

May 10, 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 Manforti, seconded by Council Member Carr, and carried with Council Members Carr, Geoghegan, Hill, Manforti, Maruca, Wittmann, and Council President Kubiel voting yes, to approve the Minutes of the **Regular Meeting of April 26, 2016**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS

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

Mayor Kelaher and Council presented the following Resolution to the Representatives of Post 129 who were present. They presented poppies to everyone attending the meeting.

**Township of Toms River
Proclamation**

WHEREAS, the annual sale of Poppies by the **American Legion Auxiliary** of the United States has been officially recognized and endorsed by governmental leaders since 1922; and

WHEREAS, **American Legion Auxiliary** Poppies are assembled by disabled veterans and the proceeds of this most worthy fund raising campaign are used exclusively for the benefit of disabled and needy veterans and widows and children of deceased veterans; and

WHEREAS, the annual sale of Poppies enables all citizens to **“Honor the Dead By Helping the Living”** and pay tribute to the sacrifices made by members of the Armed Forces to protect the freedoms that we all enjoy as citizens of the greatest country on earth; and

WHEREAS, members of the **American Legion Auxiliary, Unit 129** will be distributing these poppies on May 1, 2016 through May 31, 2016; and

NOW, THEREFORE, I, Thomas F. Kelaher, Mayor of the Township of Toms River, and the Toms River Township Council Members, the County of Ocean and State of New Jersey, hereby proclaim

**MAY, 2016 AS
“POPPY MONTH”**

in the Township of Toms River and do hereby urge our residents and visitors to participate in this worthwhile endeavor which displays our gratitude to the men and women of our armed forces who are on constant vigil in defense of our nation.

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

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:

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 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 Kubiel 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 Maruca, seconded by Council Member Hill 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 Kubiel	- Yes

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, SUPPLEMENTING SECTION 477-61 (SCHEDULE III: NO STOPPING OR STANDING) OF CHAPTER 477 (VEHICLES AND TRAFFIC) OF THE TOWNSHIP CODE, TO ESTABLISH AND MEMORIALIZE NO STOPPING OR STANDING RESTRICTIONS ON NEW JERSEY STATE HIGHWAY ROUTE 35 NORTH AND ROUTE 35 SOUTH

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 477-61 (Schedule III: No Stopping or Standing) of Chapter 477 (Vehicles and Traffic) of the Code of the Township of Toms River, New Jersey is supplemented to add the following:

NAME OF STREET: Route 35 North

SIDES: Both

HOURS: All Times

LOCATION: Plainfield Avenue north to the municipal border with the Township of Brick

NAME OF STREET: Route 35 South

SIDES: Both

HOURS: All Times

LOCATION: The municipal border with the Township of Brick to the municipal border with the Borough of Lavallette

2. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 477 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, and posting of appropriate signs.

A motion was made by Council Member Maruca, seconded by Council Member Manforti, and carried with Council Members Carr, Geoghegan, Hill, Manforti, Maruca, Wittmann, and with Council President Kubieli 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 May 10, 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, May 13, 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 Hill, seconded by Council Member Manforti, and carried with Council Members Carr, Geoghegan, Hill, Kubieli, Manforti, Maruca, Wittmann, and with Council President Kubieli voting yes, to approve all the following items listed on the Consent Agenda, except item **B**, **C** and **O**, which were done separately.

RESOLUTION

MAY 10, 2016

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTIES FOR THE YEAR (S) INDICATED, DUE TO THE PROPERTY(IES) HAD SUBDIVISIONS ON THEM, AND THIS THEN CREATED REFUNDS,

AND;

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
V&S PRECAST	165	7	2015/4	40014.53
V&S PRECAST	165	7 B-04	2015/4	609.90
V&S PRECAST	165	10	2015/4	20919.57
V&S PRECAST	165	11	2015/4	22645.59
TOTALS:				\$84189.59

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

MAY 10, 2016

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

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
MCNALLY, JOSEPH & MARGUERITE	192.43	33	2016/1	1159.36
TOTALS:				1159.36

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

MAY 10, 2016

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTIES FOR THE YEAR (S) INDICATED, DUE TO THE PROPERTY HAD AN ASSESSMENT ADJUSTMENT RESULTING IN AN OVERBILL,

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
FABYANSKI, JOYCE & ANDREW WALLEN	1076.07	12	2015/4	1491.53
TOTAL:				1491.53

