

April 26, 2016

A Regular Meeting of the Township Council of the Township of Toms River was held in the L. Manuel Hirshblond Meeting Room, Municipal Complex, 33 Washington Street, Toms River, New Jersey at 6:00 PM.

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

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

OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is convened in accordance with the provisions of the Open Public Meetings Act of New Jersey. Let the official Minutes reflect that adequate notice of this meeting has been provided by publishing a notice in the Asbury Park Press on January 8, 2016 and forwarded to the Toms River Times, Toms River Patch, and WOBN News on January 11, 2016, and thereafter posting same on the Town Hall Bulletin Board for such notices, and filing same with the Township Clerk pursuant to a resolution adopted by the Township Council on January 4, 2016. Notice was also posted on the Township Web Page.

Roll Call:

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

APPROVAL OF MINUTES

A motion was made by Council Member Maruca, seconded by Council Member Carr, and carried with Council Members Carr, Geoghegan, Maruca, Wittmann, and Council President Kubiel voting yes, and with Council Members Hill and Manforti abstaining as they were absent on April 5, 2016, to approve the Minutes of the **Special Meeting of April 5, 2016**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

A motion was made by Council Member Maruca, seconded by Council Member Carr, and carried with Council Members Carr, Geoghegan, Maruca, Manforti, and Council President Kubiel voting yes, and with Council Members Hill and Wittmann abstaining as they were absent on April 12, 2016, to approve the Minutes of the **Regular Meeting of April 12, 2016**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS

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

Councilman Wittmann presented a proclamation to Eagle Scout Matthew Sirota. Matthew Sirota spoke regarding his community project.

Township of Toms River

Proclamation

Eagle Scout Court of Honor

WHEREAS, Matthew Sirota is involved with the Boy Scout Program, currently as a member of Boy Scout Troop 36 in Toms River; and

WHEREAS, Matthew Sirota has progressed through the ranks of Cub Scouts and Boy Scouts, and has achieved the rank of Eagle Scout; and

WHEREAS, to achieve the rank of Eagle Scout, a scout must have a minimum of twenty-two months tenure, have earned at least seven skill awards, logged a minimum of eighteen hours community service time, served at least sixteen months as a troop leader in three of eleven leadership positions, and have amassed at least twenty-one merit badges (eleven of which are required by the Boy Scouts of America National Committee); and

WHEREAS, before receiving final approval for the rank of Eagle Scout, a scout's achievements must be reviewed and approved by the Board of Review with the Council District Advancement Chairman and if approved by said Board, then all paperwork is sent to the National Headquarters in Texas for approval. All of these requirements must be completed prior to a scout's 18th birthday; and

WHEREAS, Matthew Sirota has successfully completed all requirements to receive the rank of Eagle Scout and will be honored for his achievement of acquiring Eagle Scout at the Toms River Township Council Meeting held on the 28th day of April in the year 2015.

NOW, THEREFORE, I, THOMAS F. KELAHER, Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate Matthew Sirota on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and effort for the good of his community.

Mayor Thomas F. Kelaher

**Brian S. Kubiel
Council President**

George E. Wittmann, Jr.

Maurice B. Hill

Jeffrey J. Carr

Alfonso J. Manforti

Maria L. Maruca

Kevin M. Geoghegan

Mayor Kelaher spoke regarding donations for life. He presented a proclamation to Adam and Kelly Hess for the organ donor work.

Township of Toms River

Proclamation

April 26, 2016

WHEREAS, **National Donate Life Month** is featured by local, regional and national events during the month of April to encourage Americans to register to donate organs and tissue to help save lives; and

WHEREAS, one organ donor alone can either save or heal up to eight lives through organ donation and many more through tissue donation and there are over 120,000 people currently awaiting an organ transplant in America alone; and

WHEREAS, each year we commit ourselves to support donors and recipients by advocating continual support for research and encouraging all Americans to consider being a donor regardless of their age or medical history; and

WHEREAS, much progress has been made over the years but it is imperative that information to educate the general public is necessary to increase annual organ transplants.

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 April, 2016 **National Donate Life Month** and call upon everyone - community groups, schools, government agencies private and faith based organizations to get the word out about the importance of donating an organ to save or positively change a life.

Mayor Thomas F. Kelaher

Brian S. Kubiel
Council President

Jeffrey J. Carr

Maurice B. Hill

Kevin M. Geoghegan

Alfonso J. Manforti

Maria L. Maruca

George E. Wittmann

Mayor Kelaher and Council presented a proclamation for the Recognition Day for National Service. AmeriCorps representatives were present and Musafa Faheem spoke regarding their volunteer efforts.

Township of Toms River

Proclamation

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's counties are increasingly turning to national service and volunteerism as a cost-effective strategy to meet county needs; and

WHEREAS, participants in AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, Americorps and Senior Corps participants serve in more than 50,000 locations across the country, including 3 homes in Toms River, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our country's economic and social well-being; and

WHEREAS, many national service participants of all ages and backgrounds serve in Toms River, providing vital support to township residents and improving the quality of life in our town and national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

*NOW, THEREFORE, I, THOMAS F. KELAHER, Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate **Matthew Sirota** on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and effort for the good of his community.*

Mayor Thomas F. Kelaher

Brian S. Kubiak
Council President

George E. Wittmann, Jr.

Maurice B. Hill

Jeffrey J. Carr

Alfonso J. Manforti

Maria L. Maruca

Kevin M. Geoghegan

Each Little Indians Team, from the 8U and 12U groups, was present and thanked the Mayor and Council Members for the certificates.

