

June 14, 2016

A **Special** 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 Orlando, Florida victims.

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

June 14, 2016

SPECIAL MEETING NOTICE 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 April 11, 2016 and also on May 31, 2016 and forwarded to the Toms River Times, Toms River Patch, and WOBM News on June 7, 2016, and thereafter posting same on the Town Hall Bulletin Board for such notices, and filing same with the Township Clerk. Notice was also posted on the Township Web Page.

Roll Call:

- Council Member Carr - Present
- Council Member Geoghegan - Present
- Council Member Hill - Absent Arrived 5:15 P.M.
- Council Member Maruca - Present
- Council Member Wittmann - Absent
- Council Vice-President Manforti - Present
- Council President Kubiel - Present

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

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

RESOLUTION AUTHORIZING READING OF THE TOWNSHIP OF TOMS RIVER 2013 CALENDAR YEAR BUDGET BY TITLE ONLY

JUNE 14, 2016

WHEREAS, the statutory requirements regarding advertisement, posting and availability of the 2016 Calendar Year Local Municipal Budget of the Township of Toms River have been met;

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

1. The 2016 Calendar Year Local Municipal Budget of the Township of Toms River shall be read by title only pursuant to Statute.

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

- a. Chief Financial Officer
- b. Municipal Attorney
- c. Auditor
- d. State of New Jersey
Division of Local Government Services
PO Box 803
Trenton, NJ 08625

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

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

2016 Municipal Budget Public Hearing

Township Administrator Shives gave overview of the 2016 Municipal Budget.

“SEE ATTACHMENTS”

Council Member Hill arrived at 5:15 P.M.

Council Member Maruca asked questions regarding past State Aid and dollars received. Township Administrator Shives explained.

There were no public comments.

A motion was made by Council Member Maruca, seconded by Council Member Carr, and carried with Council Members Carr, Geoghegan, Hill, Manforti, Maruca, and Council President Kubiel voting yes, and Council Member Wittmann absent, to **CLOSE the Public Hearing on the 2016 Municipal Budget.**

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

RESOLUTION AUTHORIZING THE TOWNSHIP OF TOMS RIVER TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994 c. 72

JUNE 14, 2016

WHEREAS, the local municipal budget for the year 2016 was introduced 5th day of April, 2016 and

WHEREAS, the Ocean County Board of Taxation is unable to certify the Township of Toms River tax rate at this time and the Township of Toms River Tax Collector will be unable to mail the Township’s 2016 tax bills on a timely basis; and

WHEREAS, in order to meet statutory obligations to the County and School Districts along with sustaining Municipal operations in meeting its financial obligations, maintaining the tax collection rate, providing uniformity for tax payments and save the unnecessary cost of interest on borrowing, the Chief Financial Officer in consultation with the Township of Toms River Tax Collector have computed an estimated tax levy in

accordance with N.J.S.A. 54:4-66.3 and have both signed a certification attesting to the calculation;

WHEREAS, in accordance with Chapter 72 P.L. 1994, the Mayor and Township Council does not need the Director of the Division of Local Government Services to approve the estimated tax levy listed on the attached Schedule, which will enable the municipality to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest on borrowing; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Toms River, County of Ocean that the Township of Toms River Tax Collector is hereby authorized to prepare and issue estimated tax bills for the third installment of the 2016 taxes.

BE IT FURTHER RESOLVED that the Township of Toms River Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the third installment of 2016 based upon an annualized levy analysis totaling \$289,083,890.25. The Tax Collector shall proceed and take such actions as are permitted and required by P.L. 1994,c 72 (N.J.S.A. 55:4-66.2 and 54.4-66.3).

BE IT FURTHER RESOLVED, that in accordance with the law, third quarter installments of 2016 taxes shall not be subject to interest until the later of either; August 10, 2016 or twenty-five calendar days after the date estimated bills were mailed. Contained on the estimated bill shall specify the date on which interest may begin to accrue.

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

- a. Ocean County Board of Taxation
- b. Tax Collector
- c. Director of Finance/CFO

Approved as to Content:

“SEE ATTACHMENT”

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO APPLY FOR AND SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, FOR A FY2016 COPS HIRING GRANT FOR THE COPS-HIRING PROGRAM, AND AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS TO EXECUTE ANY AND ALL DOCUMENTATION IN CONNECTION WITH THIS GRANT

JUNE 14, 2016

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

1. The appropriate Township Officials are authorized to apply for submit an application to the U.S. Department of Justice, Office of Community Oriented Policing Services for a FY2016 COPS Hiring Grant for the COPS Hiring Program.

