

June 6, 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 5:00 PM.

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

A moment of silence was held for the 72nd Anniversary of D-Day.

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	- Absent
Council President Kubiel	- Present

APPROVAL OF MINUTES

A motion was made by Council Member Wittmann, seconded by Council Member Carr, and carried with Council Members Carr, Geoghegan, Hill, Wittmann, and Council President Kubiel voting yes, and Council Member Maruca abstaining as she was absent on May 24, 2016, and with Council Member Manforti absent, to approve the Minutes of the **Regular Meeting of May 24, 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 Wittmann, and carried with Council Members Carr, Hill, Geoghegan, Maruca, Wittmann, and Council President Kubiel voting yes, and with Council Member Manforti absent, to make the following honoring proclamations a part of the Minutes.

Council Member Wittmann presented a proclamation to Eagle Scout Peter Shenouda.

Peter Shenouda described his Eagle Scout project.

Township of Toms River
Proclamation

June 6, 2016

Eagle Scout Court of Honor

WHEREAS, Peter Shenouda has progressed through the ranks of Boy Scouts and achieved the highest rank of Eagle Scout; and

WHEREAS, to achieve such a high rank, one must surpass life's youthful experiences and embark on leadership qualities and accomplishments signifying the beginning of manhood; and

WHEREAS, Peter's community project to become an Eagle Scout was to build eight picnic tables and renovate a bocce pit for the American Legion Post 129 which he completed and is now being honored for his accomplishment at the June 6, 2016 Toms River Township Council meeting.

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, extend our congratulations to **Peter Shenouda** on his great achievement of becoming an Eagle Scout. We are always "proud" to honor individuals such as **Peter Shenouda** because they serve as a constant reminder to all within our community of the positive influences one young man can have as he forges ahead into his future as a successful businessman and community leader.

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 Police Chief Little spoke regarding Officer Richard Ross who retired. Officer Ross spoke regarding his service in the Police Department.

Frank Palino and Stephen Russell were not present. They also retired.

The following officers were introduced by Police Chief Little for their promotion, and Mayor Kelaher swore them in:

Sergeant Robert Burczyk
Sergeant Thomas Dugan
Lieutenant Christopher Anderson

Five minutes recess.

The Council reconvened with Council Members Carr, Hill, Maruca, Wittmann, and Council President Kubiak all present, and with Council Members Manforti and Geoghegan absent.

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SECTIONS 477-18 (IMMEDIATE DEPOSIT OF COIN; CHARGES), 477-65 (SCHEDULE VII:ON STREET METERED PARKING), AND 477-66 (SCHEDULE VIII; OFF-STREET METERED PARKING) OF THE TOWNSHIP CODE TO REVISE PARKING FEES TO COVER THE COST OF THE PARKING AUTHORITY'S INFRASTRUCTURE IMPROVEMENTS

WHEREAS, *the Toms River Parking Authority ("TRPA") is authorized pursuant to Section 71G of the Township Code to provide for and collect revenues to serve the residents of the Township; and*

WHEREAS, *the TRPA and the Township jointly commissioned a parking study completed in October 2014 that recommended, among other things, that the TRPA update its mechanisms for collecting, tracking, and allocating revenues; and*

WHEREAS, *TRPA has proposed to install new, more technologically advanced meters to meet these goals, which are supported by TRPA's auditors; and*

WHEREAS, *TRPA requires a modest increase in revenues to cover the anticipated \$250,000 cost of the new meters and the associated technology; and*

WHEREAS, *TRPA by resolution has formally requested that the Township amend the hourly rates for street parking to \$0.50 per hour and establish a progressive parking rate schedule beyond the base time of two hours; and*

WHEREAS, *this would represent the first increase in street parking fees since 1993; and*

WHEREAS, *the Township Council finds that the improvements proposed will significantly improve the efficiency of TRPA's operations and management and significantly enhance the public interest, thereby justifying the increased fees:*

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

1. *Section 477-18 (Immediate Deposit of Coin; Charges) is hereby amended and supplemented to provide as follows:*

§477-18. Immediate deposit of coin; charges.