The following students were recognized from the Toms River Police Foundation Jingle Bells Run 2015 Scholarship Awards:

TR High School South MEGAN LAGGNER
TR High School East MISTY PATEL
TR High School North VINCENT TRAN
TR High School North MICHELLE GAO

TR High School East CERETA DALLAGO
TR High School East CAITLIN MAIRE
TR High School North HUNTER PETRICK

Chief Little spoke regarding the Toms River Police Foundation Jingle Bells Run Scholarship Awards. James Everett spoke regarding the charitable scholarship.

A brief recess was held. The meeting reconvened with all seven members of Council present.

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

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, SUPPLEMENTING SECTION 477-61 (SCHEDULE III: NO STOPPING OR STANDING) OF CHAPTER 477 (VEHICLES AND TRAFFIC) OF THE TOWNSHIP CODE TO ESTABLISH NO STOPPING OR STANDING RESTRICTIONS ON CEDAR DRIVE FROM CRANMOOR DRIVE TO THE EASTERLY TERMINUS OF CEDAR DRIVE

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

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

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

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

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

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

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

J. Mark Mutter, Township Clerk, announced that the Supplemental Debt has been filed with the State Division of Local Government Services.

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 Wittmann, seconded by Council Member Hill, and carried that an Ordinance entitled:

AN ORDINANCE OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF PROPERTY LOCATED IN THE TOWNSHIP AND RELATED EXPENSES AND APPROPRIATING \$10,300,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$9,785,000 IN BONDS OR NOTES OF THE TOWNSHIP OF TOMS RIVER TO FINANCE THE SAME.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Toms River, in the County of Ocean, New Jersey (the "Township") as general improvements. For the improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$10,300,000 and including the sum of \$515,000 as the down payment for the improvements or purposes required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$9,785,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds and notes are to be issued is the acquisition of real property in the Township for open space purposes, by purchase and/or eminent domain, designated on the Township tax map as (i) Block 171, Lots 11, 17, 18, 19 and 32, also known as 1940 Lakewood Road, (ii) Block 171, Lot 20, also known as 1956 Lakewood Road, (iii) Block 171, Lot 21, also known as 1962 Lakewood Road, (iv) Block 171, Lot 22, also known as 1970 Lakewood Road, and (v) Block 171, Lot 23, also known as 1980 Lakewood Road, and including all rights or interests therein, and all work and services necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the

resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$9,785,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$300,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes.

(e) The Township reasonably expects to commence the acquisition and/or construction of the improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

NOTICE OF PENDING BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on April 12, 2016. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Council to be held in the Municipal Offices, 33 Washington Street, Toms River, New Jersey on April 26, 2016 at

6:00 p.m., and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the Township Clerk's office in the Municipal Offices to the members of the general public who shall request the same.

J. Mark Mutter, Township Clerk

NOTICE OF ADOPTION OF BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the bond ordinance published herewith has been finally adopted by the Township Council of the Township of Toms River, in the County of Ocean, New Jersey on April 26, 2016 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this notice.

J. Mark Mutter, Township Clerk

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.

Nels Luthmann opposed the Ordinance and said we cannot afford it.

Henry Guttman spoke regarding the Ordinance and method of acquisition of property. Township Administrator Shives explained the acquisition process. Township Attorney Fitzsimmons explained language in the bond ordinance that was also questioned by Mr. Guttman.

Dan Rodrick spoke against the Ordinance and says Route 9 should be commercially zoned.

Charles Vandembulcke spoke regarding the Ordinance and supported the property acquisition for open space.

Councilman Kubiell spoke regarding March 2016 revenues in Building Department as all-time high and most of it due to construction in northern part of the Township and that the Sierra Club endorsed acquisition of the property.

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

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

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

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

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

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

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

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE ACQUISITION, EITHER BY PURCHASE OR EMINENT DOMAIN, OF THE REAL PROPERTY KNOWN AS LOTS 11, 17, 18, 19, 20, 21, 22, 23 and 32, BLOCK 171 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY

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

Pat Golembeski questioned where the property is located.

Nels Luthmann questioned the Ordinance. Discussion ensued.

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

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

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

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

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

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

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

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK PURSUANT TO
N.J.S.A. 40A: 4-45.1 ET SEQ.**

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

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

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

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

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

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

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

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

Councilman Carr spoke regarding this Ordinance.

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

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

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

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

Council Member Carr	- Yes
Council Member Geoghegan	- Yes
Council Member Hill	- Yes
Council Member Maruca	- Yes

Council Member Wittmann - Yes
Council Vice-President Manforti - Yes
Council President Kubiak - Yes

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

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PRIVATE SALE OF BLOCK 1081.03, LOT 6 (2412 FIRST AVENUE), IN THE TOWNSHIP OF TOMS RIVER, NOT NEEDED BY THE TOWNSHIP, TO NORTHERN OCEAN HABITAT FOR HUMANITY, (PURSUANT TO N.J.S.A. 40A:12-21(I), FOR THE PURPOSE OF CONSTRUCTING HOUSING FOR LOW OR MODERATE INCOME PERSONS, FAMILIES, OR HANDICAPPED PERSONS, AND PRESERVATION OF SAME AS AN AFFORDABLE HOUSING UNIT

WHEREAS, the Township Council of the Township of Toms River has found and determined that Block 1081.03, Lot 6 (2412 First Avenue) (the "Property"), constitutes real property with less than the minimum size required for development under the Municipal Land Use Ordinance, and is without any capital improvement thereon, and is no longer needed by the Township; and