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

MAY 10, 2016

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTIES FOR THE YEAR (S) INDICATED, DUE TO THE PROPERTY(IES) HAD THE NEW JERSEY STATE HOMESTEAD REBATE APPLIED TO THE ACCOUNT, AND THE PROPERTIES ARE DAV EXEMPT, AND OR WERE ALSO GRANTED A DAV EXEMPTION,

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>BARK, WALTER & JACQUELINE</i>	<i>171.01</i>	<i>30</i>	<i>2016/2</i>	<i>436.60</i>
<i>GREENBERG, GLEN & ELIZABETH</i>	<i>444.09</i>	<i>12</i>	<i>2016/2</i>	<i>272.11</i>
<i>HARBORD, ALFRED</i>	<i>1502.09</i>	<i>4</i>	<i>2016/1</i>	<i>825.26</i>
			<i>2016/2</i>	<i>277.90</i>
<i>HOWELL, GEORGE JR. & LEE</i>	<i>804</i>	<i>29</i>	<i>2016/2</i>	<i>211.32</i>
<i>MOSS, JACK & BETTY</i>	<i>673</i>	<i>151</i>	<i>2016/2</i>	<i>403.80</i>
<i>REISER, MARTIN</i>	<i>233.33</i>	<i>25</i>	<i>2016/2</i>	<i>270.91</i>
<i>RIVERA, JUAN & ALEJANDRA</i>	<i>411.33</i>	<i>19</i>	<i>2016/2</i>	<i>446.31</i>
<i>SILVA, ROBERT & PATRICIA</i>	<i>1462.10</i>	<i>19</i>	<i>2016/2</i>	<i>459.38</i>
<i>TOTALS:</i>				<i>\$3603.59</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 OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A SHARED SERVICES RENEWAL AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND

**OCEAN COUNTY COLLEGE FOR SOLID WASTE AND RECYCLING
COLLECTION, COMMENCING JULY 1, 2016 AND THROUGH JUNE 30, 2018**

MAY 10, 2016

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to a Shared Services Renewal Agreement between the Township of Toms River and Ocean County College for solid waste and recycling collection. A copy of this agreement will be kept on file in the Office of the Township Clerk upon execution.

2. Contract Term: Commencing July 1, 2016 and terminating on June 30, 2018.

3. 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) Public Works Department
- e) Ocean County College
1 College Drive
Toms River, N.J. 08754
Attention: Dr. Jon H. Larson, President

RESOLUTION

May 10, 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#

Adding a vehicle

- | | |
|---|---------------------------------------|
| 1. TC USA Service LLC
244 Edgewood Drive
Toms River, NJ 08753
Balwinder Chandi | 276-16 2000 Chevy 80164 |
|---|---------------------------------------|

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

May 10, 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
#08-16**

**Harmony Massage Center
708 Fischer Blvd
Toms River, NJ 08753**

**MESSAGE LICENSE
#09-16**

**Chunyu Yin
697 Golden Drive
Toms River, NJ 08753**

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

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

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AND ESTABLISHING FEES FOR SUMMER CAMP RATES, EXTENDING SUMMER CAMP FOR TWO ADDITIONAL WEEKS, AND ESTABLISHING A SPRING AND WINTER BREAK PROGRAM FOR YOUTHS, PURSUANT TO SECTION 287-30 (AUTHORITY TO SET FEES FOR YOUTH SERVICES PROGRAMS) OF CHAPTER 287 (FEES) OF THE TOWNSHIP CODE

MAY 10, 2016

WHEREAS, pursuant to Section 287-30 (Authority to set fees for Youth Services programs) of Chapter 287 (Fees) of the Code of the Township of Toms River, New

Jersey, the Director of the Department of Human Services is hereby authorized to establish fees for all programs administered by the Division of Youth Services in a range from \$1.00 to \$500.00; and

WHEREAS, the Division of Youth Services recommends, and the Business Administrator has approved, the following adjustments to the fee schedule for the Youth Services program:

- 1) Extend summer camp for an additional two (2) weeks (2016), at a Cost of \$150.00 per child for 100 children.
- 2) Establish a spring and winter break program (Christmas week and Easter week) when schools are closed at a cost of \$150.00 per child for 40 children.