A. *The owner or operator vehicle shall, immediately upon entering a parking space, deposit one or more coins of the United States of America in the parking meter adjoining such parking space and turn the lever to cause the parking meter to operate. Failure to deposit the coin or coins or to turn the lever to operate will constitute a violation of this section.*

B. *The fee for all parking meters shall be \$0.50 per hour for the first two hours of parking. For all hours beyond two, the rate schedule*

shall increase progressively per hour, as provided in §§477-65 and -66.

2. Section 477-65 (Schedule VII: On-Street Metered Parking) of the Township Code is hereby amended and supplemented as provided in Schedule A attached hereto.

3. Section 477-66 (Schedule VIII: Off-Street Metered Parking) of the Township Code is hereby amended and supplemented as provided in Schedule B attached hereto.

4. All other provisions of Chapter 477 remain in full force and effect.

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

6. If any provision of this ordinance is for any reason invalidated by superseding legislation or judicial decision, that provision shall be severed, and the remaining provisions shall remain in full force and effect.

7. 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.

SCHEDULE A

"SEE ATTACHMENTS"

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on June 6, 2016 at 5:00 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 June 21, 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, June 10, 2016.

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

Councilman Geoghegan returned to the dais.

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 Maruca, and carried with Council Members Carr, Geoghegan, Hill, Kubieli, Maruca, Wittmann, and Council President Kubieli voting yes, and with Council Member Manforti absent, to approve all the following items listed on the Consent Agenda.

RESOLUTION

JUNE 6, 2016

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO PROPERTY(IES) BEING DAV EXEMPT AND OR HOMESTEAD REBATES DUE TO DAV EXEMPT,

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>DE SENA, VINCENT</i>	<i>694.16</i>	<i>61.02</i>	<i>2016/1</i>	<i>1162.77</i>
<i>LENNON, JOHN J. & PATRICIA M.</i>	<i>135.27</i>	<i>35</i>	<i>2016/1</i>	<i>833.72</i>
			<i>2016/2</i>	<i>833.71</i>
<i>MALEY, FREDERICK, & JULIA</i>	<i>444.39</i>	<i>16</i>	<i>2016/2</i>	<i>424.69</i>
<i>TOTALS:</i>				<i>\$3254.89</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

JUNE 6, 2016

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

AND;

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
MARK & HELENE FEITELSON	414	29.03	2015/4	1174.42
TOTALS:				1174.42

- 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 CHANGE ORDER NOS. 2, 3, 4, AND 5 – WITH PETER V. PIROZZI GENERAL CONTRACTING LLC, FOR THE TOMS RIVER TOWN HALL WINDOW REPLACEMENT PROJECT, FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$10,982.00, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$590,370.00

JUNE 6, 2016

WHEREAS, resolution of the Township Council dated July 28, 2015, authorized an award of contract to Peter V. Pirozzi General Contracting, LLC, as low bidder meeting all the specifications, for the Toms River Town Hall Window Replacement Project, in the amount of \$504,388.00; and

WHEREAS, resolution of the Township Council dated May 24, 2016, authorized Change Order No. 1 with Peter V. Pirozzi General Contracting, LLC, in the amount of \$75,000.00, for a total contract amount not to exceed \$579,388.00;

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. Change Order No. 2 – for the Toms River Town Hall Window Replacement Project with Peter V. Pirozzi General Contracting, LLC, to wit:

DESCRIPTION OF CHANGE:

Remove and replace exterior trim-abated windows in older portion of Town Hall where trim has to be removed destructively to abate window.

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	X
Total Extras This C.O.	X	X
Total Supplementary This C.O.	\$11,182.00	X
Total This C.O.	\$11,182.00	X
Previous Change Orders	\$75,000.00	X
Total Change Orders to Date	\$86,182.00	X
Net Change in Contract	\$86,182.00	X
ORIGINAL CONTRACT BID PRICE		\$504,388.00
NEW CONTRACT PRICE		\$590,570.00

be and the same is hereby ratified and confirmed.