WHEREAS, N.J.S.A. 40A:12-21(I) authorizes the sale of municipally-owned property no longer needed by the Township to a duly incorporated nonprofit housing corporation or any limited-dividend housing corporation or housing association organized, for the purpose of constructing housing for low or moderate income persons, families or handicapped persons; and

WHEREAS, Township Council has received a request from Northern Ocean Habitat for Humanity to sell the Property for the purpose of constructing a single family affordable housing dwelling for low or moderate income persons, families or handicapped persons; and

WHEREAS, the Township Council is desirous of selling the Property to Northern Ocean Habitat for Humanity for the nominal consideration of one dollar (\$1.00), pursuant to N.J.S.A. 40A:12-21(I); and

WHEREAS, the sale is contingent upon the purchaser obtaining a variance from the Zoning Board of Adjustment for the proposed construction; and

WHEREAS, this Property is being sold to Northern Ocean Habitat for Humanity with the limitation that the Property shall be used only for the purpose of constructing affordable housing for low or moderate income persons or families or handicapped persons; and

WHEREAS, if the Property is not used in accordance with this limitation, ownership of the Property shall revert to the Township;

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

1. Pursuant to N.J.S.A. 40A:12-21(I), it authorizes the sale of the Property to Northern Ocean Habitat for Humanity, for the nominal consideration of one dollar (\$1.00), for the purpose of constructing housing for low or moderate income persons or families or handicapped persons.
2. The sale is contingent upon the purchaser obtaining a variance from the Zoning Board of Adjustment for the proposed construction.
3. This Property is being sold to Northern Ocean Habitat for Humanity with the limitation that the Property shall be used only for the purpose of constructing affordable housing for low or moderate income persons or families or handicapped persons.

4. If the Property is not used in accordance with this limitation, ownership of the Property shall revert to the Township. A clause shall be placed in the deed of conveyance establishing this reverter provision.

5. This sale is made subject to such state of facts as an accurate survey may disclose, easements, conditions, covenants and restrictions of record, tenancies, leaseholds, rights of persons in possession, codes, regulations and ordinances of the Township of Toms River or federal, state or county governments. No representations of any kind are made by the Township of Toms River as to the condition of the lands, and they are being sold in their present condition "as is".

6. The Mayor and Clerk are authorized to execute a deed and all other necessary documents to convey this Property to Northern Ocean Habitat for Humanity.

7. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

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

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

10. Since this ordinance is not legislative in nature, it need not be codified in the Code of the Township of Toms River, New Jersey.

A motion was made by Council Member Hill, seconded by Council Member Manforti, and carried with Council Members Carr, Geoghegan, Hill, Manforti, Maruca, Wittmann, and with Council President Kubiak voting yes, 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 April 26, 2016 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on May 24, 2016 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

J. MARK MUTTER
TOWNSHIP CLERK

APPROVED AS TO FORM:

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, April 30, 2016 .

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

Council Member Carr 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, SUPPLEMENTING SECTION 325-3 (GREENS FEES) 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), Subsections 325-3B, 325-3C, and 325-3D(1) and (2) of Chapter 325 (Golf Courses) of the Code of the Township of Toms River, New Jersey are supplemented to add the following:

Section 325-3B.

9 holes first 2 hours of tee times, weekdays only \$14

Section 325-3C.

9 holes first 2 hours of tee times, weekdays only \$22

Section 325-3D (1).

9 holes first 2 hours of tee times, weekdays only \$ 9

Section 325-3D (2).

9 holes first 2 hours of tee times, weekdays only \$11

2. 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.

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

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

A motion was made by Council Member Carr, seconded by Council Member Wittmann, and carried with Council Members Carr, Geoghegan, Hill, Manforti, Maruca, Wittmann, and with Council President Kubiel voting yes, 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 April 26, 2016 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on May 10, 2016 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's

office in said Municipal Building to members of the general public who shall request such copies.

J. MARK MUTTER
TOWNSHIP CLERK

APPROVED AS TO FORM:

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, April 30, 2016 .

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

CONSENT AGENDA

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

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

RESOLUTION

APRIL 26, 2016

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual, Year</i>	<i>Amount</i>
GOLETSOS, DEMITRI @ M.T.	1946.04	50	2015/4	5,121.95
KIZNER @ STARK @ STARK & STARK				

HAMPTON GRDEN REALTY @ THE IRWIN LAW FIRM PA. ATTN TRUST	609	21	2013/4	6,007.36
			2014/4	6,185.62
			2015/4	6,497.58
WALLGREENS @ STAVITSKY & ASSOC.	691	5	2012/4	673.51
TOTALS:				\$24,486.02

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

APRIL 26, 2016

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTIES FOR THE YEAR (S) INDICATED, DUE TO ERRONEOUS TAX PAYMENTS PAID ON THE FOLLOWING YEARS AND QUARTERS, 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>
MCDONALD, CAROL	794.28	14	2013/4	817.90
			2014/4	3386.47
			2015/4	3749.47
			2016/4	2764.14
TOTALS:				\$10,717.98

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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

APRIL 26, 2016

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTIES FOR THE YEAR (S) INDICATED, DUE TO A DAV EXEMPTION APPLIED TO THE PROPERTY, AND;

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
PASQUA, RENATO S. & LINDA	135.08	3	2016/1	963.93
TOTALS:				963.93

