

June 21, 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	- Absent
Council Vice-President Manforti	- Absent
Council President Kubiel	- Present

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

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

**APPROVAL OF MINUTES**

A motion was made by Council Member Carr, seconded by Council Member Maruca, and carried with Council Members Carr, Geoghegan, Maruca, and Council President Kubiel voting yes, and Council Member Hill abstaining as he only attended part of the June 6, 2016 meeting, and with Council Members Manforti and Wittmann absent, approve the Minutes of the **Regular Meeting of June 6, 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 Maruca, seconded by Council Member Hill, and carried with Council Members Carr, Hill, Geoghegan, Maruca, and Council President Kubiel voting yes, and with Council Members Manforti and Wittmann absent, to make the following honoring proclamations a part of the Minutes.

Mayor Kelaher and Council presented a Proclamation to Brownie Troop 438 and James Bowen, Manager, Toms River Animal Shelter, thanked the troop for their donation.

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

**GIRL SCOUT LEADER**  
**CHRISTINE BEAUCHAMP**

*of*  
*Toms River Girl Scouts Troop 438*

*For their donation to the Toms River Animal*  
*Shelter*

*June 21, 2016*

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*Mayor Thomas F. Kelaher*

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*Brian Kubiel*  
*Council President*

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

*Kevin M. Geoghegan*  
*George E. Wittmann, Jr.*

*Alfonso Manforti*  
*Jeffrey J. Carr*

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

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

ORDINANCE OF THE TOWNSHIP COUNCIL, 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

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 Hill, seconded by Council Member Carr and carried, the public hearing was closed.

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

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

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

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

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

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

**AN ORDINANCE OF THE TOWNSHIP OF TOMS RIVER,  
IN THE COUNTY OF OCEAN, NEW JERSEY, AMENDING  
ORDINANCE NO. 4398-13 OF THE TOWNSHIP FINALLY  
ADOPTED APRIL 23, 2013 AND PREVIOUSLY AMENDED  
ON DECEMBER 23, 2013, TO PROVIDE FOR CERTAIN  
AMENDMENTS THEREOF**

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

**Section A.** *Sections 3(a) (2) and (4) of Bond Ordinance No. 4398-13 of the Township of Toms River, in the County of Ocean, New Jersey (the "Township") finally adopted April 23, 2013 and previously amended on December 23, 2013 (collectively, the "Bond Ordinance") are hereby amended in their entirety to read as follows:*

"(2) Purpose: *Replacement and construction of various Township boardwalks and beaches and improvements to various Township parks including the acquisition of easements on private property (the lots and blocks of which are listed on Schedule A attached hereto) to accomplish the same, including all work and materials necessary therefor or incidental thereto.*

<u>Appropriation and Estimated Cost:</u>	\$14,324,256
<u>Maximum Amount of Bonds or Notes:</u>	\$14,324,256
<u>Period or Average Period of Usefulness:</u>	15 years"

"(4) Purpose: *Drainage and road reconstruction projects at various Township locations, including, but not limited to, Ortleigh Beach, North Beaches and Pelican Island, improvements including, but not limited to, drainage improvements and road reconstruction and overlay projects, and including all work and materials necessary therefor or incidental thereto.*

<u>Appropriation and Estimated Cost:</u>	\$16,490,316
<u>Maximum Amount of Bonds or Notes:</u>	\$16,490,316
<u>Period or Average Period of Usefulness:</u>	20 years"

**Section B.** *Section 6(b) of the Bond Ordinance of the Township is amended in its entirety to read as follows:*

"(b) *The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 17.7520 years."*

**Section C.** *The capital budget (or temporary capital budget as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.*

**Section D.** *This Ordinance amends Bond Ordinance No. 4398-13 of the Township finally adopted on April 23, 2013 and previously amended on December 23, 2013. Any inconsistencies shall be resolved by reference to this amending ordinance. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.*

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

**SCHEDULE A**

"SEE ATTACHMENTS"

**NOTICE OF PENDING BOND ORDINANCE**

*PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on June 21, 2016. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Council to be held in the Municipal Offices, 33 Washington Street, Toms River, New Jersey on July 12, 2016 at 6:00 p.m., and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the Township Clerk's office in the Municipal Offices to the members of the general public who shall request the same.*

A motion was made by Council Member Carr, seconded by Council Member Maruca, and carried with Council Members Carr, Geoghegan, Hill, Maruca, and Council President Kubielski voting yes, and with Council Members Manforti and Wittmann 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 21 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 July 12, 2016 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

J. MARK MUTTER  
TOWNSHIP CLERK

APPROVED AS TO FORM:

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, June 24, 2016.