2. Change Order No. 3 – for the Toms River Town Hall Window Replacement Project with Peter V. Pirozzi General Contracting, LLC, to wit:

DESCRIPTION OF CHANGE:

Asbestos abatement of windows removed prior to November 19, 2015, including labor to transfer ACM to lined dumpster, NJ Filing Fee, Materials, Equipment and delay associated with work stoppage following detection of ACM on Project site. (\$25,000.00 but \$14,397.42 was issued on January 22, 2016).

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	X
Total Extras This C.O.	X	X
Total Supplementary This C.O.	\$ 25,000.00	X
Total This C.O.	\$ 25,000.00	X
Previous Change Orders	\$ 86,182.00	X
Total Change Orders to Date	\$111,182.00	X
Net Change in Contract	\$111,182.00	X
ORIGINAL CONTRACT BID PRICE		\$504,388.00
NEW CONTRACT PRICE		\$615,570.00

be and the same is hereby ratified and confirmed.

3. Change Order No. 4 – for the Toms River Town Hall Window Replacement Project with Peter V. Pirozzi General Contracting, LLC, to wit:

DESCRIPTION OF CHANGE:

Reduction in various bid Item Nos. 29, 30, 31, 32 and 33 and reduction of the general allowance.

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	(\$33,500.00)
Total Extras This C.O.	X	X
Total Supplementary This C.O.	X	X
Total This C.O.	X	(\$33,500.00)
Previous Change Orders	\$111,182.00	X
Total Change Orders to Date	\$ 77,682.00	(\$33,500.00)
Net Change in Contract	\$ 77,682.00	X

ORIGINAL CONTRACT BID PRICE	\$504,388.00
NEW CONTRACT PRICE	\$582,070.00

be and the same is hereby ratified and confirmed.

4. Change Order No. 5 – for the Toms River Town Hall Window Replacement Project with Peter V. Pirozzi General Contracting, LLC, to wit:

DESCRIPTION OF CHANGE:

Adjustment in window quantities and sizes.

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	(\$18,798.00)
Total Extras This C.O.	\$ 23,098.00	X
Total Supplementary This C.O.	\$ 4,000.00	X
Total This C.O.	\$ 27,098.00	(\$18,798.00)
Previous Change Orders	\$ 77,682.00	(\$33,500.00)
Total Change Orders to Date	\$ 85,982.00	(\$52,298.00)
Net Change in Contract	\$ 85,982.00	X
ORIGINAL CONTRACT BID PRICE		\$504,388.00
NEW CONTRACT PRICE		\$590,370.00

be and the same is hereby ratified and confirmed

2. Funds in the amount of \$10,982.00, are available in Account No. X-04- -199-001. 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) Peter V. Pirozzi General Contracting Inc.
64 Sand Bridge Road
Pittsgrove, NJ 08318

CERTIFICATION

THIS IS TO CERTIFY that the funds for Change Order Nos. 2-5 with Peter V. Pirozzi General Contracting LLC, for a total increase in the amount not to exceed 10,982.00, are available in Account No. X-04- -199-001.

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: June 6, 2016

AMENDMENT TO RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, DATED JANUARY 29, 2015, WHICH AUTHORIZED AWARD OF A CONTRACT TO MASER CONSULTING PA, FOR THE

PREPARATION OF NEIGHBORHOOD CIRCULATION PLAN FOR DOWNTOWN TOMS RIVER WATERFRONT REDEVELOPMENT, FOR THE PLANNING DEPARTMENT, FOR A TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$49,950.00 (MONIES WILL BE FUNDED THROUGH A POST-SANDY PLANNING GRANT) (NO ADDITIONAL MONIES ARE REQUIRED FOR THIS CONTRACT AMENDMENT)