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

Approved as to content:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF OPEN-ENDED CONTRACTS FOR THE SUPPLY OF WORK, SPORT AND LIFEGUARD CLOTHING FOR VARIOUS DEPARTMENTS IN THE TOWNSHIP TO METUCHIN CENTER INC.; KEYPORT ARMY NAVY; THE LIBERTY STORE, INC.; DOT DESIGNING LLC; AMERICAN SOLUTIONS FOR BUSINESS; AND EAST COAST DESIGNS UNLIMITED, LLC, AS LOWEST BIDDERS PER LINE ITEM

APRIL 26, 2016

WHEREAS, bids were received on March 9, 2016 for the Supply of Work, Sport and Lifeguard Clothing for various departments in the Township; and

WHEREAS, bids were received, as follows:

Metuchen Center Inc.
10-12 Embroidery Street
Sayreville, NJ 08872

Keyport Army Navy
PO Box 985
Brick, NJ 08723

The Liberty Store, Inc.
5 East Genesee Street
Auburn, NY 13021

Dot Designing LLC
242 Possum Hollow Road
Monroe Twp., NJ 08831

American Solutions for Business
31 E. Minnesota Avenue
Glenwood, MN 56334

East Coast Designs Unlimited, LLC
218 Springfield Avenue
Hasbrouck Heights, NJ 07604

Office Basics Inc.
22 Creek Circle
Boothwyn, PA 19061

WHEREAS, the bids have been reviewed by the Purchasing Division, and they have recommended that the award of contracts be made as follows:

Metuchen Center Inc. Item Nos.: 78-81, 90, 91, & 95

Keyport Army Navy Item Nos.: 1-4, 7-10, 23, 29, 31, 32, 33, 37-49, 52, 53, 56-58, 59A, 59B, 60, 70, 100, 101, 104, 107, 110, 112, & 114

The Liberty Store Item Nos.: 50, 51, & 59C

Dot Designing LLC Item Nos.: 11, 12, 14-22, 24-28, 30, 36, 61, 64-67, 69, 71-74, 85, 86, 88, 89, 93, 94, 96, 99, 102, 105A-G, 106A-F, 108, 109, & 111

American Solutions for Business Item Nos.: 34, 35, 54, & 55

East Coast Designs Unlimited LLC Item Nos.: 5, 6, 13, 62, 63, 68, 75-77, 82-84, 87, 92, 97, 98, & 113

Office Basics Inc. was non-responsive.

The following items did not receive any bids and quotes will be obtained, Item No.: 103

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:

Metuchen Center Inc. Item Nos.: 78-81, 90, 91, & 95

Keyport Army Navy Item Nos.: 1-4, 7-10, 23, 29, 31, 32, 33, 37-49, 52, 53, 56-58, 59A, 59B, 60, 70, 100, 101, 104, 107, 110, 112, & 114

The Liberty Store Item Nos.: 50, 51, & 59C

Dot Designing LLC Item Nos.: 11, 12, 14-22, 24-28, 30, 36, 61, 64-67, 69, 71-74, 85, 86, 88, 89, 93, 94, 96, 99, 102, 105A-G, 106A-F, 108, 109, & 111

American Solutions for Business Item Nos.: 34, 35, 54, & 55

East Coast Designs Unlimited LLC Item Nos.: 5, 6, 13, 62, 63, 68, 75-77, 82-84, 87, 92, 97, 98, & 113

For items which no quotes were received, bids will be obtained.

2. These will be open-ended contracts with funds bring encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. These contracts are subject to all the terms and conditions of the bid specifications. Term of contract: One (1) year, commencing, retroactively, April 24, 2016 through April 23, 2017.

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) Police Department
- e) Recreation Department
- f) Office of Emergency Management
- g) Public Works Department
- h) Parks, Building & Grounds
- i) Aforementioned bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contracts awarded to Metuchen Center Inc.; Keyport Army Navy; The Liberty Store; Dot Designing, LLC; American Solutions for Business; and East Coast Designs Unlimited, LLC, 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: April 26, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CHANGE ORDER NO. 1 – WITH BURLEW MECHANICAL LLC, FOR THE REPLACEMENT OF CHILLER – WINDING RIVER ICE RINK PROJECT, FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$20,355.00, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$198,355.00

APRIL 26, 2016

WHEREAS, resolution of the Township Council dated November 10, 2015, authorized an award of contract to Burlew Mechanical LLC, as lowest responsible bidder meeting all the specifications for the Replacement of Chiller – Winding River Ice Rink Project, in the amount of \$178,000.00; and

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

1. Change Order No. 1 – Replacement of Chiller – Winding River Ice Rink Project with Burlew Mechanical LLC, to wit:

DESCRIPTION OF CHANGE:

Installation of two (2) trees and four (4) valves for future temporary chiller. Upgrade electrical service to new chiller as per 4/8/16 Change Order from Burlew Mechanical LLC. Reduction in construction allowance, and increase construction time frame to 2 weeks total downtime.

Installation of 2 tees and 4 valves for future temporary chiller - \$10,000.00

Additional electrical work – change existing breaker & wiring - \$15,355.00

Change order work will extend contract by one week.

Construction Allowance – (\$5,000.00)

Total: \$20,355.00

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	(\$5,000.00)
Total Extras This C.O.	X	X
Total Supplementary This C.O.	\$25,355.00	X
Total This C.O.	\$25,355.00	(\$5,000.00)
Previous Change Orders	X	X
Total Change Orders to Date	\$25,355.00	(\$5,000.00)
Net Change in Contract	\$20,355.00	X
ORIGINAL CONTRACT BID PRICE		\$178,000.00
NEW CONTRACT PRICE		\$198,355.00

be and the same is hereby ratified and confirmed.