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

**CONSENT AGENDA**

Council President Kubielski 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 Carr, and carried with Council Members Carr, Geoghegan, Hill, Kubielski, Maruca, and Council President Kubielski voting yes, and with Council Members Manforti and Wittmann absent, to approve all the following items listed on the Consent Agenda, except item **X**, which was done separately.

*RESOLUTION*

*JUNE 21, 2016*

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO AN ERRONEOUS TAX PAYMENT,

AND;

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
MAHMOOD, LINDA	172.02	7	2016/3	3134.55
<b>TOTALS:</b>				3134.55

- 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 21, 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
PIZZARELLO, LOUIS	921	22	2015/4	\$1530.90
ZIPP, TANNENBAUM, CACCAVELLI LLC.	644	41	2011/4	3060.00

			2012/4	3242.00
			2013/4	524.51
<b>TOTALS:</b>				8,357.41

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 NO. 1 – FINAL - (REDUCTION IN CONTRACT IN THE AMOUNT OF  
\$13,395.98), RELEASING PERFORMANCE BOND, AND ACCEPTANCE OF  
MAINTENANCE BOND, AND TO PROCESS FIRST AND FINAL PAYMENT TO EMPIRE  
CONSTRUCTION & PROPERTY MANAGEMENT GROUP, INC., FOR THE CLOSEOUT  
OF THE 2016 DUNE WALKOVER REPAIR PROJECT**

JUNE 21, 2016

WHEREAS, resolution of the Township Council dated April 12, 2016, awarded a contract to Empire Construction & Property Management Group, Inc., as lowest responsible bidder meeting all the specifications, for the 2016 Dune Walkover Repair Project, in the amount not to exceed \$92,042.02; and

WHEREAS, the contractor retained for the 2016 Dune Walkover Repair Project, 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) Change Order No. 1 – Final – Executed by the contractor for a reduction in the amount of \$13,395.98.
- b) Original Maintenance Bond No. 71777268 with Empire Construction and Property Management Group, Inc., as Principal and Western Surety Company, as Surety.
- c) Contractor’s Affidavit dated June 1, 2016.

WHEREAS, Change Order 1 – Final - to the contract with Empire Construction and Property Management Group, Inc., to wit:

**DESCRIPTION OF CHANGE – CHANGE ORDER NO. 1 - FINAL:**

Reduction of various alternate/if and where directed items & construction allowance – reduction in the amount of \$13,395.98.

	<b><u>ADDITIONAL</u></b>	<b><u>REDUCTION</u></b>
Total Reduction This C.O.	X	(\$13,395.98)
Total Extras This C.O.	X	X
Total Supplementary This C.O.	X	X
Total This C.O.	X	(\$13,395.98)
Previous Change Orders	X	X
Total Change Orders to Date:	X	(\$13,395.98)

Total Change in Contract	X	(\$13,395.98)
ORIGINAL CONTRACT BID PRICE:	\$92,042.02	
NEW CONTRACT PRICE:	\$78,646.86	

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 2016 Dune Walkover Repair Project, approval of Change Order No. 1 - Final, releasing Performance Bond, and acceptance of Maintenance Bond.

2. Funds in the amount of \$78,646.86 (total for project), are available in Account No. X-04- -217-015.

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) Empire Construction & Property Management Group, Inc.  
14 Grove Street  
Middletown, NJ 07748

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for payment to Empire Construction & Property Management Group, Inc., in the amount of \$78,646.86 (project total), are available in Account No. X-04- -217-015.

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 21, 2016

**AMENDMENT TO RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, DATED FEBRUARY 23, 2016, WHICH AUTHORIZED THE PURCHASE OF SOFTWARE MAINTENANCE FOR THE DEPARTMENT OF POLICE FROM SPILLMAN TECHNOLOGIES, INC., IN THE AMOUNT OF \$136,712.00 FOR ONE YEAR, COMMENCING FEBRUARY 1, 2016 (\$34,178.00 PER QUARTER FOR 2016)**

**(THE PURPOSE OF THIS AMENDMENT IS TO CHANGE THE ACCOUNT NUMBERS TO BE UTILIZED FOR THIS CONTRACT AWARD – NO ADDITIONAL MONIES ARE REQUIRED)**

JUNE 21, 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. Resolution of the Township Council dated February 23, 2016, authorized the Purchase of Software Maintenance for the Department of Police from Spillman Technologies, Inc., in the amount of \$136,712.00 for one year, commencing February 1, 2016 (\$34,178.00 per quarter for 2016).