(THE PURPOSE OF THIS CONTRACT AMENDMENT IS TO REFLECT THE ACTUAL SUBTASK TOTALS FOR THIS PROJECT, AS THE ORIGINAL CONTRACT WAS A COST ESTIMATE ONLY, AND TO EXTEND THE CONTRACT DATE THROUGH JUNE 30, 2016)

JUNE 6, 2016

WHEREAS, bids were invited on December 19, 2014 for Preparation of Neighborhood Circulation Plan for Downtown Toms River Waterfront Redevelopment, for the Planning Department, to be paid for by the Post-Sandy Planning Grant; and

WHEREAS, resolution of the Township Council dated January 29, 2015, awarded a contract to Maser Consulting PA, for the Preparation of Neighborhood Circulation Plan for Downtown Toms River Waterfront Redevelopment, for the Planning Department, for a total contract amount not to exceed \$49,950.00; and

WHEREAS, by memorandum dated May 31, 2016, received from Maser Consulting PA, they are requesting a contract amendment to change the subtask budgets, in order to reflect the actual task amount totals for this project, and to request a contract extension through June 30, 2016; and

WHEREAS, there is no additional monies required for this contract amendment;

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 a contract amendment, which contract was awarded to Maser Consulting, PA, for the Preparation of Neighborhood Circulation Plan for Downtown Toms River Waterfront Development, for the Planning Department, in order to reflect the actual task amount totals for this project, and to extend the contract date to June 30, 2016. The original contract amount of \$49,950.00, will remain the same. No additional monies are required for this contract amendment. All other terms and conditions of the original resolution dated January 29, 2015 and contract dated January 30, 2015, will remain the same and in full force and effect.

2. The purpose of this contract amendment is to reflect the actual subtask totals for this project, as the original contract was a cost estimate only, and to extend the contract date through June 30, 2016.

3. The original maximum amount not to exceed \$49,950.00 is available in Account No. X-99- -906-018 (funded through a Post-Sandy Planning Grant). The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Township Planner
- e) Assistant Township Planner
- f) Maser Consulting PA
331 Newman Springs Road
Suite 203
Red Bank, NJ 07701
Attn: Dave Roberts

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Maser Consulting, PA, in the total maximum contract amount not to exceed \$49,950.00, will be funded through a Post-Sandy Planning Grant, and are available in Account No. X-99- -906-018. No additional monies are required in connection with this contract amendment. The only change is to reflect the actual subtask totals for this project.

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: June 6, 2016

AMENDMENT TO RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, DATED JANUARY 29, 2015, WHICH AUTHORIZED AWARD OF CONTRACT TO MASER CONSULTING PA, FOR THE PREPARATION OF NEIGHBORHOOD PLAN FOR ORTLEY BEACH AND ROUTE 35 CORRIDOR, FOR THE PLANNING DEPARTMENT, FOR A TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$49,965.00 (MONIES WILL BE FUNDED THROUGH A POST-SANDY PLANNING GRANT)

(NO ADDITIONAL MONIES ARE REQUIRED FOR THIS CONTRACT AMENDMENT)

(THE PURPOSE OF THIS CONTRACT AMENDMENT IS TO REFLECT THE ACTUAL SUBTASK TOTALS FOR THIS PROJECT, AS THE ORIGINAL CONTRACT WAS A COST ESTIMATE ONLY)

JUNE 6, 2016

WHEREAS, bids were invited on December 19, 2014, for Preparation of Neighborhood Plan for Ortley Beach and Route 35 Corridor for the Planning Department, to be paid for by the Post-Sandy Planning Grant; and

WHEREAS, resolution of the Township Council dated January 29, 2015, awarded a contract to Maser Consulting PA, for the Preparation of Neighborhood Plan for Ortley Beach and Route 35 Corridor for the Planning Department, with monies being funded through a Post-Sandy Planning Grant, in the maximum amount not to exceed \$49,965.00; and