2. The appropriate Township Officials are authorized to execute any and all documentation in connection with this grant.

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

- a) Mayor Thomas Kelaher
- b) Township Attorney

- c) Chief Financial Officer
- d) Chief Mitchell Little, Police Department
- e) Captain James Harris, Police Department
- f) U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

A motion was made by Council Member Hill, seconded by Council Member Geoghegan, and carried with Council Members Geoghegan, Hill, Manforti, Maruca and Council President Kubiel voting yes, and Council Member Carr voting yes, but abstaining on **Toms River Yacht Club**, and with Council Member Wittmann absent, to approve the following Resolution.

**RESOLUTION AUTHORIZING THE RENEWAL
OF CLUB LIQUOR LICENSES FOR 2016-2017**

June 14, 2016

WHEREAS, all of the present Liquor License holders listed below have made application for the renewal of their respective licenses and have paid the necessary fees for such renewals; and

WHEREAS, the submitted application form is complete in all respects; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations; and

WHEREAS, the applicant has disclosed, and the issuing authority has ascertained and reviewed the source of any additional financing obtained in the previous license term for use in the licensed business; and

WHEREAS, the submitted application is complete in all respects, including submission of the club member list; and

WHEREAS, the officers and directors of the club are qualified according to all statutory, regulatory and local governmental ABC laws and regulations; and

WHEREAS, the club maintains all records required by N. J. A. C. 13:2-8.8 (special events open to non-club members) and N. J. A. C. 13:2-8.12 (true books of account for receipts and disbursements);

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 Club Liquor Licenses be and are hereby granted to the following applicants all of whom are presently holders of such licenses, for the presently respective licensed premises to wit:

1507-31-028-001
Knights of Columbus
Columbus Club of Toms River
113 Tennyson Ave
Toms River, NJ 08753

1507-31-030-001
Gilford Park Yacht Club (Inactive)
700 Riverside Dr.
Toms River, NJ 087853

1507-31-031-001
Toms River Country Club, Inc.
419 Washington Street
Toms River, NJ 08753

1507-31-032-002
Toms River Yacht Club
1464 Riviera Dr Money Island
Toms River, NJ 08753

1507-31-033-002
AJ Weeks Post #6063
Veterans of Foreign Wars
210 Court House Lane
Toms River, NJ 08753

1507-31-035-002
Seaside Lodge #399
Loyal Order of the Moose
1801 Bay Boulevard
Seaside Heights, NJ 08751

2. The licenses referred to in the preceding paragraph hereof shall be executed for and on behalf of this Municipality by the Clerk of the Township, with an effective date of July 1, 2016.

3. The Township Clerk shall forthwith report to the Division of Alcoholic Beverage Control of the State of New Jersey, and to the State Division of Taxation, the issuance of each said license as soon as such licenses are issued.

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

- a) Department of Police
- b) Chief Financial Officer
- c) Municipal Attorney
- d) Licensees, as listed above
- e) State of New Jersey
Division of Alcoholic Beverage Control
140 East Front Street
CN 087
Trenton, N. J. 08625-0087
- f) State Division of Taxation
ATTN: ABC Licensing Unit
PO Box 245
Trenton, NJ 08695

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

**RESOLUTION AUTHORIZING THE RENEWAL
OF LIQUOR LICENSES FOR 2016-2017**

June 14, 2016

WHEREAS, all of the present Liquor License holders listed below have made application for the renewal of their respective licenses and have paid the necessary fees for such renewals; and

WHEREAS, the submitted application form is complete in all respects; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations; and

WHEREAS, the applicant has disclosed, and the issuing authority has ascertained and reviewed the source of any

additional financing obtained in the previous license term for use in the licensed business;

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 Plenary Retail **Consumption** Liquor Licenses be and are hereby granted to the following applicants, all of whom are presently holders of such licenses, for the respective premises, to wit:

1507-33-001-008 (Pocket)
37 Eats, LLC
16 Madison Ave
Toms River, NJ 08753

1507-33-002-004
Aqua Blu Restaurant & Grill LLC
3410 Route 37 East
Toms River, NJ 08753

1507-33-004-006 (Inactive)
Miriglia Enterprise, LLC
t/a Front Porch Restaurant & Sports Bar
1256 Fischer Blvd Toms River, NJ 08753