2. The support or maintenance of proprietary software is authorized pursuant to N.J.S.A. 40A:11-5(1)(dd).

3. The Finance Department has requested a change in the account numbers to be utilized for this contract award with Spillman Technologies, Inc., as follows:

Contract Awarded to:	Spillman Technologies, Inc. 4625 West Lake Park Blvd. Salt Lake City, Utah 84120
Maximum Amount:	\$136,712.00 for 2016 (\$ 34,178.00 per quarter for 2016)
Account Nos.:	6-01- -P45-510 - \$77,034.00 6-01- -P40-510 - \$20,500.00 6-01- -P44-535 - \$34,178.00 6-01- -P43-535 - \$ 5,000.00

4. This contract shall commence February 1, 2016 and terminate January 31, 2017.

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

6. 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) IT Services
- e) Police Department
- f) Spillman Technologies, Inc.  
4625 Lake Park Blvd.  
Salt Lake City, Utah 84120

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract amendment with Spillman Technologies, Inc., in the amount of \$136,712.00 for 2016 (\$34,178.00 per quarter for 2016), are available in the following account numbers:

6-01- -P45-510 - \$77,034.00
6-01- -P40-510 - \$20,500.00
6-01- -P44-535 - \$34,178.00
6-01- -P43-535 - \$ 5,000.00

This amendment is only to change the account numbers utilized for this contract award. No additional monies are required.

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

CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: June 21, 2016

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CONTRACT TO TURF EQUIPMENT & SUPPLY CO., INC., FOR THE PURCHASE OF GROUNDS EQUIPMENT AND ACCESSORIES, FOR THE DEPARTMENT OF PARKS, BUILDINGS & GROUNDS, USING EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (FORMERLY MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION COOPERATIVE PRICING SYSTEM), IN THE TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$38,167.22

JUNE 21, 2016

WHEREAS; the Township of Toms River is a member of the Educational Services Commission of New Jersey #15/16-08(formerly Middlesex Regional Cooperative Pricing System), as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, pursuant to bids received, a contract was awarded to Turf Equipment & Supply Co., Inc., by the Educational Services Commission of New Jersey, (formerly Middlesex Regional Cooperative Pricing System), of which Toms River Township is an active participant, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, the Purchasing Division is requesting authorization to Purchase Grounds Equipment and Accessories for the Department of Parks, Buildings & Grounds, in an amount not to exceed \$38,167.22, from the Educational Services Commission of New Jersey, #15/16-08, using the following vendor:

Turf Equipment & Supply Co., Inc.;  
8015 Dorsey Run Road  
Jessup, MD 20794

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 does hereby authorize the Purchase of Grounds Equipment and Accessories for the Department of Parks, Buildings & Grounds, in an amount not to exceed \$38,167.22 from the Educational Services Commission of New Jersey, #15/16-08 using the following vendor:

Turf Equipment & Supply Co., Inc.;  
8015 Dorsey Run Road  
Jessup, MD 20794

2. Funds for these purchases in the amount of \$38,167.22, are available in Account No. X-04- -233-003. 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) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Parks, Buildings & Grounds
- e) Business Administrator/Board Secretary  
Educational Services Commission of New Jersey  
1660 Stelton Road  
Piscataway, N.J. 08854

- f) Turf Equipment & Supply Co., Inc.;  
8015 Dorsey Run Road  
Jessup, MD 20794

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract with Turf Equipment & Supply Co., Inc., in the amount of \$38,167.22, are available in Account No. X-04- -233-003.

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

CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: June 21, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF COMMAND STAFF PRODUCTIVITY SOFTWARE AND MAINTENANCE FOR THE DEPARTMENT OF POLICE FROM SPILLMAN TECHNOLOGIES, INC., IN THE AMOUNT OF \$17,500.00, USING FEDERAL SEIZURE FUNDS**

**JUNE 21, 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. Pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(dd), (the support or maintenance of proprietary software exception to public bidding), it hereby awards a contract to Spillman Technologies, Inc., for the Purchase of Command Staff Productivity Software and Maintenance for the Department of Police, using Federal Seizure Funds. The total for this purchase in the amount of \$17,500.00 includes project management, installation, training and the first year maintenance.