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

1. Pursuant to Section 287-30 (Authority to set fees for Youth Services programs) of Chapter 287 (Fees), the following fee schedule adjustments for the Youth Services program are hereby approved:

- 1) Extend summer camp for an additional two (2) weeks (2016), at a Cost of \$150.00 per child for 100 children.
- 2) Establish a spring and winter break program (Christmas week and Easter week) when schools are closed at a cost of \$150.00 per child for 40 children.

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

- a) Thomas Kelaher, Mayor
- b) Township Council
- c) Business Administrator
- d) Chief Financial Officer
- e) Township Attorney
- f) JoAnn Benson, Director, Human Services
- g) Youth Services

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

MAY 10, 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) Pomeroy, Earl L., Sr. & Shirley Pomeroy
12 Tulip Place
Toms River, NJ 08753
- i) Kennedy, James W. & Mae A. Kennedy
2220 Church Road
Toms River, NJ 08753

SCHEDULE "A"

CERTIFICATION OF COSTS

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TOTAL</u>
1. 192.05	66	2220 Church Road	\$8381.29
2. 412.06	84	12 Tulip Place	\$ 969.75

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, TO AMEND A RESOLUTION DATED MARCH 8, 2016 AWARDING CONTRACTS FOR SERVICES EXEMPT FROM THE BIDDING PROCESS (PART XXI) TO INCLUDE MASER CONSULTING, P.A. ON THE PREAPPROVED LIST OF POOL INSPECTION AND GENERAL ENGINEERING SERVICES COMMENCING APRIL 1, 2016 UP TO AND INCLUDING DECEMBER 31, 2016

MAY 10, 2016

WHEREAS, the Township Council of the Township of Toms River is desirous of creating a preapproved list of candidates for pool professional inspection and general engineering services up to and including December 31, 2016; and

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

<i>Principal Engineer</i>	<i>\$148.00/hr.</i>
<i>Project Manager (PE)</i>	<i>\$128.00/hr.</i>
<i>Design Engineer (EIT)</i>	<i>\$107.00/hr.</i>
<i>Design Engineer</i>	<i>\$ 97.00/hr.</i>
<i>Professional Land Surveyor (PLS)</i>	<i>\$133.00/hr.</i>
<i>(As a principal or partner)</i>	

<i>Professional Land Surveyor (PLS)</i>	<i>\$112.00/hr.</i>
<i>(As an associate)</i>	
<i>Senior Designer</i>	<i>\$ 77.00/hr.</i>
<i>Computer Technician</i>	<i>\$ 77.00/hr.</i>
<i>Engineering Technician</i>	<i>\$ 77.00/hr.</i>
<i>Survey Technician</i>	<i>\$ 66.00/hr.</i>
<i>Senior CADD Operator</i>	<i>\$ 77.00/hr.</i>
<i>CADD Operator</i>	<i>\$ 61.00/hr.</i>
<i>Field Survey Crew</i>	<i>\$138.00/hr.</i>
<i>Senior Inspector</i>	<i>\$ 87.00/hr.</i>
<i>Inspector Level 1</i>	<i>\$ 51.00/hr.</i>
<i>Inspector Level 2</i>	<i>\$ 71.00/hr.</i>
<i>Secretary/Clerical</i>	<i>\$ 33.00/hr.</i>
<i>Delivery</i>	<i>\$ 33.00/hr.</i>
<i>Prints</i>	<i>\$ 0.25/sq.ft.</i>
<i>Mylars</i>	<i>\$ 1.53/sq.ft.</i>
<i>Cloths</i>	<i>\$ 2.10/sq.ft.</i>
<i>Subcontract Services</i>	<i>120% of cost</i>
<i>Expenses</i>	<i>At cost; and</i>

WHEREAS, on March 8, 2016, this Council, by resolution, approved candidates to be placed on a preapproved list for pool professional inspection and general engineering services in a resolution awarding contracts exempt from the bidding process (**PART XXI**); and

WHEREAS, by inadvertence, Maser Consulting, P.A., was not included on this preapproved list; and

WHEREAS, Maser Consulting, P.A., 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701, submitted a conforming proposal which was publicly opened and read on December 1, 2015; and

WHEREAS, the firm of Maser Consulting, P.A. serves over 75 municipalities in New Jersey for various municipal projects in a wide area of expertise; and

WHEREAS, the firm of Maser Consulting, P.A. has 20 certified municipal engineers; and

WHEREAS, the firm of Maser Consulting, P.A. has been retained as an environmental expert by the Township of Toms River and find their services to be professional and competent:

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Toms River, authorizes Maser Consulting, P.A. to be placed on a preapproved list for pool inspection and general engineering services from March 8, 2016 up to and including December 31, 2016, with at the rate of:

<i>Principal Engineer</i>	<i>\$148.00/hr.</i>
<i>Project Manager (PE)</i>	<i>\$128.00/hr.</i>
<i>Design Engineer (EIT)</i>	<i>\$107.00/hr.</i>
<i>Design Engineer</i>	<i>\$ 97.00/hr.</i>
<i>Professional Land Surveyor (PLS)</i>	<i>\$133.00/hr.</i>
<i>(As a principal or partner)</i>	
<i>Professional Land Surveyor (PLS)</i>	<i>\$112.00/hr.</i>
<i>(As an associate)</i>	
<i>Senior Designer</i>	<i>\$ 77.00/hr.</i>
<i>Computer Technician</i>	<i>\$ 77.00/hr.</i>
<i>Engineering Technician</i>	<i>\$ 77.00/hr.</i>
<i>Survey Technician</i>	<i>\$ 66.00/hr.</i>
<i>Senior CADD Operator</i>	<i>\$ 77.00/hr.</i>
<i>CADD Operator</i>	<i>\$ 61.00/hr.</i>
<i>Field Survey Crew</i>	<i>\$138.00/hr.</i>
<i>Senior Inspector</i>	<i>\$ 87.00/hr.</i>
<i>Inspector Level 1</i>	<i>\$ 51.00/hr.</i>
<i>Inspector Level 2</i>	<i>\$ 71.00/hr.</i>
<i>Secretary/Clerical</i>	<i>\$ 33.00/hr.</i>

<i>Delivery</i>	<i>\$ 33.00/hr.</i>
<i>Prints</i>	<i>\$ 0.25/sq.ft.</i>
<i>Mylars</i>	<i>\$ 1.53/sq.ft.</i>
<i>Cloths</i>	<i>\$ 2.10/sq.ft.</i>
<i>Subcontract Services</i>	<i>120% of cost</i>
<i>Expenses</i>	<i>At cost</i>

BE IT FURTHER RESOLVED any awards for services is contingent upon the execution of a contract, the availability of funds, and the adoption of the CY16 budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

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

- a) *Mayor Thomas Kelaher*
- b) *Chief Financial Officer*
- c) *Township Council*
- d) *Business Administrator*
- e) *Township Attorney*
- f) *Dept. of Engineering, Construction Services, Code Enforcement, & Comm. Development*
- g) *Engineering Division*
- h) *Purchasing Division*
- i) *Township Clerk's Office*
- j) *Maser Consulting, PA,
331 Newman Springs Road, Suite 203
Red Bank, New Jersey 07701*

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

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: May 10, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, OPPOSING THE PETITION FILED BY NEW JERSEY
NATURAL GAS WITH THE BOARD OF PUBLIC UTILITIES, SEEKING APPROVAL OF AN
INCREASE IN RATES FOR NATURAL GAS SERVICE

MAY 10, 2016

WHEREAS, New Jersey Natural Gas (“NJNG”), which serves customers in Toms River Township and Ocean County, has filed a petition with the New Jersey Board of Public Utilities (“BPU”), seeking an increase of approximately \$148 Million to its delivery rates, which covers primarily the cost of constructing, operating and maintaining its infrastructure; and

WHEREAS, if fully approved by the BPU, it would result in an overall increase of approximately 24% on the typical customer’s annual bill; the average residential customer using 100 therms a month would pay about \$21.69 more per month; and;

WHEREAS, such a rate hike is out-of-line with the economic realities of hardworking families struggling to provide for their children and senior citizen retirees living on fixed retirement incomes; and

WHEREAS, such an exorbitant proposed rate increase is ludicrous and unconscionable; and

WHEREAS, such an unheard of increase would have a devastating impact on our residents; and

WHEREAS, Toms River residents are struggling to make ends meet, and many residents and businesses are still coping with the financial impact of Super Storm Sandy; and

WHEREAS, many New Jersey residents are out of work and are losing their homes through foreclosure, and

WHEREAS, senior citizens and families unable to pay the increase might resort to drastic measures in an effort to save money, such as keeping their heat at low or even dangerous levels during the coldest winter months in an effort to save money; and