2. Funds in the amount of \$20,355.00, are available in Account No. X-04- -219-001. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing Division
- e) Burlew Mechanical LLC
484 South Pine Avenue
South Amboy, NJ 08879

CERTIFICATION

THIS IS TO CERTIFY that the funds for Change Order No. 1 with Burlew Mechanical LLC, in the amount not to exceed \$20,355.00 are available in Account No. X-04- -219-001.

The actual encumbrance of the funds will be based upon the approval of fully executed purchase orders by the Chief Financial Officer. The purchase orders will encumber the funds for the above account at that time.

CHRISTINE J. MANOLIO
CHIEF FINANCIAL OFFICER

Dated: April 26, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT

**FOR EMERGENCY POWER GENERATOR SYSTEMS MAINTENANCE,
GENTRACKER MONITORING AND REPAIR SERVICES TO GENSERVE, INC., AS
LOW RESPONSIBLE BIDDER MEETING ALL THE SPECIFICATIONS, FOR A
MAXIMUM AMOUNT NOT TO EXCEED \$31,500.00 OVER THREE (3) YEARS**

APRIL 26, 2016

WHEREAS, bids were received on April 13, 2016 for Emergency Power Generator Systems Maintenance, Gentracker Monitoring and Repair Services; and

WHEREAS, bids were received, as follows:

	Genserve, Inc. 115A Twinbridge Drive Pennsauken, NJ 08110	Warshauer Generator LLC 800 Shrewsbury Avenue Tinton Falls, NJ 07724
Three (3) Year Grand Total Bid:	\$31,500.00	\$34,440.00
	Year 1	Year 1
Per Hour Rate for Additional Repairs and Service:	\$110.00	\$100.00
OT	<u>\$165.00</u>	
Sunday/Holiday	<u>\$200.00</u>	
	Year 2	Year 2
	\$110.00	\$100.00
OT	<u>\$165.00</u>	
Sunday/Holiday	<u>\$200.00</u>	
	Year 3	Year 3
	\$110.00	\$105.00
OT	<u>\$165.00</u>	
Sunday/Holiday	<u>\$200.00</u>	
Percentage discount above actual cost to vendor, price on additional parts or materials:	<u>30%</u>	<u>12%</u>

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 Genserve, Inc., for a total maximum amount not to exceed \$31,500.00 over three (3) years;

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

1. It hereby awards the contract for Emergency Power Generator Systems Maintenance, Gentracker Monitoring and Repair Services to Genserve, Inc., as low responsible bidder meeting all the specifications, for a total maximum amount not to exceed \$31,500.00 over three (3) years, as follows:

	Genserve, Inc. 115A Twinbridge Drive Pennsauken, NJ 08110	Warshauer Generator LLC 800 Shrewsbury Avenue Tinton Falls, NJ 07724
Three (3) Year Grand Total Bid:	\$31,500.00	\$34,440.00
	Year 1	Year 1
Per Hour Rate for Additional Repairs and Service:	\$110.00	\$100.00
OT	<u>\$165.00</u>	

Sunday/Holiday	\$200.00	
	Year 2	Year 2
	\$110.00	\$100.00
OT	\$165.00	
Sunday/Holiday	\$200.00	
	Year 3	Year 3
	\$110.00	\$105.00
OT	\$165.00	
Sunday/Holiday	\$200.00	
Percentage discount above actual cost to vendor, price on additional parts or materials:	30%	12%

The term of contract: April 12, 2016 through April 11, 2019. All terms and conditions of the bid specifications are applicable on this contract. The 2016 Maintenance funds are available in Account No. 6-01- -R20-531. Future maintenance will be encumbered upon approval of appropriate future municipal budgets. Additional repairs and service rates and materials shall be open-ended with funds being encumbered each time an order is placed contingent upon the availability of funds. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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) Parks, Buildings & Grounds
- e) Genserve, Inc.
115 Twinbridge Drive
Pennsauken, NJ 08110
- f) Warshauer Generator LLC
800 Shrewsbury Avenue
Tinton Falls, NJ 07724

CERTIFICATION

THIS IS TO CERTIFY that the contract awarded to Genserve, Inc., will be for a total maximum amount not to exceed \$31,500.00 over three (3) years.

The 2016 Maintenance funds are available in Account No. 6-01- -R20-531. Future maintenance will be encumbered upon approval of appropriate future municipal budgets. Additional repairs and service rates and materials shall be open-ended with funds being encumbered each time an order is placed contingent upon the availability of funds.

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

Dated: April 26, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN OPEN-ENDED CONTRACT FOR THE FIRST EXTENSION OF THE EXISTING CONTRACT FOR EMERGENCY MEDICAL THIRD PARTY BILLING AND COLLECTION SERVICES WITH DM MEDICAL BILLINGS, LLC THROUGH JUNE 27, 2017

APRIL 26, 2016

WHEREAS, resolution of the Township Council dated July 22, 2014, authorized the award of an open-ended contract for Emergency Medical Third Party Billing and Collection Services to DM Medical Billings, LLC, for a two (2) year term commencing retroactive to June 29, 2014 through June 28, 2016, with a percentage of fees collected of 4.95% for this service; and

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

WHEREAS, the Office of Emergency Management has determined that it is in the best interest of the Township of Toms River to extend the contract with DM Medical Billings, LLC, for an additional one (1) year term pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-15 (45);

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

1. It hereby authorizes the first extension of the existing contract with DM Medical Billings, LLC, for Emergency Medical Third Party Billing and Collection Services, for one (1) year. The extended contract term shall remain in effect through June 27, 2017, at the original percentage of fees collected of 4.95%.