2. The support or maintenance of proprietary software is authorized pursuant to N.J.S.A. 40A:11-5(1)(dd).

Contract Awarded to: Spillman Technologies, Inc.  
4625 West Lake Park Blvd.  
Salt Lake City, Utah 84120

Maximum Amount: \$17,500.00

Account No.: X-19- -600-052  
(Federal Seizure Funds)

3. This contract shall commence on date of award through one (1) year.

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

5. 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) IT Services
- e) Police Department
- f) Spillman Technologies, Inc.  
4625 Lake Park Blvd.  
Salt Lake City, Utah 84120

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract with Spillman Technologies, Inc., in the amount of \$17,500.00, are available in Account No. X-19- -600-052 (Federal Seizure Funds).

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

CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: June 21, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO DISPOSE OF, BY RECYCLING, IT EQUIPMENT FOR THE POLICE DEPARTMENT AND TOWNHALL, AND A PITNEY BOWES POSTAGE MACHINE FOR THE TOWNSHIP CLERK'S OFFICE, WHICH ARE NO LONGER NEEDED FOR PUBLIC USE, OR BY THE TOWNSHIP, PURSUANT TO N.J.S.A. 40A:11-36**

**JUNE 21, 2016**

WHEREAS, the Purchasing Division is requesting authorization to dispose of IT equipment for the Police Department and Townhall, and a Pitney Bowes Postage Machine for the Township Clerk's Office, which are no longer need for public use or by the Township, pursuant to N.J.S.A. 40A:11-36; and

WHEREAS, certain items are not usable by the Township, or suitable for auction, and should be disposed of by recycling with the Township's electronics, as applicable;

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 N.J.S.A. 40A:11-36, it hereby authorizes the Purchasing Division to dispose of IT equipment for the Police Department and Townhall, which are no longer needed for public use, or by the Township, or suitable for auction, and should be disposed of by recycling with the Township's electronics, as applicable.
2. The list of the IT equipment to be disposed of is attached to this resolution, as Schedule "A", and made a part hereof.
3. Pursuant to N.J.S.A. 40A:11-36, it hereby authorizes the Purchasing Division to dispose of the Pitney Bowes Postage Machine for the Township Clerk's Office, which is no longer needed for public use, or by the Township, and which was on the Spring Auction but failed to sell and should be disposed of by recycling with the Township's electronics.

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) Township Attorney
- c) Chief Financial Officer
- d) Public Works Department
- e) Police Department
- f) Lorraine Adams, Grant Coordinator
- g) It Department
- h) Township Clerk's Office

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE FIRST EXTENSION OF AN OPEN-ENDED, ONE (1) YEAR CONTRACT WITH H. BARBER & SONS INC., FOR BARBER SURF RAKE REPAIR PARTS THROUGH JULY 21, 2017, FOR THE DEPARTMENT OF PARKS, BUILDINGS & GROUNDS**

**JUNE 21, 2016**

WHEREAS, resolution of the Township Council dated July 22, 2014, authorized the award of an open-ended contract for Barber surf Rake Repair Parts to H. Barber & Sons, Inc. for a two (2) year term, effective from July 22, 2014 through July 21, 2016, for the Department of Parks, Buildings & Grounds; and

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

WHEREAS, it is in the best interest of the Township to extend the contract with H. Barber & Sons, Inc., pursuant to the Local Public Contracts Law, for an additional one (1) year period, through July 21, 2017, under the same terms and conditions as the original contract :

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

1. It hereby authorizes the first extension of the open-ended contract with H. Barber & Sons, Inc., for Barber Surf Rake Repair Parts for the Department of Parks, Buildings & Grounds, for a one (1) year period through July 21, 2017, under the same terms and conditions as the original contract.

2. This will be an open-ended contract extension with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget and will be certified at time of purchase. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The extension of this contract is subject to all the terms and conditions of the original contract.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Parks, Buildings & Grounds
- e) H. Barber & Sons, Inc.  
15 Raytkwick Drive  
Naugatuck, CT 06770

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended, first one (1) year extension of the contract with H. Barber & Sons, Inc., will be open-ended, contingent upon the availability of funds in the appropriate municipal budget.