WHEREAS, the proposed rate increase would adversely impact businesses in Toms River; and

WHEREAS, the proposed rate increase will force many families to choose between providing basic needs for their children, and place many of our senior citizens and families in the difficult position of choosing between turning their thermostats down to save on heat, or, putting food on their tables; and

WHEREAS, just ten months before asking for a 24% rate increase, NJNG executives received a 3% to 5% increase in base salary; and

WHEREAS, the Township Council is of the opinion that the rate increase proposed by NJNG is ludicrous, unconscionable, unwarranted, and unreasonable, and is adverse to the best interests of the residents of Toms River and Ocean County;

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 hereby expresses its strenuous opposition to the petition for a rate increase filed by NJNG.
2. The proposed unconscionable rate increase filed by NJNG should be rejected by the BPU for reasons stated above.
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) Township Council
- c) Paul J. Shives, Business Administrator
- d) Christine Manolio, Chief Financial Officer
- e) Kenneth B. Fitzsimmons, Township Attorney
- f) Board of Public Utilities
Two Gateway Center, 8th Floor
Newark, NJ 07102

- g) Richard S. Mroz, President
Board of Public Utilities
44 South Clinton Avenue
PO Box 350
Trenton, NJ 08625-0350
- h) New Jersey Natural Gas Company
1415 Wyckoff Road
Wall, NJ 07719
- i) Stefanie A. Brand, Director
The Division of Rate Counsel
140 East Front Street – 4th Floor
PO Box 003
Trenton, NJ 08625

**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 OFFICE OF THE OCEAN COUNTY
PROSECUTOR FOR POLICE SERVICES – FOR THE PROSECUTOR'S PROGRAM - 2016,
FORMERLY KNOWN AS FATAL ACCIDENT SUPPORT TEAM (F.A.S.T.)**

MAY 10, 2016

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to a Shared Services Agreement between the Township of Toms River and the Office of the Ocean County Prosecutor for the Prosecutor's Program - 2016, formerly known as the Fatal Accident Support Team (F.A.S.T.), for the term commencing retroactive to January 1, 2016 and terminating December 31, 2016. A copy of this Agreement will be kept on file in the Office of the Township Clerk upon execution.

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

- a) Mayor Thomas Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Grant Coordinator, Lorraine P. Adams
- f) Police Department, Attn: Chief Mitchell Little
- g) Chief Financial Officer
- h) Ocean County Board of Freeholders
P.O. Box 2191
Toms River, N.J. 08754-2191
- i) Ocean County Prosecutor's Office
Attn: Detective Michael Proto
Vehicular Homicide Unit
119 Hooper Avenue
P.O. Box 2191
Toms River, N.J. 08754-2191

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING A REDUCTION OF
PERFORMANCE GUARANTEES FOR A MAJOR SUBDIVISION KNOWN AS
CHURCH ROAD ESTATES, BLOCK 392, LOTS 15 THRU 18
(Church Road)**

MAY 10, 2016

WHEREAS, performance guarantees for a Major Subdivision entitled Church Road Estates, Block 392, Lots 15-18, had been posted with the Township of Toms River and accepted by way of Resolution dated July, 2013;

WHEREAS, the applicant has submitted the required reduced performance guarantees as follows:

- 1) Cash Bond in the amount of \$20,350.00 currently on deposit in account # 6-14- -902-101, is hereby retained;
- 2) Surety Rider #S0014621 reducing existing Rider from \$337,230.00 to \$183,150.00 is hereby accepted;

WHEREAS, a portion of the existing performance guarantees will be released as follows:

- 1) Cash Bond in the amount of \$37,470.00 with a portion of this amount to be retained (\$20,350.00) and the difference, \$17,120.00 to be released from account # 6-14- -902-101;

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) Said approval is conditioned upon compliance Symphony Lane Properties, 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.
- 2) Township Clerk shall send a certified copy hereof to each of the following:
 - a. Engineer
 - b. Finance Department
 - c. Township Attorney
 - d. Symphony Lane Properties, LLC
104 Leonard Street
Lakewood, NJ 08701
ATTN: Shimon Grinberger and Leah Grinberger

**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 TIFFANY'S, BLOCK 646, LOT 35.
(Route 37)**

May 10, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Tiffany's, Block 646, Lot 35.

