *of Toms River High School South is among 100 winners of The Emperor Science Award in its inaugural year; and*

**WHEREAS**, **Hannah Morgan** *was chosen from among 1,200 sophomores and juniors from across the country with a passion for pursuing careers in science and cancer research; and*

**WHEREAS**, **Hannah Morgan** *demonstrated awareness of emerging developments and future innovation in the treatment of cancer; and*

**WHEREAS**, *as a recipient of The Emperor Science Award, Hannah Morgan will receive a unique opportunity to work alongside an esteemed scientist on a rewarding multi-week cancer research project, a Google Chrome Notebook to enhance her studies, a \$1,500 stipend for expenses, and the opportunity to continue the mentoring program, through high school, to further her academic pursuits; and*

**NOW, THEREFORE, WE**, *Mayor Thomas F. Kelaher and Council President Brian S. Kubiel, of the Township of Toms River, in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, and with great pride, hereby congratulate and honor Hannah Morgan for receiving this prestigious award, and wish her further success in her future endeavors.*

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*Mayor Thomas F. Kelaher*

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*Brian S. Kubiel  
Council President*

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*Maurice B. Hill, Jr.*

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*Kevin M. Geoghegan*

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*Alfonso J. Manforti*

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*Jeffrey J. Carr*

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*Maria L. Maruca*

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*George E. Wittman, Jr.*

# Township of Toms River

## Proclamation

March 22, 2016

*WHEREAS, The Emperor Science Award program, sponsored by Bristol-Myers Squibb, is designed to encourage high school students to explore careers in science, specifically cancer research and care, through a unique mentoring opportunity; and*

*WHEREAS, Kyril Kavetsky of Toms River High School East is among 100 winners of The Emperor Science Award in its inaugural year; and*

*WHEREAS, Kyril Kavetsky was chosen from among 1,200 sophomores and juniors from across the country with a passion for pursuing careers in science and cancer research; and*

*WHEREAS, Kyril Kavetsky demonstrated awareness of emerging developments and future innovation in the treatment of cancer; and*

*WHEREAS, as a recipient of The Emperor Science Award, Kyril Kavetsky will receive a unique opportunity to work alongside an esteemed scientist on a rewarding multi-week cancer research project, a Google Chrome Notebook to enhance her studies, a \$1,500 stipend for expenses, and the opportunity to continue the mentoring program, through high school, to further her academic pursuits; and*

*NOW, THEREFORE, WE, Mayor Thomas F. Kelaher and Council President Brian S. Kubiel, of the Township of Toms River, in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, and with great pride, hereby congratulate and honor Kyril Kavetsky for receiving this prestigious award, and wish her further success in her future endeavors.*

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*Mayor Thomas F. Kelaher*

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*Brian S. Kubiel  
Council President*

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*Maurice B. Hill, Jr.*

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*Kevin M. Geoghegan*

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*Alfonso J. Manforti*

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*Jeffrey J. Carr*

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*Maria L. Maruca*

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*George E. Wittman, Jr.*

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

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 325-3 (GREENS FEES) AND SECTION 325-4 (RESIDENT REGISTRATION CARDS) OF CHAPTER 325 (GOLF COURSES) OF THE TOWNSHIP CODE**

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

1. Section 325-3 (Greens fees) of Chapter 325 (Golf Courses) of the Code of the Township of Toms River, New Jersey is amended and supplemented, to read as follows:

Section 325-3. (Greens fees).

A. (No Change)

B. All taxpayers of Toms River Township shall be issued a permit upon payment of greens fees as follows:

<b>Day</b>	<b>Fee</b>
Weekday	\$21
Weekends and Holidays	\$24
Weekday Twilight	\$14
Weekend and Holiday Twilight	\$16
Summer Weekday	\$22
Summer Weekends and Holidays	\$25
Summer Weekdays Twilight	\$15
Summer Weekends and Holidays Twilight	\$17
Student (Monday – Friday only)	\$11

C. All other individuals who are not taxpayers, including both nonresidents and owners of unimproved properties, shall be issued a permit upon payment of greens fees as follows:

<b>Day</b>	<b>Fee</b>
Weekday	\$38
Weekend and Holidays	\$42
Weekday Twilight	\$24
Weekend Twilight	\$26
Summer Weekday	\$39
Summer Weekends and Holidays	\$43
Summer Weekdays Twilight	\$25
Summer Weekends and Holidays Twilight	\$27

D. Senior citizens.

(1) All taxpayers, 62 years of age or over, upon proof of age, shall be issued a permit upon payment of greens fees, as follows:

<b>Day</b>	<b>Fee</b>
Weekday	\$15
Weekends and Holidays	\$24
Weekday Twilight	\$14
Weekend and Holiday Twilight	\$16
Summer Weekdays and Holidays	\$16
Summer Weekends and Holidays	\$25
Summer Weekdays and Holidays Twilight	\$15
Summer Weekends and Holidays Twilight	\$17

(2) All individuals, 62 years of age or over, upon proof of age, who are not taxpayers, shall be issued a permit upon payment of greens fees, as follows:

<b>Day</b>	<b>Fee</b>
Weekday	\$24
Weekends and Holidays	\$42
Weekday Twilight	\$24
Weekend Twilight	\$26
Summer Weekday	\$25
Summer Weekends and Holidays	\$43
Summer Weekdays and Holidays Twilight	\$25
Summer Weekends and Holidays Twilight	\$27

E. (No Change)

F. School play. The Toms River Regional High Schools and Donovan Catholic High School golf teams may use the golf course for practice and for matches, free of charge, provided that the coach or athletic director responsible for such team maintains with the clubhouse manager a current roster of eligible and authorized players. The coach or athletic director must be present at each round of play, and shall check-in with the clubhouse manager in accordance with the list. Except for unusual circumstances, play will be confined to weekdays after 1:00 p.m. The Ocean County College Golf Team may use the golf course for practice and for matches, at no charge, provided that the coach or athletic director responsible for such team shall maintain with the clubhouse manager a current roster of eligible and authorized players. The coach or athletic director must be present at each round of play, and shall check-in with the clubhouse manager in accordance with the list. Except for unusual circumstances, play will be confined to weekdays after 1:00 p.m.

G. (Reserved).

H. (No Change)

I. (No Change)

J. (Reserved)

K. The fee for the use of a motorized golf course cart shall be as follows:

- (1) Eighteen holes:
  - (a) Full cart – 2 riders: \$34 - tax included.
  - (b) Half cart – 1 rider: \$17 – tax included.
  - (c) DAV golfers: \$-0-
- (2) Nine holes:
  - (a) Full cart – 2 riders: \$20 - tax included.
  - (b) Half cart – 1 rider: \$10 - tax included.
  - (c) DAV golfers: \$-0-

L. The fee for use of a hand cart rental for residents and nonresidents is \$5.00 – tax included.

M. (No Change)

N. (No Change)

O. (No Change)

P. Non-Resident Benefits Card: \$300. Holders of this card are entitled to:

- (1) Pay resident rates for the year in which the benefits card is purchased.
- (2) Access to 7 day request function of the tee time reservation system.

Q. A reservation fee to obtain a starting time is \$3 per person, for each reservation. Starting time procedures shall be established by the Director of Recreation. Cancellations and/or modifications must be made within 24 hours of the day preceding play. Failure to honor a tee time reservation will result in a thirty-day suspension from the golf course reservation system, and a fee of \$10 shall be added to the fee for the next round of play.

R. (No Change)

S. Resident tournament fee. The fee for each participant in a tournament sponsored by an organization located in Toms River Township is \$43 – cart included.

T. Nonresident tournament fee. The fee for each participant in a tournament sponsored by an organization located outside Toms River Township is \$71 – cart included.

U. Gift certificate program. Gift certificates will be sold in the amount of \$25 or more, based upon increments of \$5.

V. (No Change)

W. Special events. The Director of Recreation shall establish greens fees, between \$7 - \$75.00, for various special events and programs.

X. (No Change)

Y. (No Change)

Z. Fee for United States Golf Association GHIN Handicap system shall be \$35 per calendar year.

2. Section 325-4 (Resident registration cards) of Chapter 325 (Golf Courses) of the Code of the Township of Toms River, New Jersey is amended and supplemented, to read as follows:

Section 325-4. (Resident registration cards).

All residents and taxpayers of Toms River Township shall be entitled to fees as enumerated above only upon submission of a resident registration card which may be procured from the Township. The registration card will be issued only upon proof that the applicant is a resident or taxpayer of an improved property located in Toms River Township, and shall be valid until December 31 of the year in which it is issued. Registration cards shall be renewed annually through the purchase of a sticker which shall indicate the year of renewal. The fee for the renewal of registration cards presently issued shall be \$17. The fee for the issuance of a new registration card shall be \$25. If a registration card is lost, a replacement registration card may be obtained from the Township for a fee of \$5.

3. All ordinances or parts of ordinances which inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 325 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

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

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

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on March 22, 2016 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on April 12, 2016 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

APPROVED AS TO FORM:

KENNETH B. FITZSIMMONS  
TOWNSHIP ATTORNEY  
MUNICIPAL BUILDING  
33 WASHINGTON STREET  
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Saturday, March 26, 2016.

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

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

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 383 (PARKS, MUNICIPAL) OF THE TOWNSHIP CODE TO AMEND ICE RENTAL FEES FOR THE WINDING RIVER PARK ICE SKATING RINK FACILITIES**

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

1. Section 383-5 (Park and recreation area fees and charges; rules and regulations), Subsection A (4) (Ice rental) is deleted and replaced with the following:

(4) Ice rental.