WHEREAS, by memorandum received from Maser Consulting, PA, they are requesting a contract amendment to change the subtask budgets for this project, in order to reflect the actual task amount totals for this project; and

WHEREAS, there is no additional monies required for this contract amendment;

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 a contract amendment, which contract was awarded to Maser Consulting, PA, for the Preparation of Neighborhood Plan for Ortley Beach and Route 35 Corridor, for the Planning Department, to Maser Consulting, PA, in order to reflect the actual task amount totals for this project. The original contract amount not to exceed \$49,965.00, will remain the same. No additional monies are required for this contract amendment. All other terms and conditions of the original resolution dated

January 29, 2015 and contract dated January 30, 2015, will remain the same and in full force and effect.

2. The purpose of this contract amendment is to reflect the actual subtask totals for the project, as the original contract was a cost estimate only.

3. The original maximum amount not to exceed \$49,965.00 is available in Account No. X-99- -906-018 (funded through a Post-Sandy Planning Grant). The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Township Planner
- e) Assistant Township Planner
- f) Maser Consulting PA
331 Newman Springs Road
Suite 203
Red Bank, NJ 07701
Attn: Dave Roberts

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Maser Consulting, PA, in the total maximum contract amount not to exceed \$49,965.00, will be funded through a Post-Sandy Planning Grant, and are available in Account No. X-99- -906-018. No additional monies are required in connection with this contract amendment. The only change is to reflect the actual subtask totals.

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: June 6, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING,
CHANGE ORDER NO. 1 - FINAL (REDUCTION IN CONTRACT IN THE AMOUNT OF
\$2,499.40), RELEASING PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE
BOND, AND AUTHORIZING RELEASE OF RETAINAGE TO CONTRACTOR, EARLE
ASPHALT COMPANY, IN THE AMOUNT OF \$2,450.77, FOR THE CLOSEOUT OF THE
RECONSTRUCTION OF ORTLEY ROADS AND SEWER REPAIR PROJECT #3 –
BALTIMORE AVENUE PIPE REPLACEMENT PROJECT**

JUNE 6, 2016

WHEREAS, resolution of the Township Council dated June 9, 2015, awarded a contract to Earle Asphalt Company, as lowest bidder meeting all the specifications, for the Reconstruction of Ortley Roads and Sewer Repair Project #3 – Baltimore Avenue Pipe Replacement, in the maximum amount not to exceed \$145,913.13; and

WHEREAS, the contractor retained for the Reconstruction of Ortley Roads and Sewer Repair Project #3 – Baltimore Avenue Pipe Replacement, has submitted the required documents in connection with the closeout of this project; and

WHEREAS, it is necessary to take certain action with respect to documents that are required to be completed before the project can be closed out and payment processed, as follows:

- a) Contractor's Application for Release of Retainage in the amount of \$2,450.77.
- b) Contractor's Affidavit.
- c) Change Order No. 1 - Executed by the contractor for a reduction in the contract amount of \$2,499.40.
- d) Original Maintenance Bond No. 82386100M with Earle Asphalt Company, as Principal and Federal Insurance Company, as Surety.

WHEREAS, Change Order 1 – to the contract with Earle Asphalt Company, to wit:

DESCRIPTION OF CHANGE – CHANGE ORDER NO. 1 - REDUCTION:

Adjustments in various quantities and addition of unforeseen dewatering. Net reduction.

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	(\$26,859.40)
Total Extras This C.O.	\$ 3,485.00	X
Total Supplementary This C.O.	\$20,875.00	X
Total This C.O.	\$24,360.00	(\$26,859.40)
Previous Change Orders	X	X
Total Change Orders to Date:	\$24,360.00	(\$26,859.40)
Total Change in Contract		(\$2,499.40)
ORIGINAL CONTRACT BID PRICE:	\$145,913.13	
NEW CONTRACT PRICE:	\$143,413.73	

be and the same is hereby ratified and confirmed;

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 appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation, to close out the Reconstruction of Ortley Roads and Sewer Repair Project #3 – Baltimore Avenue Pipe Replacement, approval of Change Order No. 1 – Final, releasing Performance Bond, acceptance of Maintenance Bond, and authorizing release of retainage to contractor, in the amount of \$2,450.77. Funds in the amount of \$2,450.77, are available in Account No. X-04- -217-009. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing Division
- e) Earle Asphalt Company
PO Box 556
Farmingdale, NJ 07727

CERTIFICATION

THIS IS TO CERTIFY that the funds for release of retainage to Earle Asphalt Company, in the amount of \$2,450.77, are available in Account No. X-04- -217-009.