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 # B1046864 in the amount of \$6,450.00, 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. Empire Land LLC

6 Circle Drive
Rumson, NJ 07760
ATTN: Bruno Duva

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

**RESOLUTION AMENDING RESOLUTION OF THE TOWNSHIP COUNCIL OF
THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY,
DATED APRIL 12, 2016, AUTHORIZING THE SALE OF SURPLUS TOWNSHIP
PERSONAL AND/OR TANGIBLE PERSONAL PROPERTY FOUND OR
RECOVERED BY THE POLICE DEPARTMENT NOT NEEDED FOR PUBLIC
USE, ON AN ONLINE AUCTION WEBSITE THROUGH USGOVBID
GOVERNMENT AUCTION LIQUIDATION SERVICES, TO REMOVE SIX (6)
VEHICLES FROM THE AUCTION AND TRANSFER SAME TO THE FIRE
DISTRICT FOR TRAINING EXERCISES**

MAY 10, 2016

WHEREAS, resolution of the Township Council dated June 24, 2014, and extended by resolution on June 9, 2015, authorized the Mayor to execute an Agreement with USGovBid Auction Liquidation Services, a full-service New Jersey State approved vendor, to conduct an online auction for surplus items, confiscated items, and abandoned items, at a fee of 4% commission on the full proceeds, and no Buyer's Premium; and

WHEREAS, the Township of Toms River also may have tangible personal property found or recovered by the Toms River Police Department; and

WHEREAS, the Township of Toms River is the owner of the vehicles and surplus equipment, attached herein, as Schedule "A", which are no longer needed for public use, and authorizes sale pursuant to N.J.S.A. 40A:11-36 to the highest bidder; and

WHEREAS, the Local Unit Technology Program and Study Act (PL 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, Toms River Township will be utilizing the online auction services of USGovbid Government Surplus located at www.usgovbid.com to perform the online auction services at a fee of 4% of the proceeds and no Buyer's Premium; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services Local Finance Notices 2008-9 and 2008-21; and

WHEREAS, resolution of the Township Council dated April 12, 2016, authorized the sale of surplus Township personal and/or tangible personal property found or recovered by the Police Department not needed for public use, on an online auction website through USGOVBID Government Auction Liquidation Services; and

WHEREAS, the Township has received a request from the Fire District to transfer six (6) vehicles to the Fire District for use during training exercises; and

WHEREAS, the Township Council has determined that it would be in the best interest of the Township to consent to the transfer/donation of these vehicles to the Fire District;

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 hereby declares the tangible personal property and surplus equipment is no longer needed for public use.
2. The Township and its officers, are hereby authorized and directed to take any and all steps necessary to proceed with a public sale of said vehicles and surplus equipment in "as is" condition.
3. The notice of the date, time, and place of the public sale, together with a description of surplus equipment and the conditions of sale, shall be published in the Asbury Park Press with the date being held not less than seven (7), not more than (14) days after publication of said notices utilizing the online auction services of USGovbid Government Surplus located at www.usgovbid.com, at a fee of 4% of the proceeds and no Buyer's Premium.
4. No limit shall be placed on the number of surplus items or vehicles that can be purchased by one bidder.
5. The Township shall retain the right to reject all bids.
6. The purpose of this amended resolution is to remove six (6) vehicles from the auction and to transfer same to the Fire District to be used for training exercises, pursuant to N.J.S.A. 40A:11-36(2), which allows for the sale or disposal of personal property to another contracting unit without advertising for public bid or auction. An amended list of the vehicles/property for auction is attached hereto as Schedule "A" and made a part of this resolution.
7. This resolution shall take effect immediately.
8. 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) Business Administrator
- c) Chief Financial Officer
- d) Township Attorney
- e) Police Department
- f) Public Works Department
- g) Department of Parks, Buildings & Grounds
- h) Fire District
- i) Lorraine Adams, Grant Coordinator
- j) L. Knemoller, Clerk's Office
- k) USGovBid Auction Liquidation Services
P.O. Box 1216
Eatontown, N.J. 07724
- l) USGovBid Auction Liquidation Services
1 Industrial Way West
Bldg. A
Eatontown, N.J. 07724
- m) Department of Community Affairs
Division of Local Government Services
Attn: Director
P.O. Box 803
Trenton, N.J. 08625-0803

SCHEDULE "A"