(a) Outdoor rink on season: \$350 per hour, \$400 per hour, effective July 1, 2016;

Outdoor rink, off season: from \$100-\$250 per hour effective July 1, 2016.

(b) Indoor Rink: \$400 per hour; \$450 per hour effective July 1, 2016.

(c) Outdoor rink for 10 hours/week or 30 hours/month: \$225 per hour; \$350 per hour effective July 1, 2016.

(d) Indoor rink for 10 hours/week or 30 hours/month: \$325 per hour, \$400 per hour effective July 1, 2016.

(e) Outdoor/indoor rink:

(1) One-quarter ice: \$125/hour.

(2) One-half ice: \$250/hour.

(f) Special Events: The director shall establish skating fees, between \$6 - \$20 for various special events.

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

3. All other parts of Chapter 383 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

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

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

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

#### NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on March 22, 2016 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on April 12, 2016 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

J. MARK MUTTER  
TOWNSHIP CLERK

APPROVED AS TO FORM:

KENNETH B. FITZSIMMONS  
TOWNSHIP ATTORNEY  
MUNICIPAL BUILDING  
33 WASHINGTON STREET  
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Saturday, March 26, 2016.

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

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO THE COLLECTIVE NEGOTIATIONS AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE NEW JERSEY STATE FRATERNAL ORDER OF POLICE LABOR COUNCIL LODGE #156, FOR THE PERIOD COMMENCING JANUARY 1, 2016 THROUGH JUNE 30, 2016, AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE COLLECTIVE NEGOTIATIONS AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE NEW JERSEY STATE FRATERNAL ORDER OF POLICE LABOR COUNCIL LODGE #156, FOR THE PERIOD COMMENCING JULY 1, 2016 THROUGH DECEMBER 31, 2020**

**MARCH 22, 2016**

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

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to the Collective Negotiations Agreement between the Township of Toms River and the New Jersey State Fraternal Order of Police Labor Council Lodge #156, for the period commencing January 1, 2016 through June 30, 2016.

2. It hereby authorizes the Mayor to execute and the Township Clerk to attest to the Collective Negotiations Agreement between the Township of Toms River and the New Jersey State Fraternal Order of Police Labor Council Lodge #156, for the period commencing July 1, 2016 through December 31, 2020.

3. A certified copy of this resolution and the agreements shall remain on file in the Office of Township Clerk.

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

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Business Administrator
- d) Director of Human Resources
- e) Township Attorney
- f) Chief Financial Officer
- g) Chief Mitchell Little, Toms River Police Department
- h) William P. Morsch, President  
New Jersey State FOP Lodge #156  
Toms River Police Department

A motion was made by Council Member Maruca, seconded by Council Member Manforti, and carried with Council Members Geoghegan, Hill, Manforti, Maruca, Wittmann, and Council President Kubiell voting yes, and with Council Member Carr absent, **to approve the Toms River Special Improvement District Budget Public Hearing.**

Robert Shea and Richard Purpuri on behalf of Toms River Business Improvement District was present.

Robert Shea gave an overview of the current Business Improvement District projects.

Council President Kubiell opened the Public Hearing and asked if anyone wished to speak.

Nels Luthmann questioned the budget. Robert Shea responded. Discussion ensued.

Richard Purpuri also spoke regarding Business Improvement District and its administrative costs.

A motion was made by Council Member Hill, seconded by Council Member Wittmann, and carried with Council Members Geoghegan, Hill, Manforti, Maruca, Wittmann, and Council President Kubiell voting yes, and with Council Member Carr absent, **to CLOSE the Public Hearing on the Toms River Special Improvement District Budget.**

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

# RESOLUTION PROVIDING FOR EMERGENCY TEMPORARY APPROPRIATIONS

**March 22, 2016**

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

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

*NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean and State of New Jersey, that the attached list of 2016 emergency temporary appropriations are hereby approved.*

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

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

*Approved as to Content:*

<b>Description</b>	<b>3/22/2016 Temp Bdgt</b>
ADMIN SALARY & WAGES	155,000.00
Public Defender O/E	35,000.00
Prosecutor - Other Expense	50,000.00
ADMINISTRATION O/E	6,000.00
PURCHASINGSALARY & WAGES	57,106.25
PURCHASING O/E	20,000.00
VETERANS COMMISSION	410.00
Off. Of MAYOR SALARIES & WAGES	67,000.00
OFFICE OF THE MAYOR O/E	26,000.00
COUNCIL OFF. SALARIES & WAGES	54,807.50
OFFICE OF THE COUNCIL-O/E	7,000.00
IT SALARY & WAGES	124,000.00
IT DEPT O/E	350,000.00
EMG MGMT SALARY & WAGES	72,525.00
EMERGENCY MGMT O/E	7,000.00
Cty of Ocean- 966 Reimb Program	15,000.00
MASS TRANSPORTATION	5,000.00
Shared Services-Berkeley Twp (Construction)	15,600.00
Const. & Insp Svcs Salaries and Wages	1,006,840.00
RELOCATION ASST. OTHER	4,887.50
Construction & Inspection Svcs O/E	200,000.00
Code Enforcement Salaries and Wages	145,202.50
Code Enforcement O/E	1,000.00
HSG/PROP MAINT SALARY & WAGES	0.26
HSG/PROP MAINTENANCE O/E	2,200.00
DEMOL SALARY & WAGES	200.00
DEMOLITION OF BLDS O/E	6,000.00
PAYMENT OF BOND PRINCIPAL	7,900,000.00
INTEREST ON BONDS	1,500,000.00
INTEREST ON NOTES	600,000.00
Payment of BANs and Cap Notes	2,625.00
Director of Finance Salaries and Wages	312,633.13
Annual Audit	65,000.00
DIR OF FINANCE O/E	60,000.00
DIV OF REV COLL SALARY & WAGES	214,256.25
DIV OF REVENUE COLLECT-O/E	95,000.00
EMP GROUP INSURANCE	9,000,000.00
OTHER INSURANCE	1,700,000.00

WORKERS COMPENSATION INSURANCE	2,300,000.00
HEALTH BENEFIT WAIVER	420,000.00
UNEMPLOYMENT INSURANCE	50,000.00
USE OF SURPLUS-LFB-EMPLOYEE GROUP	
Health Benefit Waiver	420,000.00
FIRST AID SQUADS	55,000.00
CONDO SERVICES ACT	500,000.00
SOLID WASTE COLL-APARTMENT CMP	275,000.00
CONTINGENT FUND	5,000.00
CULTURAL AFFAIRS O/E	10,500.00
BEACHFRONT SALARY & WAGES	174,375.00
BEACHFRONT O/E	48,000.00
PRKS/PLYGRDS SALARY & WAGES	115,000.00
PARKS & PLAYGROUNDS O/E	21,000.00
RECREATION SALARIES & WAGES	133,266.25
RECREATION O/E	6,500.00
PERSONNEL SALARIES & WAGES	134,511.88
PERSONNEL O/E	10,000.00
MUNICIPAL ALLIANCE SALARIES AND WAGES	4,675.00
MUN ALLIANCE GRT-MATCH	
HEALTH DEPT SALARY & WAGES	2,700.00
HEALTH DEPT O/E	300,000.00
YOUTH ADVS SALARY & WAGES	95,871.25
YOUTH ADVISORY O/E	8,000.00
SENIOR CENTER GRANTS	
SENIOR CENTER S & W	76,160.00
SEN CTR MTH - SALARIES	215,586.00
OCN CTY SEN CTR-CAREGIVERS	58,940.00
SEN CTR MTH - FRINGE	100,077.00
SEN CTR MTH - OTHER EXPENSE	67,100.00
SEN CTR-PARTICIPANT O/E	3,000.00
SEN CTR-Transportation	
OC SNR CTR CAREGIVER O/E	58,747.00
OC SNR CTR CAREGIVER PARTCPTN	800.00
MUN CLERK SALARIES & WAGES	278,160.13
MUNICIPAL CLERK O/E	28,000.00
ELECTIONS SALARIES AND WAGES	9,000.00
ELECTIONS O/E	9,000.00
REGISTRAR SALARIES AND WAGES	66,971.07
REGISTRAR O/E	4,500.00
RENT LVL BD SALARIES AND WAGES	4,756.25
RENT LEVELING BD O/E	4,000.00
Labor Counsel	5,000.00
LEGAL SERVICES O/E	190,000.00
LAW DEPT SALARIES AND WAGES	250,000.00
LAW DEPARTMENT O/E	18,000.00
ENGINEERING-SALARIES AND WAGES	266,312.50
TAX MAP PRINTING AND MAINTENANCE	2,000.00
ENGINEERING O/E	15,000.00
NJDEP Emergency Sand for Dune Recl	726,121.60
Storm Water Management O/E	47,000.00
Storm Water Mgmt Salaries and Wages	71,187.50
PLANNING BOARD SALARIES	36,500.00
PLANNING BOARD O/E	32,000.00
BOA SALARIES & WAGES	49,575.00
BOARD OF ADJUSTMENT O/E	15,000.00
DIV ECONOMIC DVLPMNT SALARIES	74,000.00
DIV ECONOMIC DEVELOPMENT O/E	3,500.00
LAND USE REG SALARIES	92,750.00
LAND USE REGULATION O/E	3,000.00
MUN CT - SALARY & WAGES	381,405.00
MUNICIPAL COURT O/E	26,000.00
CSO-SALARIES & WAGES	647,341.25
CSO-O/E	130,000.00
Shared Svcs-Lavallette-Spillman	5,000.00
Shared Svcs-Fire Commissioners-Spillman	30,000.00
POLICE SALARY & WAGES	10,525,025.00