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: June 6, 2016

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

JUNE 6, 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) Kroboth, Gary & Catherine
616 Conroy Avenue
Toms River, NJ 08753
- i) Pallister, Cori L.
2315 Crystal Mile Court
Toms River, NJ 08755
- j) Kathleen Taylor
15 Bluewater Drive
Key West, FL 32040
- k) Dye, Carol & Ronald S. McNeal
1231A Thornbury Lane

- Manchester, NJ 08759
- l) Panza, Jeffrey & Heidi
101 Minturn Road
Toms River, NJ 08753
- m) Field Asset Services
101 W. Louis Henna Blvd.
Suite 400
Austin, TX 78728
Attn: Kimberly Turko
- n) Zarsky, Christine
583 Innkeeper Lane
Toms River, NJ 08753
- o) Pluse, Becker & Saltman
2000 Horizon Way
Suite 900
Mt. Laurel, NJ 08054
Attn: Sanford Becker
- p) T&C Management LLC
PO Box 23
Brookside, NJ 07926
- q) Esposito, Michael
289 Rivers Edge Lane
Toms River, NJ 08755

SCHEDULE "A"

CERTIFICATION OF COSTS

	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TOTAL</u>
1.	1062	33	318 Sunset Drive North	\$966.50
2.	794.20	35	101 Minturn Road	\$539.25
3.	796.03	35	583 Innkeeper Lane	\$991.10
4.	1501.19	27	1085 Ruby Drive	\$539.25
5.	159	16.07	2315 Crystal Mile Court	\$539.25
6.	1108.15	3	616 Conroy Avenue	\$927.38
7.	1462.14	6	1865 Starboard Court	\$891.80
8.	298.03	19	289 Rivers Edge Lane	\$782.40

RESOLUTION

June 6, 2016

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

**MESSAGE LICENSE
#42-16**

**Nusome Wen
1120 Aspen Dr
Toms River, NJ 08753**

**MESSAGE LICENSE
#43-16**

**Ying Wang
1120 Aspen Dr
Toms River, NJ 08753**

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

respect to licensing; and

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

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

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

RESOLUTION

June 6, 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. ABC Beach Taxi cab
1881 Route 37 W lot 343
Toms River, NJ 08757
Adam Mateo | 206-16 2000 | Lincoln | 66116 |
| 2. EZ Taxi Service
13 Route 37 East
Toms River, NJ 08753
Balkar Mola | 511-16 2002 | Toyota | 82904 |

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

June 6, 2016

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

<u>Taxi Company</u>	<u>License #, Year, Car Description, Vin#</u>
---------------------	---

Transferring Owners from Balwinder Chandi "7 Star Taxi" to Hardil Singh

- | | | |
|---|--------------------|-------|
| 3. 7 Star Taxi
2210 Royal Oaks Dr.
Toms River, NJ | 423-16 2006 Toyota | 65258 |
|---|--------------------|-------|

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:

2. 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

June 6, 2016

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

<u>Name</u>	<u>Type of License</u>	<u>Taxi Company</u>
-------------	------------------------	---------------------

30-16 Hardil Singh	Taxi Driver	7 Star Taxi
--------------------	-------------	-------------

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

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

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS BLOCK 1070.01, LOTS 19, 19.01 AND 24 (ROUTE 37)