2. The extended contract will be an open-ended contract with reimbursement of funds to DM Medical Billings, LLC, being encumbered and certified at time of service. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract extension is subject to all the terms and conditions of the original contract award.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Paul Daley, Office of Emergency Management
- e) Police Department
- f) DM Medical Billings, LLC
88 S. Lakeview Drive
Bldg. #2
Gibbsboro, NJ 08026

CERTIFICATION

THIS IS TO CERTIFY that the reimbursement funds for the first extension of the contract with DM Medical Billings, LLC, will be encumbered and certified at time of service (percentage on fees collected: 4.95%).

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: April 26, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT TO ASPEN LANDSCAPING CONTRACTING, INC., AS LOW BIDDER MEETING ALL THE SPECIFICATIONS, FOR THE NO NET LOSS TREE PLANTING GRANT BID, FOR A TOTAL MAXIMUM AMOUNT OF \$1,249,585.00

APRIL 26, 2016

WHEREAS, bids were invited on April 14, 2016 for the No Net Loss Tree Planting Grant Bid; and

WHEREAS, bids were received, as follows:

Aspen Landscaping Contracting Inc.
111 Springfield Road
Union, NJ 07083 \$1,249,585.00

Burke Environmental Inc.
2353 Route 34
Wall, NJ 08736 \$1,712,710.00

The Dawson Corporation
PO Box 400
Clarksburg, NJ 08510 \$1,787,180.00

Down to Earth Landscaping Inc.
705 Wright-Debow Road
Jackson, NJ 08527 \$1,959,625.00

The bid received from Kline Bros. Landscaping East, Ship Bottom, NJ, was non-responsive.

WHEREAS, the bids have been reviewed by the Purchasing Division and the Planning Department, and recommendation has been made to award a contract to Aspen Landscaping Contracting, Inc., as low bidder meeting all the specifications, for a maximum amount of \$1,249,585.00;

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

1. It hereby awards a contract for the No Net Loss Tree Planting Grant Bid to Aspen Landscaping Contracting Inc., as low bidder meeting all the specifications, for a maximum amount of \$1,249,585.00, and funds are available in Account No. X-99- -907-598. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all terms and conditions of the bid specifications.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Planning Department
- e) Aforementioned bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Aspen Landscaping Contracting, for a total maximum amount of \$1,249,585.00, are available in Account No. X-99- -907-598.

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: April 26, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A LICENSE AGREEMENT WITH THE COUNTY OF OCEAN AND THE OCEAN COUNTY UTILITIES AUTHORITY FOR EMPLOYEE PARKING AND STORAGE OF CERTAIN MATERIALS AND EQUIPMENT ON THE LICENSED PREMISES, BLOCK 1033, LOT 1

APRIL 26, 2016

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

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to a License Agreement on behalf of Toms River Township with the Ocean County Utilities Authority and the County of Ocean relating to a portion of the Ocean County Utilities Authority premises, located on Fielder Avenue, Block 1033, Lot 1, together with the County of Ocean, the purpose of which shall be to allow the Township of Toms River and the County of Ocean to provide employee parking and to store certain materials and equipment on the licensed premises for a period of one (1) year commencing on June 1, 2016 and ending on May 31, 2017. Said agreement provides that no charge shall be incurred by the Township. A copy of the License Agreement and Exhibits "A" and "B" are attached to this resolution as Schedule "A", and made a part hereof.

2. 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) Business Administrator
- c) Chief Financial Officer
- d) Township Engineer
- e) Public Works Department
- f) Recreation Department
- g) Joanne Kazanowsky, Assistant Secretary
Ocean County Utilities Authority

- 501 Hickory Lane
PO Box "P"
Bayville, NJ 08721
- h) John Sahradnik, Esq.
Berry, Sahradnik, Kotzas, Riordan & Benson
212 Hooper Avenue
PO Box 757
Toms River, NJ 08754

SCHEDULE "A"

"SEE ATTACHMENTS"

AMENDED 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 (THIS IS A \$14,000.00 GRANT OF WHICH THIS GRANT INCLUDES A \$7,000.00 FEDERAL SHARE AWARD AND A \$7,000.00 LOCAL MATCH)

APRIL 26, 2016

WHEREAS, 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; and

WHEREAS, resolution of the Township Council dated March 22, 2016, authorized the Township 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; and

WHEREAS, the Division of State of State Police has requested that additional Information be included in the Township 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 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. This is a \$14,000.00 grant of which this grant includes a \$7,000.00 Federal share award and a \$7,000.00 local match. Funds for the grant match in the amount of \$7,000.00 will be contingent upon adoption of the 2016 municipal budget.

2. The purpose of the grant is to contribute towards existing salaries.

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

CERTIFICATION

THIS IS TO CERTIFY that the funds for the Emergency Management Agency Assistance Grant local match in the amount of \$7,000.00, will be contingent upon adoption of the 2016 Municipal budget.