POLICE DEPT O/E	315,000.00
ENV HLTH SVCS SALARIES	421,551.38
ENVIRONMENTAL HLTH SVCS O/E	150,000.00
PUBLIC LANDS SALARIES AND WAGES	278,366.13
PUBLIC LANDS O/E	19,000.00
CAPITAL	
CAPITAL IMPROVEMENT	400,000.00
PURCHASE POLICE CARS	250,000.00
FAIR SHARE HOUSING	10,000.00
LANDFILL REMEDIATION	90,000.00
CAPITAL PRJ-COMPUTER EQUIP	60,000.00
DCRP	30,000.00
SOCIAL SECURITY SYST	2,000,000.00
PERS SYSTEM	2,505,903.00
POLICE/FIRE PENSION	4,311,535.00
DEFERRED CHG TO FUTURE TAX UNFUNDED	448,334.00
SNOW EMERGENCY	1,200,000.00
EMERGENCY AUTH PRIOR YR BUD	525,000.00
RES FOR TAX APPEALS	
FOR FUTURE GRANTS	
TAX ASSESSOR SALARIES AND WAGES	272,549.09
TAX ASSESSOR O/E	28,000.00
UTILITY/MISC.OTHER	0.00
TELEPHONE	130,000.00
ELECTRIC	400,000.00
NATURAL GAS	85,000.00
HEATING OIL	13,000.00
SEWER	20,000.00
WATER	24,000.00
STREET LIGHTING	700,000.00
TIPPING FEES/GARBAGE	900,000.00
TIP FEES/PAINT/STUMP	40,000.00
LNDFIL-PL 1981,C2781	35,000.00
RECYCLING TAX	80,000.00
HOST COMMUNITY TAX	114,000.00
LANDFILL CLOSURE ESC	500,000.00
GASOLINE OTHER EXPENSE	799,000.00
Vehicle Maintenance Salaries & Wages	555,336.49
Vehicle Maintenance Other Expenses	500,000.00
ROAD DEPT SALARIES AND WAGES	1,661,000.00
ROAD DEPARTMENT O/E	900,000.00
TR Bd of Ed S.S. - Trash Removal	59,062.50
Shared Services OCC-Trash Removal	10,500.00
Shared Svcs Fire Dist 1-Radio Repar	52,812.50
GARBAGE COLLECTION SALARY & WAGES	1,046,500.00
Garbage Collection O/E	40,000.00
RECYCLING Salaries and Wages	848,562.50
Recycling O/E	26,000.00
<b>Final Totals</b>	<b>86,024,320.66</b>
Bey Lea Salaries and Wages	211,000.00
Golf Course Depart. Expenses	475,491.25
Golf Course Other Expense	147,083.75
<b>Final Totals</b>	<b>833,575.00</b>
Winding River Salaries and Wages	233,250.00
Capital Improvements	500.00
Winding River Other Expenses	294,415.63
<b>Final Totals</b>	<b>528,165.63</b>

The foregoing Resolution was **APPROVED** on the following roll call vote:

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

**CONSENT AGENDA**

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

A motion was made by Council Member Manforti, seconded by Council Member Maruca, and carried with Council Members Geoghegan, Hill, Manforti, Maruca, Wittmann, and Council President Kubiel voting yes, and with Council Member Carr absent, to approve all the following items listed on the Consent Agenda, except item **C**, which was done separately.

*RESOLUTION*

*MARCH 22, 2016*

*WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTIES FOR THE YEAR (S) INDICATED, DUE TO A DAV EXEMPTION BEING GRANTED ON THE PROPERTY(IES),*

*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>HARPER, HENRY &amp; JULIA</i>	<i>571.72</i>		<i>2016/1</i>	<i>\$1807.00</i>
<i>NIKOSEY, JERRY &amp; LYDIA</i>	<i>411.03</i>	<i>33</i>	<i>2016/1</i>	<i>1217.97</i>
<i>Totals:</i>				<i>\$3024.97</i>

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

Approved as to content:

RESOLUTION

MARCH 22, 2016

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTIES FOR THE YEAR (S) INDICATED, DUE TO AN ERROENOUS 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:

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

NAME	BLOCK	LOT	Qual,Year	Amount
<b>CORELOGIC REAL ESTATE TAX SERVICE</b>	<b>364.01</b>	<b>1</b>	<b>2015/4</b>	<b>\$2315.62</b>
<b>Totals:</b>				<b>\$2315.62</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 22, 2016

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTIES FOR THE YEAR (S) INDICATED, DUE TO HOMEOWNER (S) SOLD PROPERTY(IES) AND FAILED TO NOTIFY THE TAX COLLECTOR'S OFFICE TO STOP THE ATUTOMATIC WITHDRAWL,

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>BLOCK, NICASIA</b>	<b>135.19</b>	<b>5</b>	<b>2016/1</b>	<b>903.63</b>
<b>COLLIGAN, EILEEN</b>	<b>1500.06</b>	<b>35</b>	<b>2016/1</b>	<b>1743.04</b>
<b>DACOSTA, JOSEPH &amp; ELAINE</b>	<b>297.06</b>	<b>89</b>	<b>2016/1</b>	<b>2096.31</b>
<b>PROOTHERS ELLEN</b>	<b>687.08</b>	<b>7</b>	<b>2016/1</b>	<b>2126.86</b>
<b>RITACCO, MICHAEL</b>	<b>1462.06</b>	<b>10</b>	<b>2016/1</b>	<b>3565.36</b>
<b>SPRAGUE, KATHLYN</b>	<b>1097.01</b>	<b>28</b>	<b>2016/1</b>	<b>633.69</b>
<b>TOTALS:</b>				<b>\$11068.89</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 22, 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>37 W MED &amp; DENTAL GROUP @ LAW</b>	<b>536</b>	<b>9</b>	<b>C0101</b>	<b>15795.80</b>
<b>OFFICE OF PETER T. SEEMS JR.</b>			<b>2011/4</b>	<b>16738.05</b>
			<b>2012/4</b>	

<b>37 W MED &amp; DENTAL GROUP</b>	<b>536</b>	<b>9</b>	<b>C0102</b>	
			<b>2011/4</b>	<b>3419.66</b>
			<b>2012/4</b>	<b>3623.65</b>
<b>37 W MED &amp; DENTAL GROUP</b>	<b>536</b>	<b>9</b>	<b>C0202</b>	
			<b>2011/4</b>	<b>1608.38</b>
			<b>2012/4</b>	<b>1704.32</b>
<b>37 W MED &amp; DENTAL GROUP</b>	<b>536</b>	<b>9</b>	<b>C0203</b>	
			<b>2011/4</b>	<b>3950.82</b>
			<b>2012/4</b>	<b>4186.49</b>
<b>37 W MED &amp; DENTAL GROUP</b>	<b>536</b>	<b>9</b>	<b>C0204</b>	
			<b>2011/4</b>	<b>1923.19</b>
			<b>2012/4</b>	<b>2037.91</b>
<b>37 W MED &amp; DENTAL GROUP</b>	<b>536</b>	<b>9</b>	<b>C0205</b>	
			<b>2011/4</b>	<b>1508.41</b>
			<b>2012/4</b>	<b>1598.39</b>
<b>37 W MED &amp; DENTAL GROUP</b>	<b>536</b>	<b>9</b>	<b>C0207</b>	
			<b>2011/4</b>	<b>2575.19</b>
			<b>2012/4</b>	<b>2728.81</b>
<b>37 W MED &amp; DENTAL GROUP</b>	<b>536</b>	<b>9</b>	<b>C0301</b>	
			<b>2011/4</b>	<b>995.16</b>
			<b>2012/4</b>	<b>1054.53</b>
<b>37 W MED &amp; DENTAL GROUP</b>	<b>536</b>	<b>9</b>	<b>C0303</b>	
			<b>2011/4</b>	<b>2684.11</b>
			<b>2012/4</b>	<b>2844.22</b>
<b>37 W MED &amp; DENTAL GROUP</b>	<b>536</b>	<b>9</b>	<b>C0308</b>	
			<b>2011/4</b>	<b>1211.50</b>
			<b>2012/4</b>	<b>1283.77</b>
<b>TOTAL;</b>				<b>\$73472.36</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**

**MARCH 22, 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>ORMAND LLC @ LYON @ WOLF, NATHAN LLC ESQ.</b>	<b>1946.04</b>	<b>27.02</b>	<b>2009/4</b>	<b>1279.90</b>
			<b>2010/4</b>	<b>1418.86</b>
			<b>2011/4</b>	<b>1502.44</b>
			<b>2012/4</b>	<b>1592.07</b>
			<b>2014/4</b>	<b>1411.60</b>
<b>PENSKE AUTO GROUP EAST, LLC</b>	<b>690.01</b>	<b>1</b>	<b>2011/4</b>	<b>1.67</b>
			<b>2012/4</b>	<b>2912.20</b>
			<b>2013/4</b>	<b>2527.50</b>
			<b>2014/4</b>	<b>2602.50</b>
<b>PENSKE AUTO GROUP EAST, LLC</b>	<b>691</b>	<b>12.01</b>	<b>2012/4</b>	<b>26434.32</b>
<b>TOTALS:</b>				<b>\$41683.06</b>

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

Approved as to content:

**RESOLUTION AUTHORIZING THE SALE OF ABANDONED AND/OR UNCLAIMED MOTOR VEHICLES PURSUANT TO N.J.S.A. 39:10A-1 ET SEQ.**

March 22, 2016

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

1. It hereby authorizes the sale at public auction of the following abandoned and/or unclaimed motor vehicles pursuant to the provisions of N.J.S.A. 39:10A-1 et seq., on Wednesday, April 6th, 2016 at 10:00 A.M. at Accurate Automotive, 14 James Street, Toms River, 11:00 A.M. at Priced-Rite Towing, 24 Germania Station Road, Toms River, and at 12:00 Noon at Freedom Towing, 1725 Lakewood Road, Unit 1, Toms River, NJ.