**Police
Department
Vehicles**

2003	Ford	Crown Vic	2FAFP71WX3X197997
2002	Ford	Crown Vic	2FAFP71W12X151232
2002	Ford	Crown Vic	2FAFP71W72X151235
2005	Ford	Crown Vic	2FAFP71W95X163567

2004	Ford	Crown Vic	2FAFP71W74X141226
2004	Dodge	Durango	1D4HB38N24F162023
2003	Ford	Crown Vic	2FAFP71WX3X198003
2001	Chrys.	PT Cruiser	3C4FY4BB11T662005
2004	Ford	Crown Vic	2FAFP71W04X141228
2000	Jaguar	S-T	6SAJDA01DOYGL44562

**Building
Department
Vehicles**

#153	2004	Dodge	Dakota	1D7HG38K64S654300
#154	2004	Dodge	Dakota	1D7HG38K84S654301
#150	2003	Chevrolet	Blazer	1GNNDT13X23K149923

**Park Security
Vehicles**

#803	2007	Ford	Ranger Pickup	1FTYR11E3PA19488
#802	2002	Chevrolet	Pickup	1GCCS14W528164005

**Public Works
Vehicles**

#57A	2008	Condor	Robo truck	5SXHANCY98R000092
#59	2005	Condor	Robo truck	49HHBVCYX5RU89956
#16	1998	F150	Ford Pickup	1FTRF1767WNC06708
#44	2004	Volvo	Tandem Dump	4V5KC9GF24N365772
#25	1991	F700	Ford Patch Truck	1FDXK74A1MVA17804

Miscellaneous:

- Poster Making Machine - Senior Center
- Pitney Bowes Postage Machine - Clerk
- File Cabinet Map Size
- (20) Vector police car light bars VCS Series A 12 Volts - 48" with amber arrow stick on rear (PD)
- (20) New Dodge Charger rear seats (various years 2012 -2015) (PD)
- (20) Dodge Charger right rear inside door panels - new (PD)
- (1) Mariner (Mercury Marine) 25 outboard boat motor (PD)
- (1) Blue Roadmaster Mountain Bike (PD)
- (5) Jamar Traffic Recorder (PD)
- (20) Conference Room Chairs with wheels, wooden legs, blue fabric, low back (PD)
- (30) Bicycles various sizes/colors (PD)
- (32) 22.5 Aluminum Rims with assorted offsets and widths 7", 7.5" and 8"

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE
TRANSFER/DONATION OF THREE (3) VEHICLES FROM THE POLICE
DEPARTMENT AND THREE (3) VEHICLES FROM THE
PUBLIC WORKS DEPARTMENT, NOT NEEDED FOR PUBLIC USE,
TO THE FIRE DISTRICT FOR TRAINING EXERCISES**

MAY 10, 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 transfer/donation of three (3) vehicles from the Police Department and three (3) vehicles from the Public Works Department to the Fire District, which are no longer needed for public use, pursuant to N.J.S.A. 40A:11-36(2), which allows for the sale or disposal of personal property to another contracting unit without advertising for public bid or auction.

2. Vehicle information is as follows;

#13	F150	1FTRF1769WNC06709
#101	F150	1FTPX28LOWCB03523
#49	F250	2FTPX28L9WCB03522
#185	Crown Vic	2FAFP71V28X130681
#211	Durango	1D4HS38N33F595154
#181	Crown Vic	2FAFP71W56X165480

3. The vehicles will be used by the Fire District for use during training exercises.

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) Laurie Knemoller, Clerk's Office
- e) Police Department
- f) Public Works Department
- g) Lorraine Adams, Grant Coordinator
- h) Fire District

Councilman Manforti questioned the location regarding the following Resolution.

Township Engineer Chankalian advised.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A
MAJOR SITE PLAN KNOWN AS BLOCK 535.03, LOTS 1 & 2
(Lakehurst Road)**

May 10, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Block 535.03, Lots 1 & 2.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond # SNN4002826 in the amount of \$53,730.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$5,970.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$1,243.00 which represents the required initial escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by R. Stone & Co, INC., 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. R. Stone & Co, INC.
201 Main Street
Toms River, NJ 08753

REPORTS

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

1. Clerk's Office- April 2016- \$6,044.28
2. Pre-Season Beach Badge Weekly Report- Week # 2- \$2,580.00
3. Pre-Season Beach Badge Weekly Report- Week # 3- \$2,925.00
4. Pre-Season Beach Badge Weekly Report- Week # 4- \$2,630.00
5. Pre-Season Pool Badge Weekly Report- Week # 2- \$75.00
6. Pre-Season Pool Badge Weekly Report- Week # 3- \$0.00
7. Pre-Season Pool Badge Weekly Report- Week # 4- \$0.00
8. Bey Lea Golf Course- April 2016- \$87,153.99
9. Winding River Ice Rink- April 2016- \$66,468.00
10. Youth Services- April 2016- \$113,901.00

APPROVAL OF BILLS

Council President Kubiell asked for a report on the bills.