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

CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: June 21, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN OPEN-ENDED CONTRACT FOR THE REBID FOR BULK ITEM NOS. 5A AND 21A FOR THE SUPPLY OF MOTOR OILS, ANTIFREEZE, GREASES AND LUBRICANTS, TO CRAFT OIL CORP. D/B/A PETROCHOICE**

**JUNE 21, 2016**

WHEREAS, resolution of the Township Council dated January 26, 2016, awarded an open-ended contract for the Supply of Motor Oils, Antifreeze, Greases and Lubricants to Prime Lube, Inc., for bulk Item Nos. 5A and 21A, for a term commencing on Date of Award through August 21, 2016; and

WHEREAS, the Township had been informed by Prime Lube, Inc., that Exxon Mobil has removed them as a distributor of these two bulk items, Item Nos. 5A and 21A, and they will no longer be able to honor the balance of their contract; and

WHEREAS, the Purchasing Division had requested authorization to rescind the award of contract to Prime Lube, Inc., for bulk Item Nos. 5A and 21A, and advertise for rebid of these items; and

WHEREAS, resolution of the Township Council dated May 24, 2016, rescinded the award of contract to Prime Lube, Inc., for bulk Item Nos. 5A and 21A, and authorized the Purchasing Division to advertise for rebid of these items; and

WHEREAS, rebids were invited on June 8, 2016 for the Rebid of Bulk Item Nos. 5A and 21A – for the Supply of Motor Oils, antifreeze, Greases and Lubricants; and

WHEREAS, only one bid was received, as follows:

Craft Oil Corp.  
d/b/a Petrochoice  
837 Cherry Street  
Avoca, PA 18641

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>BRAND NAME</u>	<u>UNIT COST</u>
5.	Heavy Duty Multi-Viscosity Engine Oil Mobile Delvac 1300 Super (or equivalent)		
	a) SAE 15W-40, Bulk Delivery	Mobil Delvac 1300 Super 15W 40	\$7.28/gallon
21.	Tractor Hydraulic Fluid, Mobil 424 (No Substitutions)		

a) Bulk Delivery: Mobil Fluid 424 \$5.75/gallon

WHEREAS, the bid has been reviewed by the Purchasing Division, and it is their recommendation that a contract be awarded to Craft Oil Corp. d/b/a Petrochoice, as listed above;

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

1. It hereby awards the contract for the Rebid of Bulk Item Nos. 5A and 21A for the Supply of Motor Oils, Antifreeze, Greases and Lubricants, as follows:

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>BRAND NAME</u>	<u>UNIT COST</u>
5.	Heavy Duty Multi-Viscosity Engine Oil Mobile Delvac 1300 Super (or equivalent)		
	a) SAE 15W-40, Bulk Delivery	Mobil Delvac 1300 Super 15W 40	\$7.28/gallon
21.	Tractor Hydraulic Fluid, Mobil 424 (No Substitutions)		
	a) Bulk Delivery:	Mobil Fluid 424	\$5.75/gallon

Term of Contract: Date of Award through August 21, 2017. All terms and conditions of the bid specifications are applicable on these contracts. This will be an open-ended contract with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Public Works Dept.
- e) Craft Oil Corp.  
d/b/a Cherry Street  
Avoca, PA 18641

### ***CERTIFICATION***

***THIS IS TO CERTIFY*** that the funds for the contract awarded to Craft Oil Corp. d/b/a Petrochoice, are open-ended, contingent upon the availability of funds in the appropriate municipal budget.

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

CHRISTINE J. MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: June 21, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING  
AN OPEN-ENDED CONTRACT FOR THE FIRST EXTENSION OF  
THE EXISTING CONTRACT WITH SEABOARD FIRE & SAFETY EQUIPMENT  
COMPANY FOR THE INSPECTION, TESTING, MONITORING, MAINTENANCE AND  
REPAIR SERVICES OF VARIOUS FIRE SYSTEMS, INCLUDING PORTABLE FIRE  
EXTINGUISHERS, FIRE SUPPESSION SYSTEMS, WATER BASED FIRE  
PROTECTION SYSTEMS AND FIRE AND BURGLAR ALARMS, IN THE AMOUNT  
NOT TO EXCEED \$33,000.00, THROUGH JUNE 21, 2017**

**JUNE 21, 2016**

WHEREAS, resolution of the Township Council dated April 14, 2016, authorized the award of an open-ended contract for the Inspection, Testing, Monitoring, Maintenance and Repair Services of Various Fire Systems Including Portable Fire Extinguishers, Fire Suppression Systems, Water Based Fire Protection Systems and Fire & Burglar Alarms to Seaboard Fire & Safety Equipment Company, for a three (3) year term commencing January 1, 2015 through December 31, 2017, in an amount not to exceed \$100,000.00 over three (3) years; and

WHEREAS, the Department of Parks, Buildings and Grounds has determined that it is in the best interest of the Township of Toms River to extend the contract with Seaboard Fire & Safety Equipment Company early due to unanticipated expenses which used up the maximum expected allotment, for an additional one (1) year term pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-15 (45); and