**Vehicles For Auction with Titles:**

**ACCURATE AUTOMOTIVE**

14 James Street  
Toms River, NJ  
April 6, 2016 at 10:00 A.M.

<b>YEAR</b>	<b>MAKE</b>	<b>VIN#</b>
<i>1978</i>	<i>BUICK</i>	<i>4J47A8G183321</i>

**PRICED-RITE TOWING**

24 Germania Station Road  
Toms River, NJ  
April 6, 2016 at 11:00 A.M.

<b>YEAR</b>	<b>MAKE</b>	<b>VIN#</b>
<i>2007</i>	<i>GMC</i>	<i>1GTDT19E878186251</i>
<i>2005</i>	<i>FORD</i>	<i>1FMFU16555LA62339</i>
<i>2003</i>	<i>GMC</i>	<i>1GKEK63U13J179749</i>

**FREEDOM TOWING**

1725 Lakewood Road, Unit #1  
Toms River, NJ  
April 6, 2016 at 12:00 Noon

<b>YEAR</b>	<b>MAKE</b>	<b>VIN#</b>
<i>1995</i>	<i>JEEP</i>	<i>1J4GZ58Y3SC690432</i>
<i>2007</i>	<i>AUDI</i>	<i>WAUAF78E57A187295</i>
<i>2003</i>	<i>CHEVY</i>	<i>1GCDT13X13K130983</i>
<i>2002</i>	<i>FORD</i>	<i>1FAFP56S02A134733</i>
<i>1997</i>	<i>NISSAN</i>	<i>JN1CA21D0VT820997</i>
<i>1988</i>	<i>CHEVY</i>	<i>1GCEG25H0J7137153</i>
<i>2001</i>	<i>CHEVY</i>	<i>1G1ND52J816104241</i>

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 Mitch Little
- c) Chief Financial Officer
- d) Accurate Automotive  
14 James Street  
Toms River, NJ 08753
- e) Priced-Rite Towing  
24 Germania Station Road  
Toms River, NJ 08755
- f) Freedom Towing  
1725 Lakewood Road, Unit #1  
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF AN OPEN-ENDED CONTRACT TO THC ENTERPRISES, INC. T/A MID-ATLANTIC WASTE SYSTEMS, AS THE BIDDER BIDDING OEM (ORIGINAL EQUIPMENT MANUFACTURER) PARTS – HEIL, FOR THE SUPPLY OF HEIL RAPID RAIL OR EQUIVALENT REPAIR PARTS FOR THE DEPARTMENT OF PUBLIC WORKS**

**MARCH 22, 2016**

WHEREAS, bids were received on February 23, 2016 for the Supply of Heil Rapid Rail or Equivalent Repair Parts for the Department of Public Works; and

WHEREAS, bids were received, as follows:

THC Enterprises, Inc.  
t/a Mid-Atlantic Waste Systems  
10641 Cordova Road  
Easton, Maryland 21601 . . . . .

Discount off Heil Repair Parts Price List - 5%  
Manufacturer Bid: Heil  
Percent discount for payment within 30 days - NA  
Availability of Parts After Receipt of Order: 1-2 Days

McNeilus Truck and Manufacturing  
941 Hemlock Road  
Morgantown, PA 19543 . . . . .

Discount off Heil Repair Parts Price List - 5%  
Manufacturer Bid: McNeilus Truck and Manufacturing  
Percent discount for payment within 30 days - 0%  
Availability of Parts After Receipt of Order: 1-2 Days

WHEREAS, the bids have been reviewed by the Purchasing Division, and they have recommended that the award of an open-ended contract be made to THC Enterprises, Inc. t/a Mid-Atlantic Waste Systems, over two (2) years;

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

1. It hereby awards an open-ended contract for the Supply of Heil Rapid Rail Repair Parts for the Department of Public Works to THC Enterprises, Inc. t/a Mid-Atlantic Waste Systems, as the bidder bidding OEM (original equipment manufacturer) parts – Heil. Term of contract: Two (2) years, commencing April 11, 2016 through April 10, 2018. This will be an open-ended contract with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. This contract is subject to all terms and conditions of the bid specifications.

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

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) Public Works Department
- e) Aforementioned bidders

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended contract awarded to THC Enterprises, Inc. t/a Mid-Atlantic Waste Systems, over two (2) years, are contingent upon the availability of funds in the appropriate municipal budget year.

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

CHRISTINE J. MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: March 22, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN OPEN-ENDED  
CONTRACT TO GRANTURK EQUIPMENT COMPANY, INC., AS THE BIDDER  
PROVIDING THE HIGHEST DISCOUNT AND MEETING ALL THE SPECIFICATIONS,  
FOR THE SUPPLY OF LABRIE OR EQUIVALENT REPAIR PARTS  
FOR THE DEPARTMENT OF PUBLIC WORKS**

**MARCH 22, 2016**

WHEREAS, bids were received on February 23, 2016 for the Supply of Labrie or Equivalent Repair Parts for the Department of Public Works; and

WHEREAS, bids were received, as follows:

Granturk Equipment Company, Inc.  
One Schuylkill Parkway  
Building B  
Bridgeport, PA. 19405 . . . .

Discount Off Current Labrie Repair Parts Price List:	20%
Manufacturer Bid:	Labrie
Percentage Discount for Payment Within 30 Days:	0%
Availability of Parts ARO:	Stock – 1 Day Non-Stock – 3 to 4 Days

McNeilus Truck & Manufacturing  
941 Hemlock Road  
Morgantown, PA 19543 . . . .

Discount Off Current Labrie Repair Parts Price List:	5%
Manufacturer Bid:	McNeilus Truck & Manufacturing
Percentage Discount for Payment Within 30 Days:	0%
Availability of Parts ARO:	1-2 Days

WHEREAS, the bids have been reviewed by the Purchasing Division, and they have recommended that the award of contract be made to Granturk Equipment Company, Inc., as the bidder providing the highest discount meeting all the specifications, as stated above;

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 Labrie or Equivalent Repair Parts for the Department of Public Works to Granturk Equipment Company, Inc., as bidder providing the highest discount meeting all the specifications, as stated above. The contract term is for two (2) years, commencing April 11, 2016 through April 10, 2018. This will be an open-ended contract with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. This contract is subject to all terms and conditions of the bid specifications.

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

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) Public Works Department
- e) Aforementioned bidders

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended contract awarded to Granturk Equipment Company, Inc., are contingent upon the availability of funds in the appropriate municipal budget year.

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

CHRISTINE J. MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: March 22, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN OPEN-ENDED  
CONTRACT TO GRANTURK EQUIPMENT COMPANY, INC., AS SOLE BIDDER MEETING  
ALL THE SPECIFICATIONS, FOR THE SUPPLY OF LOADMASTER OR EQUIVALENT  
REPAIR PARTS FOR THE DEPARTMENT OF PUBLIC WORKS**

**MARCH 22, 2016**

WHEREAS, bids were invited on February 23, 2016 for the Supply of Loadmaster or Equivalent Repair Parts for the Department of Public Works; and

WHEREAS, only one bid was received, as follows:

Granturk Equipment Company, Inc.  
One Schuylkill Parkway  
Building B  
Bridgeport, PA 19405

Discount off Current Loadmaster Repair Parts Price List:	20%
Manufacturer Bid:	Loadmaster
Percentage Discount for Payment Within 30 Days:	0%
Availability of Parts ARO:	3 to 4 days

WHEREAS, the bid has been reviewed by the Purchasing Division, and they have recommended that the award of contract be made to Granturk Equipment Company, Inc., as sole bidder meeting all the specifications, as stated above;

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 Loadmaster or Equivalent Repair Parts for the Department of Public Works to Granturk Equipment Company, Inc., as sole bidder meeting all the specifications, as stated above. Contract Term: 2 years commencing April 11, 2016 through April 10, 2018. This will be an open-ended contract with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. This contract is subject to all terms and conditions of the bid specifications.

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

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) Public Works Department
- e) Granturk Equipment Company, Inc.  
One Schuylkill Parkway  
Building B  
Bridgeport, PA 19405

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended contract awarded to Granturk Equipment Co., Inc., are contingent upon the availability of funds in the appropriate municipal budget year.