The Bill List, dated **May 6, 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 Kubiell voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 16-01207 and 16-01947, payable to Dasti, McGuckin-Attorneys at Law, in the amount of \$5,294.25.

Purchase Order 16-02578, payable to Toms River Municipal Utilities Authority in the amount of \$507.00

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

Purchase Order 16-02578, payable to Toms River Municipal Utilities Authority in the amount of \$507.00.

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

Purchase Order 16-01944, payable to Heartwood Ecological Consultant in the amount of \$1,572.50.

Purchase Order 16-02254 and 16-02256, payable to Owen, Little and Associates, Inc., in the amount of \$10,266.00.

Purchase Order 16-02372 and 16-02482, payable to Saint Luke's Church in the amount of \$840.00.

Purchase Order 16-02372 and 16-02482, payable to Toms River Schools in the amount of \$180.00.

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

Purchase Order 16-01207 and 16-01947, payable to Dasti, McGuckin-Attorneys in Law in the amount of \$5,294.25.

Purchase Order 16-02372 and 16-02482, payable to FY16 NJ Motor Vehicle Lease In the amount of \$4,050.00.

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

Purchase Order 16-01947, payable to ARYA Properties (part of Dasti, McGuckin) in the amount of \$216.00.

Purchase Order 16-01944, payable to ARYA Properties (part of Heartwood Ecol.) in the amount of \$297.50.

Purchase Order 16-01945, payable to ARYA Properties (part of Remington, V&V) in the amount of \$2,827.50.

ELECTED OFFICIALS COMMENTS

Councilman Kubieli spoke regarding 2016 Food Fest; "B.E.A.T" center opening and Soul Kitchen opening earlier today.

Mayor Kelaher spoke regarding Police Department Open House and Animal Shelter Open House.

Councilwoman Maruca spoke regarding "B.E.A.T." center opening; Police Department Open House; and Mathis Bridge construction.

Councilmen Manforti, Carr, and Wittmann had no comments.

Councilman Hill spoke regarding "B.E.A.T." center opening; Police Department Open House; New Jersey Natural Gas rate increase request, and Route 9 traffic conditions.

Councilman Geoghegan spoke regarding "B.E.A.T." Center, and Police Unity Tour.

PUBLIC COMMENTS

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

Pat Klaslo spoke regarding Oak Avenue re-zoning proposal.

Alizar Nicholas Achmed Zorrojew, Toms River Business Improvement District's new director introduced himself.

Ken Langdon spoke regarding dune walkovers; parking in Ortley Beach, and opening of Ortley Beach in 2016.

Paul Jeffries spoke regarding Ortley Beach 2016 opening date.

No further comments from the public appearing, a motion was made by Council Member Maruca, seconded by Council Member Manforti, and carried to enter into a private Executive Session at 6:37 PM.

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

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
Matters in Litigation
Attorney Client Privilege
Land Acquisitions

3. The following specific topics were announced.
 1. April 26, 2016 Executive Session Minutes
 2. Personnel
 3. Update on Chabad Litigation
 4. Procedure for considering change of 0-10 zone requirements.
 5. Open Space 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 Kubiel	- Yes

The Council reconvened the public portion at 7:17 P.M., with Council Members Carr, Geoghegan, Hill, Wittmann, and Council President Kubiell present, and with Council Members Manforti and Maruca absent.

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

**RESOLUTION APPROVING
EXECUTIVE SESSION MINUTES**

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

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

1. The following Executive Session Minutes are approved:

April 26, 2016

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

No other business appearing, the meeting was adjourned at 7:18 P. M., with Council Members Carr, Hill, Wittmann, and Council President Kubiell voting yes, and with Council Members Manforti and Maruca absent.

BRIAN S. KUBIEL, COUNCIL PRESIDENT

J. MARK MUTTER, TOWNSHIP CLERK