1507-33-005-008
JPPGR, Inc.
t/a Artisan's
Italian Grill
1171 Hooper Avenue
Toms River, NJ 08753

1507-33-006-011
Cayard, Inc.
Office Restaurant & Lounge
& Toms River Hub
820 Main Street
Toms River, NJ 08753

1507-36-007-008 (Inactive)
Brandy Quinn, Inc.
TP Hotel
2 W. Water Street
Toms River, NJ 08753

1507-33-008-005
South Jersey Pubs Inc.
t/a TGI Friday's
1279 Hooper Avenue
Toms River, NJ 08753

1507-33-009-011
Apple Food Service of Toms River LLC
Applebee's Neighborhood Grill & Bar
1201 Hooper Avenue #1095
Toms River, NJ 08753

1507-33-010-004
New Surf Club (Inactive)
t/a Joey Harrison Surf Club
1900 Ocean Ave
Ortley Beach, NJ 08751

1507-33-011-005
II Tramonto Inc.
t/a Villa Amalfi Ristorante
1006A Lakewood Rd
Toms River, NJ 08753

1507-33-012-006
Malbar, Inc.
t/a Tuscan House Italian Eatery
1250 Hooper Ave
Toms River, NJ 08753

1507-33-017-006
Red Lobster Restaurants, LLC
t/a Red Lobster #568
1298 Hooper Ave
Toms River, NJ 08753

1507-33-019-009
Spot Enterprises, Inc.
t/a The Spot
1426 Lakewood Rd. Suite 1
Toms River, NJ 08753

1507-33-020-004
Ruby Tuesday Inc.
t/a Ruby Tuesday's
1311 Route 37 West
Toms River, NJ 08755

1507-33-021-008
CB Silverton, LLC
t/a Charlie Brown's Steakhouse
11 Kettle Creek Road
Toms River, NJ 08753

1507-33-024-009
McIntyre's Pub LLC
t/a McIntyre's Pub
1747 Hooper Ave
Toms River, NJ 08753

1507-33-025-005
Wisk, Inc.
t/a Miracle Bar & Liquors
201 Highway Rt. 37 West
Toms River, NJ 08755

1507-33-026-009
Chef's International, Inc.
t/a Baker's Water Street
4 Robbins Parkway
Toms River, NJ 08753

1507-33-044-003
GMRI, Inc.
t/a Olive Garden
Italian Restaurant 1483
1277 Hooper Ave
Toms River, NJ 08753

1507-33-046-006
GMRI, Inc
t/a Bahama Breeze
1201 Hooper Ave
Toms River, NJ 08753

1507-33-050-002
Brinker New Jersey Inc.
t/a Chili's Grill & Bar
1315 Hooper Avenue
Toms River, NJ 08753

1507-33-052-003
AntSul BWW V LLC
Buffalo Wild Wings
2 Route 37 West Unit C-1
Toms River, NJ 08753

1507-33-053-002
t/a Tio Juan's Margarita
Mexican Restaurant
270 Hwy 37 East
Toms River, NJ 08753

1507-33-057-001
Grunin Holdings LLC
1027 Hooper Ave Building #1
Toms River, NJ 08753
(Pocket)

The following License is subject to a special condition,
which shall be part of the license:

a) The following Plenary Retail Consumption Liquor License shall operate a restaurant with a minimum of 100 seats in the premises where license is sited, denoted by double-asterisk following the license number:

1507-33-054-003 **
NJ Account Wagering LLC
t/a Favorites of Toms River
1071 Rt. 37 West
Toms River, NJ 08753

2. That Plenary Retail Consumption Liquor License be and they are hereby renewed to the following for the same premises presently, to wit:

1507-36-036-007
TR Lodging Realty LLC
TR Hotel
The Palms Restaurant & Lounge
Atlantis & Coral Ballrooms
290 Route 37 East
Toms River, NJ 08753

1507-36-040-001
85 Venture Group, Inc.
t/a Clarion Hotel & Conference Center
815 Route 37 West
Toms River, NJ 08755

1507-36-041-006
Dorca Inc. t/a Versailles
Ramada Inn Suites of Toms River
2373 Route 9
Toms River, NJ 08755

a) Said license shall not be renewed or transferred except for or to a hotel (or motel) containing at least 100 sleeping rooms.