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

CHRISTINE J. MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: March 22, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO CANCEL THE  
CONTRACT WITH MY RESTAURANT GROUP, INC., FOR THE WINDING RIVER ICE  
SKATING RINK CONCESSION, AND AUTHORIZING THE APPROPRIATE TOWNSHIP  
OFFICIALS TO ADVERTISE FOR REBID OF THIS SERVICE

MARCH 22, 2016

WHEREAS, by resolution of the Township Council dated December 27, 2006, a contract was awarded to My Restaurant Group, Inc., to operate the concession at the Winding River Ice Skating Rink; and

WHEREAS, resolution of the Township Council dated November 29, 2011, authorized a renewal of the concession agreement with My Restaurant Group, Inc., and

WHEREAS, the Township has received notification from My Restaurant Group, Inc., that they cannot complete the contract per the current pricing and specifications, and wish to terminate their contract with the Township, and that they will continue the service through April 15, 2016; and

WHEREAS, the Township Council has determined that it would be in the best interest of the Township to cancel the contract with My Restaurant Group, Inc., effective April 16, 2016;

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

1. The contract with My Restaurant Group, Inc. to operate the concession at the Winding River Ice Skating Rink, and all subsequent resolutions, are hereby cancelled and declared null and void, effective April 16, 2016.
2. My Restaurant Group, Inc. will continue to operate the service until April 15, 2016.
3. The appropriate Township Officials are hereby authorized to advertise for receipt of new sealed bids for this service.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Business Administrator
- d) Chief Financial Officer
- e) Township Attorney
- f) Purchasing Division
- g) Recreation Dept.
- h) My Restaurant Group, Inc.  
38 Kim Lane  
Toms River, NJ 08753  
Attn: William Muller, President

**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 ONE (1) 2016 FORD 150 PICKUP TRUCK FROM STATE CONTRACT NO. T-2099, IN THE MAXIMUM AMOUNT OF \$25,907.50, AND ONE (1) 2016 FORD EXPLORER FROM STATE CONTRACT NO. T-2007, FOR THE DEPARTMENT OF PUBLIC WORKS, IN THE MAXIMUM AMOUNT OF \$24,865.50, FOR A TOTAL COMBINED MAXIMUM AMOUNT NOT TO EXCEED \$50,773.00 (BOTH VEHICLES ARE REPLACEMENT VEHICLES)**

MARCH 22, 2016

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

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

2. Contract for the Purchase of One (1) 2016 Ford F-150, X1E, 4X4 SuperCab Styleside 8' Box 163" WB , XL Pickup Truck, with factory options, for the Department of Public Works, from Charles S. Winner Inc. d/b/a Winner Ford, State Contract No. T-2099, Vendor No. 88757, in the amount of \$25,907.50.

3. Contract for the Purchase of One (1) 2016 Ford Explorer K8B, 4 Door, 4X4, for the Department of Public Works, from Beyer Ford, State Contract No. T-2007, Vendor No. 83013, in the amount of \$24,865.50.

4. Both are replacement vehicles for Vehicle #4 and Vehicle #1.

**DESCRIPTION OF VEHICLES TO BE PURCHASED:**

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

State Contract No. T-2099  
Vendor No. 88757

2016 Ford F150, X1E, 4x4, SuperCab Styleside, 8' Box, 163" WB, XL,  
Pickup Truck

Base Price: \$24,139.00

Optional Equipment:

PQ Race Red Exterior Paint \$ 0.00

18B Black Platform Running Boards \$ 250.00

68P Snow Plow Prep Package \$ 50.00

96W Spray in Bed Liner – Pre-Installed \$ 495.00

85A XL Power Equipment Group \$ 1,170.00

Total Options: \$ 1,965.00

10% Discount on Options \$ -196.50

**\$ 1,768.50**

**TOTAL PURCHASE PRICE: \$25,907.50**

Beyer Ford  
170 Ridgedale Avenue  
Morristown, NJ 07962

State Contract No. T-2007  
Vendor No. 83013

2016 Ford Explorer K8B, 4 Door, 4X4

Base Price \$24,708.00

Optional Equipment

Exterior Color: Ingot Silver Metallic	\$ 0.00
16N All Weather Floor Mats	\$ 75.00
85W Rear Cargo Well Protector	\$ 100.00
Total Options	\$ 175.00
10% Discount on Options	\$ -17.50
	<b>\$ 157.50</b>
<b>TOTAL PURCHASE PRICE</b>	<b>\$24,865.50</b>

Contract With: Beyer Ford  
170 Ridgedale Avenue  
Morristown, NJ 07962

State Contract No. T-2007

Vendor No. 83013

Maximum Amount: \$24,865.50

Account No. X-99- -907-630

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

State Contract No. T-2099

Vendor No. 88757

Maximum Amount: \$25,907.50

Account No. X-99- -907-630

**TOTAL COMBINED MAXIMUM  
AMOUNT: \$50,773.00**

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Public Works Department
- e) Laurie Knemoller, Clerk's Office
- f) Beyer Ford  
170 Ridgedale Avenue  
Morristown, NJ 07962
- g) 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, Beyer Ford, in the total maximum contract amount of \$24,865.50, and Chas S. Winner Inc. d/b/a Winner Ford, in the total maximum contract amount of \$25,907.50, for a total combined maximum amount not to exceed \$50,773.00, are available in Account No. X-99- -907-630.

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 22, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE RETENTION OF THE TESTING  
SERVICES OF J.R. HENDERSON LABS INC., FOR LABORATORY GROUNDWATER  
ANALYSIS OF THE WATER IN THE VICINITY OF THE LANDFILL FOR THE YEAR 2016,  
IN THE MAXIMUM AMOUNT NOT TO EXCEED \$8,240.00**

**MARCH 22, 2016**

WHEREAS, the Township of Toms River is required to do a laboratory groundwater analysis of the water in the vicinity of the Toms River Township Landfill for the year 2016; and

WHEREAS, the maximum amount of the contract to be awarded under this resolution is in the maximum amount not to exceed \$8,240.00;

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 retains J.R. Henderson Labs, Inc. for the aforesaid purpose, as outlined hereinabove, in the total maximum amount not to exceed \$8,240.00, as Follows:

January, 2016	\$460.00 per well	\$3,680.00
April, 2016	\$190.00 per well	\$1,520.00
July, 2016	\$190.00 per well	\$1,520.00
October, 2016	\$190.00 per well	\$1,520.00

(6 monitoring wells and 2 ground water samples)

2. Funds in the amount not to exceed \$8,240.00 are available in Account No. 6-01- -W65-534, contingent upon adoption of the CY16 budget. Term of Contract: Commencing retroactive to January 1, 2016 through December 31, 2016. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

3. The Mayor is hereby authorized to execute and the Township Clerk to attest to an agreement with J.R. Henderson Labs, Inc.

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

- a) Township Attorney
- b) Chief Financial Officer
- c) Purchasing Division
- d) Engineering Division
- e) Public Works Department
- f) J.R. Henderson Labs, Inc.  
123 Seaman Avenue

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract for testing services with J.R. Henderson Labs., Inc., in the total maximum amount not to exceed \$8,240.00, are available in Account No. 6-01- -W65-534, contingent upon adoption of the CY16 budget, as follows:

January, 2016	\$460.00 per well	\$3,680.00
April, 2016	\$190.00 per well	\$1,520.00
July, 2016	\$190.00 per well	\$1,520.00
October, 2016	\$190.00 per well	\$1,520.00

(6 monitoring wells and 2 ground water samples)

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 22, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE CLERK TO ATTEST TO A CONTRACT, IN AN AMOUNT NOT TO EXCEED \$25,000.00 INCLUSIVE OF ALL EXPENSES, BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE FOR THE DEVELOPMENT AND ADMINISTRATION OF PROMOTIONAL TESTING FOR THE RANK OF LIEUTENANT IN THE TOMS RIVER POLICE DEPARTMENT**

**MARCH 22, 2016**

**WHEREAS**, the Township requires the services of the International Association of Chiefs of Police (“IACP”) to develop and administer a test, pursuant to Township promotional policies, to assist the Toms River Police Department in evaluating individuals for promotion to the rank of lieutenant; and

**WHEREAS**, based on consultations with Township officials, the IACP has submitted a proposal whereby the IACP will conduct a job analysis and develop and administer a written examination, an oral assessment exercise, and a written assessment exercise for the purpose of identifying officers eligible for promotion to the rank of lieutenant; and

**WHEREAS**, the proposed cost of these services shall not exceed \$25,000.00 inclusive of all expenses; and

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to an agreement between the Township of Toms River and the IACP for the above-described services in an amount not to exceed \$25,000.00 inclusive of all expenses.

2. Upon execution by both parties, the contract shall be kept on file in the Office of Township Clerk.

3. Funds to pay for the cost of the contract approved hereunder will be available in Account No. 6-01 - -P45-534. The certification of funds availability statement with respect to this resolution is on file in the Office of Township Clerk.

4. A certified copy of this resolution and fully-executed agreement shall be provided by the Township Clerk to the following parties:

- a. Mayor Thomas Kelaher
- b. Township Council
- c. Business Administrator
- d. Chief Financial Officer
- e. Chief of Police
- f. Division of Purchasing
- g. Township Attorney
- h. International Association of Chiefs of Police  
Attn: Kim Kohlhepp, Deputy Director  
Training and Professional Services  
44 Canal Center Plaza  
Suite 200  
Alexandria, VA 22314-2357

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract with the International Association of Chiefs of Police, in the total maximum amount not to exceed \$25,000.00, inclusive of all expenses, are available in Account No. 6-01- -P45-534.

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 22, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, AND STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP OF TOMS RIVER TO APPLY FOR A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE, ENTITLED "ENCOURAGING INNOVATION: FIELD-INITIATED PROGRAMS" IN AN AWARD AMOUNT OF UP TO \$500,000.00**

**(THIS GRANT WOULD AUTHORIZE ADDITIONAL MANPOWER AND EQUIPMENT TO COMBAT PSYCHIATRIC EMERGENCY ISSUES THROUGHOUT THE TOWNSHIP)**

**MARCH 22, 2016**

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

1. The appropriate Township Officials of the Township of Toms River are authorized to apply for a grant from The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, entitled, "Encouraging Innovation: Field-Initiated Programs", with an award amount of up to \$500,000.00. This grant would authorize additional manpower and equipment to combat psychiatric emergency issues throughout the Township.