WHEREAS, based upon the \$100,000.00 previous, contract, the Township will extend the contract by \$33,000.00;

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

1. It hereby authorizes the first extension of the existing contract with Seaboard Fire & Safety Equipment Company for the Inspection, Testing, Monitoring, Maintenance and Repair Services of Various Fire Systems Including Portable Fire Extinguishers, Fire Suppression Systems, Water Based Fire Protection Systems and Fire & Burglar Alarms to Seaboard Fire & Safety Equipment Company, for one (1) year, in the amount not to exceed \$33,000.00. The extended contract term shall remain in effect through June 21, 2017.

2. The extended contract will be an open-ended contract with funds being encumbered each time service is required, contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract extension is subject to all the terms and conditions of the original contract award.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Parks, Buildings & Grounds
- e) Seaboard Fire & Safety Equipment Company  
2112 Kings Highway  
Ocean, NJ 07712

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the first one year extension of the contract with Seaboard Fire & Safety Equipment Company, in the amount not to exceed

\$33,000.00, will be open-ended with funds being encumbered each time service is required.

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

CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: June 21, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, OPPOSING THE PROPOSED RATE INCREASE BY  
JERSEY CENTRAL POWER AND LIGHT WITH THE BOARD OF PUBLIC UTILITIES,  
SEEKING APPROVAL OF AN INCREASE IN RATES FOR ELECTRIC SERVICE**

**JUNE 21, 2016**

**WHEREAS**, Jersey Central Power and Light (“JCP&L”), which serves customers in Toms River Township and Ocean County, has filed an electric plan with the New Jersey Board of Public Utilities (“BPU”), requesting a \$142 million rate increase, for sustaining ongoing tree trimming, inspections of lines, poles and substations, and maintenance for newly installed equipment that enhances and modernizes the electric system; and

**WHEREAS**, if fully approved by the BPU, it would result in an overall increase of approximately 6% for the average JCP&L residential customer using 650 kilowatt hours per month, which would equate to a monthly increase of \$5.58; and

**WHEREAS**, JCP&L has requested that the new rates take effect on January 31, 2017; 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, as well as residents and businesses still trying to recover from the destruction of Superstorm Sandy; and

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

**WHEREAS**, senior citizens on fixed incomes and families, unable to pay the increase, might resort to drastic measures in an effort to save money, such as keeping their lights on, heating their homes, and putting food on the table, or buying needed medication; and

**WHEREAS**, this is the second proposed rate increase by a utility company in less than two months. New Jersey Natural Gas announced their plans to increase customer gas bills by an exorbitant 24%; and

**WHEREAS**, the Township Council is of the opinion that the rate increase proposed by JCP&L is 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 rate increase filed by JCP&L.

2. The proposed rate increase filed by JCP&L should be rejected by the BPU for reasons stated above, and ensure that JCP&L will not receive more than they are entitled to.

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, 8<sup>th</sup> 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) JCP&L  
331 Newman Springs Road  
Bldg. 3, #325  
Red Bank, NJ 07701
- i) Stefanie A. Brand, Director  
The Division of Rate Counsel  
140 East Front Street – 4<sup>th</sup> Floor  
PO Box 003  
Trenton, NJ 08625
- j) 9<sup>TH</sup> District Legislators
- k) 10<sup>th</sup> District Legislators
- l) 12<sup>th</sup> District Legislators
- m) 30<sup>th</sup> District Legislators

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE RESOLUTION DATED MAY 24, 2016, (PART III), WHICH AWARDED A CONTRACT FOR PROFESSIONAL SERVICES TO STEVEN A. ZABARSKY, ESQ., FOR MUNICIPAL PROSECUTOR; ROBERT ZAVISTOSKI, ESQ., EUGENE RACZ, ESQ., AND ROBERT A. GREITZ, ESQ., AS ALTERNATE MUNICIPAL PROSECUTORS, IN ORDER TO ADD TWO (2) ADDITIONAL ALTERNATE MUNICIPAL PROSECUTORS FOR THE TOWNSHIP OF TOMS RIVER, JAMES W. HOLZAPFEL, ESQ. AND MORGAN R. MONTANO, ESQ. OF THE CITTA LAW FIRM**

**JUNE 21, 2016**

WHEREAS, the Township of Toms River has a need to acquire professional legal services for Municipal Prosecutor and Alternate Municipal Prosecutors, commencing June 1, 2016 up to and including December 31, 2016; and