3. That Plenary Retail Consumption Liquor License be and is hereby renewed and granted to the following for the same premises presently licensed, to wit:

1507-36-016-003
Parsko, Inc.
t/a Howard Johnson Hotel
Christopher's Pub & Grill
Legend Restaurant

955 Hooper Avenue
Toms River, NJ 08753

Subject, however, to the following special conditions, which conditions shall be part of the license:

- a) Said License shall not be renewed or transferred except for or to a hotel or motel containing at least 50 sleeping rooms.

4. That Plenary Retail Consumption License with Broad Package Privilege hereby renewed and granted to the following for the same premises presently licensed, to wit:

Mrs D. Inc. 1507-32-015-007
Spirits Unlimited / Social 37
2 Route 37 West Bldg E & B-2
Toms River, NJ 08753

5. That Plenary Retail **Distribution** Liquor Licenses be and they are hereby granted to the following applicants, all of whom are presently holders of such licenses, for the presently respective licensed premises, to wit:

1507- 44- 013- 006
1617 Highway LLC
t/a Monaghan's Liquors
1617 Route 37 East
Toms River, NJ 08753

1507- 44- 022- 004
Anthony's Wines & Liquors, Inc.
t/a Anthony's Wines & Liquors
1237-47 Route 166
Toms River, NJ 08753

1507- 44- 023- 008
Wines & Liquors, Inc.
t/a Spirits Unlimited
897 Fischer Boulevard
Toms River, NJ 08753

1507- 44- 043- 003
Paris Inc.
t/a EZ Liquors
35 Route 37 East
Toms River, NJ 08753

1507- 44- 045- 007
Mrs. D Inc.
t/a Spirits Unlimited
A&P Shopping Center Rt 35
Seaside Heights, NJ 08751

1507- 44- 047- 002
3 Times LLC
952 Lakewood Rd
Toms River, NJ 08753
Pocket

1507- 44- 056- 001
Limited Liability CC
Retail LLC
t/a Buy Rite Liquor
2360 Lakewood Rd Unit A3&A4
Toms River. NJ 08755

Subject, however, to the following special conditions, which conditions shall be part of the license:

a) The following Plenary Retail Distribution Liquor Licenses are subject to a **2,000 foot proximity restriction**. Said Liquor Licenses cannot be located within 2,000 feet of another Plenary Retail Distribution (D) Liquor License as denoted by an asterisk, following the License Number.

1507- 44- 048- 004 *
Retail, LLC (B. H. Mable, III)
Buy-Rite Liquors
1789- 91 Hooper Avenue
Toms River, NJ 08753

1507- 44- 049- 004 *
Again, Inc.
t/a Spirits Unlimited
941 Route 37 West - Store 1
Toms River, NJ 08755

1507- 44- 051- 003 *
Cool Is The Rule, Inc.
t/a Spirits Unlimited
1426 Lakewood Road - Suite 2
Toms River, NJ 08753

1507- 44- 055- 004 *
Srutid LLC.
t/a Buy Rite of Toms River
1311 Route 37 East Bldg 1
Toms River, NJ 08753

6. Each of the licenses referred to in the preceding paragraphs hereof shall be executed for and on behalf of this Municipality by Clerk of the Township of Toms River, with an effective date of **July 1, 2016**.

7. The Township Clerk shall forthwith report to the Division of Alcoholic Beverage Control of the State of New Jersey, and to the State Division of Taxation, the issuance of each said license as soon as such licenses are issued.

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

- a) Department of Police
- b) Chief Financial Officer
- c) Municipal Attorney
- d) State of New Jersey
Division of Alcoholic Beverage Control
140 East Front Street, Fifth Floor
CN 087
Trenton, N. J. 08625-0087
- e) Licensees, as listed above
- f) NJ Division of Taxation
ATTN: ABC Licensing Unit
PO Box 245
Trenton, NJ 08695

ELECTED OFFICIALS COMMENTS

Mayor Kelaher and Council President Kubiell had no comments.

Councilman Geoghegan spoke regarding Toms River Police Department Fitness Challenge in 2016.

Council Members Carr, Hill, Manforti, and Maruca spoke regarding the 2016 Municipal Budget.

PUBLIC COMMENTS

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

There was no response.

No other business appearing, the meeting was adjourned at 5:27 P. M., with Council Members Carr, Geoghegan, Hill, Manforti, Maruca, and Council President Kubiell voting yes, and with Council Member Wittmann absent.

No Executive Session was held.

BRIAN S. KUBIEL, COUNCIL PRESIDENT

J. MARK MUTTER, TOWNSHIP CLERK