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

- a) Business Administrator
- b) Township Attorney
- c) Chief Financial Officer
- d) Chief Mitchell Little, Police Department
- e) Captain James Harris, Police Department
- f) Lorraine Adams, Grant Coordinator
- g) U.S. Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance  
810 Seventh Street NW  
Washington, DC 20531

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, AND STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP OF TOMS RIVER TO ACCEPT A FY15 EMERGENCY MANAGEMENT AGENCY ASSISTANCE (EMAA) GRANT FROM THE STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF STATE POLICE, WHICH WILL PROVIDE FUNDING TO THE COUNTY OF OCEAN, FOR DISTRIBUTION TO THE TOWNSHIP IN THE AMOUNT OF \$7,000.00, FOR THE PURPOSE OF ENHANCING EMERGENCY MANAGEMENT PERFORMANCE**

**MARCH 22, 2016**

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

1. The Emergency Management Agency Assistance is a program run by the Ocean County Sheriff's Office for the purpose of assisting counties with their Emergency Management Performance in accordance with the New Jersey Office of Emergency Management criteria.
2. The Township of Toms River is authorized to submit a subgrant application and accept a FY15 Emergency Management Agency Assistance (EMAA) Grant from the State of New Jersey, Department of Law and Public Safety, Division of State Police, in the amount of \$7,000.00. Performance period shall be July 1, 2015 through June 30, 2016. Subaward No. FY15-EMPG-EMAA-1508.
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) Chief Mitchell Little, Police Department
  - d) Police Department, Attention: Paul Daly  
Office of Emergency Management
  - e) Tom Rodgers, Deputy Coordinator,  
Office of Emergency Management
  - f) Lorraine Adams, Grant Coordinator
  - g) Michael Mastronardy, Sheriff  
Office of the Sheriff  
Ocean County Justice Complex  
120 Hooper Avenue  
PO Box 2191  
Toms River, N.J. 08754-2191
  - h) State of New Jersey  
Office of the Attorney General  
Department of Law and Public Safety  
Division of State Police  
PO Box 7068  
West Trenton, NJ 08628-0068  
Attn: Captain Patrick Gorman  
Bureau Chief, Emergency Response Bureau

**RESOLUTUION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS  
RIVER, OCEAN COUNTY, NEW JERSEY, APPROVING A  
SETTLEMENT AGREEMENT IN RIVERA V. TOWNSHIP OF TOMS  
RIVER, ET AL., DOCKET NO. OCN-L-225-15**

**MARCH 22, 2016**

**WHEREAS**, *on or about January 30, 2015, Plaintiff, Richard Rivera, instituted litigation against the Township in the Superior Court of New Jersey, Law Division, under docket number OCN-L-225-15, challenging denial of a request pursuant to the Open Public Records Act (“OPRA”) of certain law-enforcement-related internal affairs records and an award of attorneys’ fees pursuant to N.J.S.A. 47:1A-6; and*

**WHEREAS**, *the parties reached a compromise on both issues which significantly reduces the Township’s overall monetary exposure without further judicial proceedings; and*

**WHEREAS**, *to that end, the parties have negotiated a settlement agreement, attached as Schedule “A” hereto, whereby the Township will pay the sum of \$25,000 in exchange for dismissal of the complaint and a full and final release of all claims arising out of the allegations set forth in the complaint; and*

**WHEREAS**, *the Township Council finds that, although this matter highlights several flaws in OPRA which should be rectified by legislation, it is nevertheless in the best interests of the Township to enter into the settlement to avoid any further financial exposure:*

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

1. *The settlement agreement reached in Rivera v. Township of Toms River, et al., Docket No. OCN-L-225-15, attached as Schedule “A” hereto, is hereby approved.*

2. *The Mayor is hereby authorized to execute and the Township Clerk to attest to the settlement agreement. The Township Attorney’s office shall take all necessary measures to formalize the settlement and secure dismissal of the complaint.*

3. *A copy of the fully-executed settlement agreement shall remain on file in the Office of the Township Clerk.*

4. *Certified copies of this resolution and the fully-executed settlement agreement shall be provided to the following parties:*

*a. Business Administrator*

*b. Chief Financial Officer*

*c. Township Attorney*

*d. CJ Griffin, Esq.*

*Pashman Stein*

*Court Plaza South*

*21 Main Street, Suite 100*

**Schedule "A"**

"see attachments"

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

MARCH 22, 2016

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

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

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

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

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

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

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

- a) Mayor Thomas F. Kelaher
- b) Paul Shives, Business Administrator
- c) Christine Manolio, Chief Financial Officer
- d) Carl Dileo, Tax Collector
- e) Kenneth B. Fitzsimmons, Township Attorney
- f) John Winton, Housing & Property Maintenance
- g) Craig Ambrosio, Director, Parks, Buildings & Grounds
- h) Spina, Peter & Anne  
8 Lausecken Lane  
Secaucus, NJ 07094
- i) Alario, Nancy  
540 George Road  
Toms River, NJ 08753
- j) CAPC NJ Assest Stabilization Fund  
108 Church Street  
New Brunswick, NJ 08901
- k) Webb, Joey & Rebecca  
75 Curtis Place  
Toms River, NJ 08753-5203
- l) Tretola, Phillip & Gerard

**SCHEDULE "A"**

**CERTIFICATION OF COSTS**

	<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>PROPERTY ADDRESS</u></b>	<b><u>TOTAL</u></b>
1.	571.11		75 Curtis Place	\$866.50
2.	1098.35	121	463 Eisenhower Terrace	\$577.88
3.	1080.12	15	540 George Road	\$454.00
4.	290	1	23 Longman Street	\$1192.65
5.	297.06	7	307 Maria Drive	\$966.63

**RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE 1507-36-036-006 FROM DRIFTWOOD SPECIAL SERVICING II, LLC TO TR LODGING REALTY LLC D/B/A/ TR HOTEL**

**March 22, 2016**

*WHEREAS, an application has been filed for **PERSON-TO-PERSON TRANSFER** for Plenary Retail Consumption License Number **1507-36-036-004**, heretofore issued to Driftwood Special Servicing LLC., with an address of 290 Highway 37 East, Toms River, NJ 08753 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 1507-36-036-006 from **Driftwood Special Servicing LLC., to TR Lodging Realty LLC d/b/a/ TR Hotel***

*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) TR Lodging Realty LLC  
290 Highway 37 East  
Toms River, NJ 08753*

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING A SHARED SERVICES AGREEMENT  
BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE COUNTY OF OCEAN FOR  
DRAINAGE IMPROVEMENTS THROUGH THE BOARD OF EDUCATION PROPERTIES,  
HYERS STREET AND MAIN STREET, IN THE TOWNSHIP OF TOMS RIVER  
(STORMWATER MANAGEMENT CONTRACT 2015C)  
(HYERS STREET STORM DRAIN REHABILITATION)

MARCH 22, 2016

WHEREAS, Ocean County Board of Chosen Freeholders Resolutions dated February 15, 1956 and November 7, 1956 memorialized the actions taken by the State of New Jersey, the County of Ocean ("County"), and the Township of Dover (now Township of Toms River) ("Township"), to fund in equal shares of one-third the total cost of construction the drainage facilities traversing southwesterly through the Board of Education properties, Hyers Street and Main Street, discharging to the Toms River; and

WHEREAS, the Township of did in fact design and the County did in fact award and manage a contract for constructing these facilities; and

WHEREAS, THE County proposes Stormwater Management Contract 2015C (Hyers Street Storm Drain Rehabilitation) (the "Project"); and

WHEREAS, the Project will rehabilitate the facilities construction in 1956 by installing a cured-in-place pipe liner; and

WHEREAS, because of the particular complexities involved in the replacement of the facilities, the County will design and manage the Project; and

WHEREAS, similar to the 1956 agreement, the Township shall reimburse the County for its one-third share of the cost of the Project;

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to a Shared Services Agreement between the Township of Toms River and the County of Ocean for reimbursement to the County of Ocean for its one-third share of the cost of the Project, in the estimated amount of \$347,145.19.

2. The County, through its approved contractor for the Project, shall be responsible for the design, construction and inspection of the Project.

3. The actual monies paid by the Township to the County shall be adjusted to reflect as-built quantities of work at the County contractor's bid prices or the Authority's negotiated prices for any change order items.

4. Upon completion of the Project, the County and the Township shall continue joint responsibility for the facilities rehabilitated as part of the Project.

5. Funds for this Project in the estimated amount of \$347,146.19 are available in Account No. X-04-213-003. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

6. A fully executed copy of this agreement will be kept on file in the Office of the Township Clerk upon execution.

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

- a) Township Attorney
- b) Engineering Division
- c) Chief Financial Officer
- d) Public Works Department

- e) Ocean County Board of Chosen Freeholders  
PO Box 2191  
Toms River, N.J. 08754-2191
- f) Office of the Ocean County Engineer  
129 Hooper Avenue  
PO Box 2191  
Toms River, NJ 08754-2191  
Attn: John N. Ernst, P.E., P.P.  
Ocean County Engineer

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the shared services agreement between the Township of Toms River and the County of Ocean for drainage improvements through the Board of Education properties, Hyers Street and Main Street, in the Township of Toms River will be one-third share of the cost of the project in the estimated amount of \$347,145.19. These funds are available in account X-04- -213-003.