WHEREAS, the Township solicited proposals 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., and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 et. seq.; and

WHEREAS, resolution of the Township Council dated May 24, 2016 (Part III), authorized a professional services contract with Steven A. Zabarsky, Esq., of the Law Firm of Citta, Holzapfel & Zabarsky, Esqs., as Municipal Prosecutor, Robert Zavistoski, Esq., Eugene Racz, Esq., and Robert A. Greitz, Esq., of the Law Firm of Citta, Holzapfel & Zabarsky, Esqs., as Alternate Municipal Prosecutors, in the total maximum amount not to exceed \$75,000.00 for CY16, and not to exceed \$6,250.00 on a monthly basis for regular court sessions, plus four (4) special sessions at \$650.00 for each session, plus twelve (12) special driving while intoxicated sessions at \$850.00 for each session, for a

total maximum amount not to exceed \$87,800.00 for CY16, subject to the execution of a contract, the availability of funds, and the adoption of the CY16 budget, for the term commencing June 1, 2016 up to and including December 31, 2016; and

WHEREAS, the Township has been notified by the Citta law firm by letter dated June 7, 2016, that Morgan R. Montano, Esq., has joined the Citta law firm, and that she should be added, as well as James W. Holzapfel, Esq., as Alternate Municipal Prosecutors for the Township of Toms River; and

WHEREAS, the Township Council wishes to acknowledge the addition of Morgan R. Montano, Esq., and James W. Holzapfel, Esq., as Alternate Municipal Prosecutors for the Township of Toms River;

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 an amendment to the Resolution dated May 24, 2016 (Part III), in order to add two (2) additional Alternate Municipal Prosecutors, Morgan R. Montano, Esq., and James W. Holzapfel, as an Alternate Municipal Prosecutors for the Township of Toms River.

2. The Mayor is hereby authorized to execute and the Township Clerk to attest to an Amended Professional Services Agreement with Steven A. Zabarsky, Esq., as Municipal Prosecutor, of the Law Firm of Citta, Holzapfel & Zabarsky, Esqs., Robert Zavistoski, Esq., Eugene Racz, Esq., Robert A. Greitz, Esq., Morgan R. Montano, Esq., and James W. Holzapfel, Esq., of the Law Firm of Citta, Holzapfel & Zabarsky, Esqs., as Alternate Municipal Prosecutors for the Township of Toms River.

3. The purpose of this amendment is to add Morgan R. Montano, Esq., and James W. Holzapfel, as additional Alternate Municipal Prosecutors for the Township of Toms River. No additional money is required in connection with this resolution.

4. All other terms and conditions of the resolutions dated May 24, 2016 (Part III), are to remain in full force and effect.

5. A notice of this action shall be advertised once by the Clerk in the Asbury Park Press.

6. 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) Chief Financial Officer
- f) Purchasing Division
- g) Municipal Court
- h) Citta, Holzapfel & Zabarsky, Esqs.  
248 Washington Street  
Toms River, N.J. 08753  
Attn: Steven A. Zabarsky, Esq.
- i) Citta, Holzapfel & Zabarsky, Esqs.  
248 Washington Street  
Toms River, N.J. 08753  
Attn: Morgan R. Montano, Esq.
- j) Citta, Holzapfel & Zabarsky, Esqs.  
248 Washington Street  
Toms River, N.J. 08753  
Attn: James W. Holzapfel

## **AMENDED CERTIFICATION**

**CERTIFICATION OF CHIEF FINANCIAL OFFICER**

**PURSUANT TO**

**LOCAL PUBLIC CONTRACT LAW**

**THIS IS TO CERTIFY** the contract on the attached Resolution is an open-ended contract 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)*, this contract is subject to the availability of funds, the adoption of the CY15 budget and the adoption of the appropriate Capital Ordinances, if applicable.