JUNE 6, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Block 1070.01, Lots 19, 19.01 & 24.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$3,200.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$500.00 which represents the required initial escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by C & G Landscaping Tree Service, 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. C & G Landscaping
18 North Gateway
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 472, LOT 11.02 (501 CORPORATE CIRCLE)

JUNE 6, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as, Block 472, Lot 11.02.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond# S303204 in the amount of \$206,190.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$22,910.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$4,772.16 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 501 Corporate Circle 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. Robert C. Shea
501 Corporate Circle LLC
244 Main Street PO Box 2627
Toms River, NJ 08754

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING RENEWAL OF MEMBERSHIP IN THE OCEAN COUNTY MUNICIPAL JOINT INSURANCE FUND AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A RENEWAL MEMBERSHIP AGREEMENT

JUNE 6, 2016

WHEREAS, the Township of Toms River is a member of the Ocean County Municipal Joint Insurance Fund ("JIF"); and

WHEREAS, the Township's membership in JIF terminates as of December 31, 2016 unless earlier renewed by agreement between the Township of Toms River and the JIF; and

WHEREAS, the Township of Toms River desires to renew its membership in JIF;

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 agrees to renew its membership in the Ocean County Municipal Joint Insurance Fund, and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the JIF.

2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof, and to deliver same to the Ocean County Municipal Joint Insurance Fund evidencing the Township of Toms River's intention to renew its membership.

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) Business Administrator
- c) Chief Financial Officer
- d) Nora Robinson, Benefits Manager
- e) Conner Strong
231 Main Street
Toms River, N.J. 08753
Attn: Michael C. Avalone
- f) Ocean County Municipal Joint Insurance Fund
9 Campus Drive, Suite 216
Parsippany, NJ 07054
Attn: James Pine, Ocean JIF Chairman

This Resolution agreed to this 6th day June, 2016 by a vote of:

_____ Affirmative
_____ Negative

MAYOR THOMAS F. KELAHER

ATTEST:

J. MARK MUTTER
TOWNSHIP CLERK

DATE

***AGREEMENT TO RENEW MEMBERSHIP IN THE
OCEAN COUNTY MUNICIPAL JOINT INSURANCE FUND***

WHEREAS, the Ocean County Municipal Joint Insurance Fund (hereinafter the "Fund"), is a duly chartered Municipal Insurance Fund, as authorized by N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Township of Toms River is currently a member of said Fund; and

WHEREAS, effective December 31, 2016, the Township's membership will expire unless earlier renewed; and

WHEREAS, the Mayor and Township Council of the Township of Toms River have resolved to renew said membership;

NOW, THEREFORE, it is agreed as follows:

1. The Township of Toms River hereby renews its membership in the Ocean County Municipal Joint Insurance Fund for a three (3) year period, beginning January 1, 2017 and ending December 31, 2019, 12:01 a.m.

2. The Township Council of the Township of Toms River hereby ratifies and reaffirms the Indemnity and Trust Agreement, Bylaws and other organizational and operational documents of the Ocean County Municipal Joint Insurance Fund, as from time to time amended and altered by the Department of Insurance, in accordance with the applicable statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.

3. The Township of Toms River agrees to be a participating member of the Fund for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.

4. In consideration of the continuing membership of the Township of Toms River in the Ocean County Municipal Joint Insurance Fund, the Fund agrees, subject to the continuing approval of the Commissioner of Insurance, to accept the renewal application of the Township of Toms River.

5. Executed the 7th day of June, 2016, as the lawful and binding act and deed of the Mayor of the Township of Toms River, which execution has been duly authorized by public vote of the governing body.