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 J. MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: March 22, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A  
MAJOR SUBDIVISION KNOWN AS BLOCK 173, LOTS 37, 37.01 AND 40  
KNOWN AS HICKORY ESTATES (HICKORY STREET)**

**MARCH 22, 2016**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision entitled Hickory Estates, Block 173, Lots 37, 37.01 and 40. Hickory Estates was approved as a six-lot Major Subdivision and one of the lots (Lot 37.01) was sold prior to Resolution Compliance. Also, the subdivision map was not filed due to the failure to comply with all conditions imposed by the Planning Board.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$43,603.80 which represents the cash performance guarantee required for Lot 37.01.
- 2) The performance guarantee will be deposited under the name Hickory Homes, LLC, purchaser of the major subdivision.

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 bond set forth in the preamble hereto is hereby approved in accordance with the court ordered judgment attached.
- 2) The entire posted performance bond may be converted to the required ten percent cash portion of a performance bond, if such is posted for the remaining lots of the subdivision.

- 3) Any funds remaining after all improvements are completed will be returned to Hickory Homes, LLC.
- 4) The said bond approval is conditioned upon compliance by Hickory Homes, LLC, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.
- 5) The Township Clerk shall send a certified copy hereof to each of the following:
  - a. Township Engineer
  - b. Finance Department
  - c. Township Attorney
  - d. Mayer Kesserman  
Hickory Homes, LLC  
111 Madison Avenue  
Lakewood, NJ 08701

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

**\*AMENDED RESOLUTION\***

**MARCH 22, 2016**

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

WHEREAS, Maintenance Bonds have been posted as follows:

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

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

WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees and the acceptance of the Maintenance Guarantees;

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

- 1) Previously posted Letter of Credit in the amount of \$54,000.00 currently on account X-18-101-489, is hereby released.
- 2) Previously posted cash bond in the amount of \$6,000.00 currently on account 6-14- - 902-101, is hereby released;
- 3) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;  
Township Clerk shall send a certified copy hereof to each of the following:
  - a. Township Engineer
  - b. Chief Finance Department
  - c. Township Attorney
  - d. Homes For All  
7 Hyers Street  
Toms River, NJ 08753

# RESOLUTION

March 22, 2016

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

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

Transferring Owners from John Edgar (All American Cab LLC) to Stephan Delmar (Toms River Taxi LLC)

1. Toms River Taxi LLC	254-16 2003	Ford	43128
P.O. Box 1786	255-16 2000	Lincoln	06022
Toms River, NJ 08754			
Stephen Delmar			

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

March 22, 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>
23-16 Balwinder Chandi	Taxi Driver	7 Star Taxi & TC USA Service
25-16 Laura Imbimo	Taxi Driver	AA-1 Taxi

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

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

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

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

**TOWNSHIP OF TOMS RIVER  
OCEAN COUNTY, NEW JERSEY**

**J. MARK MUTTER, RMC  
OFFICE OF THE TOWNSHIP CLERK  
33 WASHINGTON STREET  
TOMS RIVER, NEW JERSEY 08753  
FAX NO. 732-341-3586**

**RESOLUTION OF THE TOWNSHIP OF COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, SUPPORTING AND CONCURRING WITH A TRAFFIC INVESTIGATION ON ROUTE NJ 166, CONDUCTED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION THAT THE CURRENT CENTERLINE PAVEMENT MARKINGS ON ROUTE NJ 166 MEET AND CONFORM TO CURRENT DESIGN STANDARDS  
(NO PASSING ZONE ON ROUTE NJ 166 IN THE TOWNSHIP OF TOMS RIVER)**

**MARCH 22, 2016**

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route NJ 166 in the Township of Toms River; and

WHEREAS, NJDOT investigation revealed the current centerline pavement markings on Route NJ 166 meet and conform to current design standards; and

WHEREAS, NJDOT will update existing records to reflect current No Passing Zone conditions along U.S., New Jersey, Route 166; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, County of Ocean, in the State of New Jersey, that it supports the use of a "No Passing Zone" on Route NJ 166 in the Township of Toms River, as recommended by NJDOT;

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) Township Attorney
- b) Chief Financial Officer
- c) Township Engineer
- d) Police Department

- e) Township Planner
- f) Department of Public Works
- g) State of New Jersey  
Department of Transportation  
PO Box 600  
Trenton, NJ 08625-0600  
Attn: Michael E. Milhalic  
Supervisor, Traffic Investigations  
Bureau of Traffic Engineering
- h) Clerk of the Ocean County Board of Chosen  
Freeholders  
P.O. Box 2191  
Toms River, N.J. 08754-2191
- i) Ocean County Engineering Department  
129 Hooper Avenue  
Toms River, N.J. 08754  
Attn: John N. Ernst, County Engineer

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Thomas F. Kelaher, Mayor

J. Mark Mutter, RMC  
March 22, 2016

**CERTIFICATION**

I, J. Mark Mutter, do hereby certify that the foregoing is a true copy of a resolution adopted by the Township Council at a meeting held on the 22nd day of March, 2016.

---

J. Mark Mutter, RMC  
Municipal Clerk

(Municipal Seal)

**RESOLUTION**  
**March 22, 2016**

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

**MESSAGE BUSINESS  
#15-16**

**Green Wish Spa  
1808 Route 37 East  
Toms River, NJ 08753**

**MESSAGE LICENSE  
#16-16**

**Li Xie  
2116 Apollo Dr 10- B  
Ocean, NJ 07712**

**MESSAGE BUSINESS  
#22-16**

**King Acupressure  
970 Lakewood Rd  
Toms River, NJ 08753**

<b>MASSAGE LICENSE #23-16</b>	<b>Yoonhee Lye 65 "O" Street Seaside Park, NJ 08752</b>
<b>MASSAGE BUSINESS #24-16</b>	<b>Orient Spa 1740 Lakewood Rd Toms River, NJ 08753</b>
<b>MASSAGE LICENSE #25-16</b>	<b>Aizi Huang 144-27 3<sup>rd</sup> Ave Flushing, NY 11355</b>
<b>MASSAGE LICENSE #28-16</b>	<b>Volha Gringaouz 2636 Ford St Brooklyn, NY 11235</b>
<b>MASSAGE LICENSE #29-16</b>	<b>Gulnora Krupovlyanskaya 2935 West 5<sup>th</sup> St Brooklyn, NY 11224</b>
<b>MASSAGE LICENSE #30-16</b>	<b>Olga Geraskina 516 East 78 St #36 New York, NY 10075</b>
<b>MASSAGE BUSINESS #32-16</b>	<b>Iwa Massage 2205 Route 37 East Toms River, NJ 08753</b>
<b>MASSAGE LICENSE #33-16</b>	<b>Ling Qing Rumpf 720 Elizabeth Ave Toms River, NJ 08753</b>

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

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

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

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

**RESOLUTION AUTHORIZING SPECIAL BUDGET MEETING  
ON APRIL 5, 2016**

**MARCH 22, 2016**

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

1. Pursuant to the Open Public Meetings Act of New Jersey, c.231 of P.L. 1975, the Township Clerk shall cause the following to be published in the Asbury Park Press:

**TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER  
PUBLIC NOTICE OF SPECIAL BUDGET MEETING**

*Special Budget Meeting of the Toms River Township Council is scheduled for Tuesday, April 5, 2016 at 5:00 P.M., L. Manuel Hirshblond Meeting Room, at Toms River Township Municipal Complex for:*

- A. *2016 Municipal Budget – Introduction*
- B. *Other items of business*
- C. *Executive Session*

*Formal action may be taken.*

2. *The Municipal Clerk shall provide certified copies of this resolution to each of the following:*

- A. *Mayor*
- B. *Council*
- C. *All Departments*

Council Member Wittmann questioned the following resolution and Township Administrator Shives explained.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT FOR  
LICENSED ELECTRICIAN SERVICES TO BRICKTOWN ELECTRICAL CONTRACTING, LLC,  
AS LOWEST RESPONSIBLE BIDDER MEETING ALL THE SPECIFICATIONS, FOR A  
MAXIMUM AMOUNT NOT TO EXCEED \$500,000.00 OVER TWO (2) YEARS, OR UNTIL  
NOT-TO-EXCEED COST LIMITATIONS HAVE BEEN MET**

**MARCH 22, 2016**

WHEREAS, bids were received on March 9, 2016 for Licensed Electrician Services; and

WHEREAS, bids were received, as follows:

Bricktown Electrical Contracting, LLC  
1103 B Industrial Parkway  
Brick, NJ 08724

Magic Touch Construction Co., Inc.  
59 West Front Street  
Keyport, NJ 07735

K. Hanrahan Enterprises, Inc.  
20-21 Wagaraw Road, Building 36  
Fair Lawn, NJ 07410

Starlite Electric, LLC  
260 Main Street, Ste. #1  
Keansburg, NJ 07734

WHEREAS, the bids have been reviewed by the Purchasing Division and the Department of Parks, Buildings & Grounds, and recommendation has been made to award a contract to Bricktown Electrical Contracting, LLC, for a total maximum amount not to exceed \$500,000.00 over two (2) years (March 22, 2016 through March 21, 2018), or until not-to-exceed cost limitations have been met;

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 Licensed Electrician Services to Bricktown Electrical Contracting, LLC., as lowest responsible bidder meeting all the specifications, for a total maximum amount not to exceed \$500,000.00 over two (2) years (March 22, 2016 through March 21, 2018), or until not-to-exceed cost limitations have been met, as follows:

1. First Year:

Journeyman/Electrician Hourly Rate: \$77.50

Apprentice Hourly Rate: \$38.00

2. Second Year:

Journeyman/Electrician Hourly Rate: \$77.50

Apprentice Hourly Rate: \$38.00

3. Cost of Materials Above Dealers Cost: 5%

4. New Jersey State License Number: 12214

The term of contract: Date of Award through twenty-four months (March 22, 2016 through March 21, 2018), or until not-to-exceed cost limitations have been met. All terms and conditions of the bid specifications are applicable on this contract. This will be an open-ended contract with funds being encumbered each time service is requested, contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

2. The contract shall not exceed \$500,000.00 over the two-year term (March 22, 2016 through March 21, 2018), or until not-to-exceed cost limitations have been met and \$250,000.00 per year upon extension.