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: April 26, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CONTRACT FOR PROFESSIONAL SERVICES TO DYNAMIC TESTING SERVICE, FOR DRUG AND ALCOHOL TESTING FOR EMPLOYEES IN SAFETY-SENSITIVE POSITIONS, IN AN AMOUNT NOT TO EXCEED \$10,000.00

APRIL 26, 2016

WHEREAS, there exists a need for the retention of professional services with regard to drug and alcohol testing for employees of the Township of Toms River in safety-sensitive positions; and

WHEREAS, the maximum amount of the contract to be awarded under this resolution shall not exceed \$10,000.00; and

WHEREAS, the Local Public Contracts Law of New Jersey, N.J.S.A. 40A:11-1 et. seq. requires that the award of contracts for professional services without competitive bids be available for public inspection;

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 Dynamic Testing Service, for the aforesaid purpose as outlined hereinabove, in the total maximum amount not to exceed \$10,000.00, and funds are available in Account No. 6-01- -H03-534 contingent upon availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this professional services contract is being made in conformance with N.J.S.A. 19:44A-20.4

et. seq., and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 et. seq. This contract shall commence on November 1, 2015 and shall terminate on December 31, 2016.

2. A copy of the contract approved by this resolution is attached as Schedule "A".

3. A notice of this action shall be advertised once by the Clerk in the official newspaper of the Township of Toms River.

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) Purchasing Division
- c) Chief Financial Officer
- d) Personnel Department
- e) Public Works Department
- f) Department of Human Resources
- g) Nora Robinson, Benefits Mgr.
- h) Dynamic Testing Services, LLC
Attention: Peter Lukowiak
President
230 Main Street
Suite C
Toms River, N.J. 08753

CERTIFICATION

THIS IS TO CERTIFY that the funds for the professional services contract with Dynamic Testing Service, in the maximum amount not to exceed \$10,000.00, are available in Account No. 6-01- -H03-534, contingent upon availability of funds in the appropriate municipal budget.

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: April 26, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY,
AUTHORIZING THE TOWNSHIP TAX COLLECTOR TO COMPLETE
AN APPLICATION TO PARTICIPATE IN THE ELECTRONIC
TAX SALE PROGRAM**

APRIL 26, 2016

WHEREAS, N.J.S.A. 54:5-19.1, authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs; and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs; and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, the Township of Toms River wishes to participate in the pilot program for an electronic tax sale;

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 Tax Collector is authorized to complete an application to participate in the electronic tax sale program.
2. 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 Tax Assessor
 - d) Township Tax Collector
 - e) Township Auditor
 - f) Director of the Division of Local Government Services

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO
EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO AN AGREEMENT FOR THE
SERVICES OF ROK INDUSTRIES INC. D/B/A NJTAXLIENINVESTOR.COM FOR INTERNET
BASED ELECTRONIC PROCESSING OF BID INFORMATION RELATED TO THE AUCTION
SALE OF TOMS RIVER TOWNSHIP'S TAX LIEN CERTIFICATES**

APRIL 26, 2016

WHEREAS, N.J.S.A. 54:5-19.1(c), authorizes a pilot program for electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs; and

WHEREAS, the Township Tax Collector will submit an application for participation in the pilot program;

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

1. The Mayor is authorized to execute and the Township Clerk to attest to the Agreement for the services of ROK Industries Inc. d/b/a NJTaxlieninvestor.com for internet based electronic processing of bid information related to the auction sale of Toms River Township's tax lien certificates.
2. 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 Tax Assessor
 - d) Township Tax Collector

- e) Township Auditor
- f) Director of the Division of Local Government Services

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES
FOR A MAJOR SITE PLAN KNOWN AS ST. BARBARA'S GREEK ORTHODOX
CHURCH, BLOCK 192, LOTS 35.02 AND 36.01 (2200 CHURCH ROAD)**

APRIL 26, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as St. Barbara's Greek Orthodox Church, Block 192, Lots 35.02 and 36.01.

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) Maintenance Surety Bond in the amount of #8,250.00 is hereby released.
- 2) Township Clerk shall send a certified copy hereof to each of the following:
 - a. Township Engineer
 - b. Chief Financial Officer
 - c. Township Attorney
 - d. Attn: Tasos Papanikolas
St. Barbara's Greek Orthodox Church
2200 Church Road
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A
MAJOR SITE PLAN KNOWN AS BLOCK 657, LOTS 16, 17 AND 18
(Hyers Street & Legion Court)**

April 26, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Block 405.08, Lots 62 & 63.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #CT021714 in the amount of \$235,719.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$26,191.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$5,456.46 which represents the initial required escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Lotano Development, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.
- 3) Township Clerk shall send a certified copy hereof to each of the following:

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Gary Lotano
9 Central Avenue
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS DC REALTY GROUP, LLC, BLOCK 724.19, LOT 2 (729 FISCHER BLVD)

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as DC Realty Group, LLC, Block 724,19, Lot 2.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #B1171585 in the amount of \$4,590.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$510.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$500.00 which represents the initial required escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by DC Realty Group, LLC, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.
- 3) Township Clerk shall send a certified copy hereof to each of the following:
 - a. Township Engineer
 - b. Chief Financial Officer
 - c. Township Attorney
 - d. Joseph DiMarsico
DC Realty Group, LLC
276 Grande River Blvd
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING TREE REPLACEMENT GUARANTEE AND ACCEPTING MAINTENANCE GUARANTEE FOR THE MAJOR SUBDIVISION KNOWN AS CHURCH ROAD ESTATES, BLOCK 392, LOTS 15 THRU 18 (CHURCH ROAD)

APRIL 26, 2016

WHEREAS, the developer of Church Road Estates, has cleared the trees beyond the limits shown on the approved subdivision plan.

WHEREAS, the Township Engineer has approved a reforestation plan to mitigate the over clearing and values the work at \$50,000.00. Per Chapter 348-12.16 E, a Cash Bond in the amount of 115% of the total work is required to be posted.