TOWNSHIP OF TOMS RIVER

THOMAS F. KELAHER
MAYOR

ATTEST:

J. MARK MUTTER
TOWNSHIP CLERK

**OCEAN COUNTY MUNICIPAL JOINT INSURANCE
FUND**

ATTEST:

REPORTS

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

1. Pre-Season Beach Badge Weekly Report: week #6: \$5,425.00
2. Pre-Season Beach Badge Weekly Report: week #7: \$1,875.00
3. Pre-Season Beach Badge Weekly Report: week #8: \$17,565.00
4. Pre-Season Pool Badge Weekly Report- week #6: \$1,125.00
5. Pre-Season Pool Badge Weekly Report- week #7: \$0.00
6. Pre-Season Pool Badge Weekly Report- week #8: \$900.00
7. Clerk's Office- May 2016: \$51,857.65

APPROVAL OF BILLS

Council President Kubiell asked for a report on the bills.

The Bill List, dated **June 2, 2016** was approved on motion by Council Member Maruca, seconded by Council Member Wittmann, and carried with Council Members Hill, Kubiell, Maruca, Geoghegan, Wittmann, and Council President Kubiell voting yes, and with Council Member Manforti absent. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 16-02832, payable to Barnabas Health Corporate Care, in the amount of \$150.00.

Purchase Order 14-01366, 16-02594, 16-02725, 16-02765 & 16-02766, payable to Board of Fire Commissioners in the amount of \$155,013.75.

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

Purchase Order 16-02832, payable to Barnabas Health Corporate Care in the amount of \$150.00.

Purchase Order 16-02515, payable to Board of Education-Toms River Schools in the amount of \$432.23.

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

Purchase Order 16-02942, payable to Owen, Little and Associates in the amount of \$1,914.00.

Purchase Order 16-02078, payable to Toms River Board of Education in the amount of \$166.20.

Purchase Order 16-02854, payable to Saint Luke's Church in the amount of \$756.00.

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 16-01898, payable to Chamber of Commerce in the amount of \$649.00.

Purchase Order 16-01207 and 16-02592, payable to Dasti, McGuckin-Attorneys at Law in the amount of \$5,032.50.

Purchase Order 16-02854, payable to FY16 NJ Motor Vehicle Lease in the amount of 16-02854 in the amount of \$3,401.00.

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

Purchase Order 16-02592, payable to ARYA Properties (part of Dasti, MCGuckin) in the amount of \$54.00.

Purchase Order 16-02593, payable to AR&A Properties (part of Remington V&V) in the amount of \$2,070.00.

ELECTED OFFICIALS COMMENTS

Mayor Kelaher spoke regarding the Primary Election.

Council Members Maruca, Wittmann, and Carr had no comments.

Council Member Hill spoke regarding D-Day – June 6, 1944, and regarding Bud Lomell World War Two efforts.

Council Member Geoghegan spoke regarding the Police Department promotions.

Council President Kubiak spoke regarding Briad Development and options for the Council, now back from the Planning Board to Council. Discussion ensued. Councilman Carr moved to re-list before Council. There was no second of the motion. Further discussion was held.

Councilman Carr moved to re-list to Council Meeting July 12, 2016. Councilman Hill seconded this.

A motion was **APPROVED** on the following roll call vote:

Council Member Carr	- Yes
Council Member Hill	- Yes
Council Member Geoghegan	- No
Council Member Maruca	- Yes
Council Member Wittmann	- Abstained
Council Vice-President Manforti	- Absent
Council President Kubiak	- Yes

PUBLIC COMMENTS

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

Alizar Zorojew spoke regarding statues in downtown Toms River for summer 2016.

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 5:53 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 Matters

3. The following specific topics were announced.

1. May 10, 2016 Executive Session Minutes
2. Personnel
3. Denial of appeal by R.W. for a solicitation permit

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	- Absent
Council President Kubiell	- Yes

The Council reconvened the public portion., with Council Members Carr, Hill, Maruca, Geoghegan, Wittmann, Manforti, and with Council President Kubiell all present..

A motion was made by Council Member Carr, seconded by Council Member Wittmann, and carried with Council Members Carr, Hill, Geoghegan, Wittmann, and Council President Kubiell voting yes, and with Council Members Manforti and Maruca 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:

May 10, 2016

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

No other business appearing, the meeting was adjourned at 6:19 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