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

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 Department
- e) Winding River Ice Skating Rink
- f) Police Department
- g) Public Works Department
- h) Bey Lea Maintenance
- i) Parks, Buildings & Grounds
- j) Senior Center
- k) Youth Center

- l) Animal Shelter
- m) Bey Lea Clubhouse
- n) Aforementioned Bidders

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract awarded to Bricktown Electrical Contracting, LLC, for a total maximum amount not to exceed \$500,000.00 over two (2) years (March 22, 2016 through March 21, 2018), or until not-to-exceed cost limitations have been met, and \$250,000.00 per year upon extension, are contingent upon the availability of funds in the appropriate municipal budget year.

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

CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: March 22, 2016

**REPORTS**

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

- 1. Youth Services- February 2016- \$7,553.00
- 2. Bey Lea Golf Course- February 2016- \$22,388.25
- 3. Permits & Inspections Office- February 2016- \$370,609.50
- 4. Winding River Ice Rink- February 2016- \$75,263.76
- 5. Clerk's Office- February 2016- \$18,772.50

**APPROVAL OF BILLS**

Council President Kubiels asked for a report on the bills.

The Bill List, dated **March 18, 2016** was approved on motion by Council Member Maruca, seconded by Council Member Manforti, and carried with Council Members Geoghegan, Hill, Manforti, Maruca, Wittmann, and Council President Kubiels voting yes, and with Council Member Carr absent. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 16-01431 and 16-01432, payable to Board of Fire Commissioners in the amount of \$5,505.51.

Purchase Order 16-01426, payable to Board of Fire Commissioners-Dist 2 in the amount of \$685,999.08.

Council Vice-President Manforti abstained due to Business conflicts on the following:

Purchase Order 16-01030, payable to Dasti, McGuckin-Attorneys at Law in the amount of \$5,845.50.

Purchase Order 16-01586, payable to Toms River Municipal Utilities Authority in the amount of \$6,983.56.

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

Purchase Order 16-01426, payable to Board of Fire Commissioners-District 2 in the amount of \$685,999.08.

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

Purchase Order 16-01655, payable to Board of Education-Toms River Schools in the amount of \$10,465,987.75.

Purchase Order 16-00876 and 16-01027, payable to Heartwood Ecological Consultant in the amount of \$488.75.

Purchase Order 16-01186, payable to Ocean County Board of Health in the amount of \$1,429.00.

Purchase Order 16-01500 and 16-01486, payable to Saint Luke's Church in the amount of \$700.00.

Purchase Order 16-01500 and 16-01486, payable to Toms River Schools in the amount of \$7,664.57.

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

Purchase Order 16-00649, payable to Chamber of Commerce in the amount of \$12.50.

Purchase Order 16-01030, payable to Dasti, McGuckin-Attorneys at Law in the amount of \$5,845.50.

Purchase Order 16-01500 and 16-01486, payable to FY16 New Jersey Motor Vehicle Lease in the amount of \$3,948.75.

Purchase Order 16-01250, payable to Waters Edge Condo Association in the amount of \$5,880.24.

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

Purchase Order 16-01028, payable to Yellowbrook Property Company in the amount of \$2,806.50.

Purchase Order 16-00876 and 16-01027, payable to Heartwood Ecological Consultant in the amount of \$488.75.

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

Councilman Kubieli spoke regarding the Brussels bombing and regarding the recent Cease and Desist Ordinance and real estate canvassing in North Dover.

Mayor Kelaher spoke regarding the Cease and Desist Ordinance recently adopted.

Councilwoman Maruca spoke regarding a recent DEP Conference call.

Council Members Manforti and Geoghegan had no comments.

Councilman Hill spoke regarding New Hampshire Avenue Motor Vehicle fatality, and Route 166 and Old Freehold Road traffic light.

Councilman Wittmann spoke regarding Business Improvement District budget.

## **PUBLIC COMMENTS**

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

Martha Bowden spoke regarding Temporary Appropriation Resolution. Township Administrator Shives responded.

Ken Langdon spoke regarding Winnie Hartvigsen passing; Route 166 traffic conditions; Ortle Beach walkovers; and regarding easements.

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

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

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

Council President Kubiell announced that Councilman George Wittmann recused himself because of conflict with one of the attorneys. Council Wittmann left the dais and the Council room for the hearing.

Township Attorney Fitzsimmons spoke regarding procedure to be followed.

Robert Shea, Esquire, spoke regarding Ordinance and its history up to the Ordinance hearing, this evening. He spoke in favor of adoption of the Ordinance.

Edward Liston, Esquire, spoke regarding Ordinance and argued the Ordinance request was "spot zoning" and that it should not be adopted.

Andrew Thomas, testified, and was sworn in by a court reporter that was present: He is Professional Planner in New Jersey. Council accepted his qualifications as a Planner. He explained his review of the proposed Ordinance and his opinion that it is not consistent with the Master Plan. He spoke regarding:

Exhibit 2: aerial map regarding proposed re-zoning and

Exhibit 3: regarding location of the site

(Exhibit 1 was conceptual site Plan dated August 17, 2015 by Dynamic Engineering).

He also spoke regarding ingress and egress to site; applicant's planning report of August 2015. His opinion was that there should be a re-examination report regarding this request. There is a Master Plan revision by the Township to be done - - this should be part of it.

Robert Shea cross-examined Mr. Thomas regarding his review of the Ordinance; regarding Planning Board hearing regarding it; the Master Plan; and regarding O-10 versus O-15 zones and uses.

Edward Liston conducted re-examination regarding direct examination of Mr. Thomas regarding re-exam report and spoke of need for 5 of 7 votes before Council to approve of the Ordinance and need for resolution indicating deviation from the Master Plan.

Regarding numbers of votes required to approve the Ordinance - Township Attorney Fitzsimmons, Edward Liston, and Robert Shea discussed this.

Edward Liston asked for show of hands of residents in Penny Layne who were present and how many objected to the Ordinance.

Patricia Neurmberger, 1001 English Lane, spoke regarding Ordinance and Planning Board hearing and regarding testimony by Mr. Thomas.

Joe Angrassia, Penny Lane, opposed the Ordinance and regarding safety if a hotel and restaurant were built.

Jean Berrier, 1906 English Lane, spoke regarding Planning Board recommendation.

Vic Palmieri, 1002 English Lane, spoke regarding ingress and egress.

Tom Cambria spoke regarding Planning Board decision and chairman's no vote to approve the Ordinance.

Roseanne Stevens, 905 English Lane, opposed the Ordinance due to ingress and egress from the property.

Tom Normile, 906 English Lane, spoke regarding Ordinance and opposed it.

Anna Marie Krause opposed the Ordinance for traffic safety reasons.

Terry Kolb, 1504 King George Lane, spoke regarding Planning Board review; property values; traffic, and restaurant use.

Carol DeFalco, 1403 King George Lane, spoke regarding traffic, and hotel use.

Linda Czarnik, 1506 King George Lane, opposed the Ordinance and spoke regarding value of Penny Lane homes values.

Marlene Mango, 1601 Queen Ann Lane, opposed the Ordinance.

Patricia O'Neil, 907 English Lane, opposed the Ordinance.

Tracy Apgar, 1102 King George Lane, opposed the Ordinance.

The Public hearing was concluded.

Discussion regarding options for Council per Township Attorney Fitzsimmons:

1. Approve or reject Ordinance tonight.
2. Carry for additional study and reports by Township professionals.
3. Refer back to Planning Board.  
Discussion ensued.

On motion by Council Member Maruca, seconded by Council Member Hill and carried, that the Ordinance was ***not adopted and was remanded to the Planning Board*** for:

Re-examination report and Master Plan Amendment review and professional review by Township Professionals.

Discussion regarding the motion by Mr. Shea, Mr. Liston, and Township Attorney Fitzsimmons. Vote regarding the motion was held:

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

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

**RESOLUTION**

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

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

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

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

Matters of Personnel  
Attorney Client Privilege  
Land Acquisitions

3. The following specific topics were announced.
  1. March 8, 2016 Executive Session Minutes
  2. Personnel
  3. Land Acquisitions – Potential Properties
  4. Anchorage Boat Ramp – Status
4. It is anticipated that deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

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

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

The Council reconvened the public portion at 9:41 P.M., with Council Members Geoghegan, Hill, Manforti, Maruca, and Council President Kubiell all present, and with Council Members Carr and Wittmann absent..

No other business appearing, the meeting was adjourned at 9:42 P. M., with Council Members Geoghegan, Hill, Manforti, Maruca and Council President Kubiell voting yes, and with Council Members Carr and Wittmann absent.

BRIAN S. KUBIEL, COUNCIL PRESIDENT

J. MARK MUTTER, TOWNSHIP CLERK