WHEREAS, a Cash Bond in the amount of \$57,500.00 was posted as a Tree Replacement Performance Guarantee and accepted by the Township Council at its meeting of December 22, 2015.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Surety Bond #CT021709 in the amount of \$57,500.00 which represents the full Maintenance Guarantee, is hereby accepted;
- 2) WHEREAS, the Township Engineer has made an inspection of said Major Subdivision and finds that all improvements have been satisfactorily completed; and
- 3) WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees and the acceptance of the Maintenance Guarantees;

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

- 1) Previously posted cash bond in the amount of \$57,500.00, currently on deposit in account # 6-14- -0-2-101 is to be released.
- 2) Township Clerk shall send a certified copy hereof to each of the following:
 - a. Township Engineer
 - b. Chief Finance Department
 - c. Township Attorney
 - d. Symphony Lane Properties, LLC
104 Leonard Street
Lakewood, NJ 08701

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

**RESOLUTION AUTHORIZING RAFFLE EVENT SCHEDULED FOR SUNDAY
MAY 29, 2016, TO TOMS RIVER ELKS LODGE #1875**

APRIL 26, 2016

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

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

WHEREAS, Toms River Elks Lodge #1875 has applied to hold their on & off premise 50/50 raffle event for May 29, 2016 (Sunday), and to conducted their On & Off premise raffle event, due to prior scheduling, has been on the calendar of events for the year 2016; and

*WHEREAS, the Toms River Elks Lodge #1875
On & Off premise 50/50 raffle cannot be rescheduled due to conflicts;*

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

1. It hereby approves of the Toms River Elks Lodge #1875 On & Off Premise 50/50 raffle scheduled for May 29, 2016.

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

- a) *Mayor*
- b) *Attorney*
- c) *Township Clerk*
- d) *Business Administrator*
- e) *Township Council*
- f) *Michael Mastronardy, Chief of Police*
Toms River Elks Lodge #1875
600 Washington Street
Toms River, NJ 08753

REPORTS

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

- 1. Pre-Season Beach Badge Weekly Report- week #1- \$1,750.00
- 2. Bey Lea Golf Course- March 2016- \$66,726.89
- 3. Permits & Inspections Dept.- March 2016- \$488,174.50
- 4. Winding River Ice Rink – Monthly results March 2016 -\$121,604.25

APPROVAL OF BILLS

Council President Kubielski asked for a report on the bills.

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

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

Purchase Order 16-02192, payable to Toms River Bureau of Fire, in the amount of \$63,156.00.

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

Purchase Order 16-02097 and 16-02093, payable to Toms River Municipal Utilities Authority in the amount of \$2,415.00.

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

Purchase Order 16-02097 and 16-02093, payable to Toms River Municipal Utilities Authority in the amount of \$2,415.00.

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

Purchase Order 16-02311, payable to Board of Education-Toms River Schools in the amount of \$10,465,987.75.

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

Purchase Order 16-01170 and 16-01874, payable to Heartwood Ecological Consultant in the amount of \$1,105.00.

Purchase Order 16-01842, payable to Ocean County Board of Health in the amount of \$96.00.

Purchase Order 16-02129, payable to Owen, Little and Associates in the amount of \$8,745.50.

Purchase Order 16-02097 and 16-02093, payable to Saint Luke's Church in the amount of \$840.00.

Purchase Order 16-02097 and 16-02093, payable to Toms River Schools in the amount of \$6,000.00.

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

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

Purchase Order 16-02097 and 16-02093, payable to FY16 New Jersey Motor Vehicle Lease in the amount of \$3,645.00.

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

Purchase Order 16-04150, payable to Arya Property in the amount of \$573.00.

ELECTED OFFICIALS COMMENTS

Council President Kubiak spoke regarding New Jersey Natural Gas Company rate hearing and rate increase.

Councilmen Geoghegan, Carr, Wittmann had no comments.

Councilman Hill spoke regarding return to work after surgery; Open Space Acquisition Ordinance on agenda previously and Route 9 traffic conditions and need for open space.

Councilman Manforti spoke regarding land use acquisition ordinance and the need for it.

Councilwoman Maruca spoke regarding New Jersey Natural Gas company rate request; Mathis Bridge construction work, FEMA requests; Jersey Central Power and Light power outage earlier in 2016, and clean Ocean Action Cleaning Projects.

Mayor Kelaher had no comments.

PUBLIC COMMENTS

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

Pat Klaslo spoke regarding Building Department revenues in March 2016.

Nels Luthmann spoke regarding Planning Board Meeting last week and comments by board member Paul Wnek.

Carol Benson spoke regarding microphones at Council Meetings; Lakehurst Road construction; and regarding awards by Council at its meetings.

No further comments from the public appearing, a motion was made by Council Member Maruca, seconded by Council Member Hill, and carried to enter into a private Executive Session at 7:37 PM.

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. April 12, 2016 Executive Session Minutes
 2. Personnel
 3. Land Acquisitions
4. It is anticipated that deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

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

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

The Council reconvened the public portion at 8:02 P.M., with Council Members Carr, Hill, Manforti, Maruca, Geoghegan, Wittmann, and with Council President Kubieli all present.

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

**RESOLUTION APPROVING
EXECUTIVE SESSION MINUTES**

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

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

1. The following Executive Session Minutes are approved:

April 12, 2016

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

No other business appearing, the meeting was adjourned at 8:04 P. M., with Council Members Carr, Geoghegan, Hill, Manforti, Maruca, Wittmann, and with Council President Kubiell voting yes.

BRIAN S. KUBIEL, COUNCIL PRESIDENT

J. MARK MUTTER, TOWNSHIP CLERK