\_\_\_\_\_  
CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: June 21, 2016

**AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES**

“SEE ATTACHMENTS”

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

**JUNE 21, 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) Brian C. Bilby  
27 Crescent Drive  
Whippany, NJ 07981
- i) Barbara Curatolo  
135 Kettle Creek Road  
Toms River, NJ 08753
- j) Robert E. Cunningham Trust  
655 Coolidge Avenue  
Toms River, NJ 08753

**SCHEDULE "A"**

**CERTIFICATION OF COSTS**

	<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>PROPERTY ADDRESS</u></b>	<b><u>TOTAL</u></b>
1.	233.20	1	135 Kettle Creek Road	\$1583.75
2.	724.82	1	655 Coolidge Avenue	\$891.75
3.	989	7	219 Durborow Avenue	\$1008.00

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF A PROFESSIONAL ENGINEERING SERVICE CONTRACT TO FRENCH & PARRELLO ASSOCIATES, FOR CREEK ROAD ROADWAY ELEVATION CONSTRUCTION PLANS, IN THE AMOUNT NOT TO EXCEED \$64,740.00, AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO AN AGREEMENT WITH FRENCH & PARRELLO ASSOCIATES**

**JUNE 21, 2016**

WHEREAS, French & Parrello Associates, submitted a conforming proposal for professional inspection and general engineering services, which was opened and read on December 1, 2015; and

WHEREAS, resolution of the Township Council dated March 8, 2016 (Part XXI), authorized the engineering firm of the French & Parrello Associates to be put on an approved list for professional pool inspection and general engineering services from April 1, 2016 through December 31, 2016, at the following rates:

Principal Engineer	\$148.00/hr.
Project Manager (PE)	\$128.00/hr.
Design Engineer (EIT)	\$107.00/hr.
Design Engineer	\$ 97.00/hr.
Professional Land Surveyor (PLS)	\$133.00/hr.
(As a principal or partner)	
Professional Land Surveyor (PLS)	\$112.00/hr.

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

WHEREAS, the Township is in need of assistance to assist the Engineering Division in the preparation of plans for the Creek Road Roadway Elevation Construction Plans; and

WHEREAS, the engineering firm of French & Parrello Associates, has submitted a Proposal dated May 13, 2016, FPA No. 1744.PR27, for these services; and

WHEREAS, the proposal has been reviewed by the Township Engineer, and recommendation has been made to award a contract for professional services to French & Parrello Associates for Creek Road Roadway Elevation Construction Plans, in the amount not to exceed \$64,740.00;

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

1. It hereby awards a Professional Engineering Services contract to French & Parrello Associates, for Creek Road Roadway Elevation Construction Plans, in the maximum amount not to exceed \$64,740.00, at the following rates:

Principal Engineer	\$148.00/hr.
Project Manager (PE)	\$128.00/hr.
Design Engineer (EIT)	\$107.00/hr.
Design Engineer	\$ 97.00/hr.
Professional Land Surveyor (PLS)	\$133.00/hr.
(As a principal or partner)	
Professional Land Surveyor (PLS)	\$112.00/hr.
(As an associate)	
Senior Designer	\$ 77.00/hr.
Computer Technician	\$ 77.00/hr.
Engineering Technician	\$ 77.00/hr.
Survey Technician	\$ 66.00/hr.
Senior CADD Operator	\$ 77.00/hr.
CADD Operator	\$ 61.00/hr.
Field Survey Crew	\$138.00/hr.
Senior Inspector	\$ 87.00/hr.
Inspector Level 1	\$ 51.00/hr.
Inspector Level 2	\$ 71.00/hr.
Secretary/Clerical	\$ 33.00/hr.
Delivery	\$ 33.00/hr.
Prints	\$ 0.25/sq.ft.
Mylars	\$ 1.53/sq.ft.
Cloths	\$ 2.10/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost; and

2. Funds in the maximum amount not to exceed \$64,740.00, are available in Account No. X-04- -220-002. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

3. The Mayor is authorized to execute and the Township Clerk to attest to a contract with French & Parrello Associates in connection with this project. A copy of this Agreement will be kept on file in the Office of the Township Clerk upon execution.

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 Engineer
- e) French & Parrello Associates  
1800 Route 34, Suite 101  
Wall, NJ 07719

### ***CERTIFICATION***

***THIS IS TO CERTIFY*** that the funds for the contract awarded to French & Parrello Associates, in the maximum amount not to exceed \$64,740.00, are available in Account No. X-04- -220-002.

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

CHRISTINE J. MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: June 21, 2016

### **AGREEMENT FOR PROFESSIONAL SERVICES**

***THIS AGREEMENT***, dated the ***22<sup>nd</sup>*** day of ***JUNE, 2016***

***BETWEEN:*** ***TOWNSHIP OF TOMS RIVER***,  
a municipal corporation of the State of New Jersey,  
Town Hall  
33 Washington Street  
Toms River, New Jersey 08753,  
(hereinafter referred to as "***TOWNSHIP***"),

***AND:*** ***FRENCH & PARRELLO ASSOCIATES, P.A.***  
1800 Route 34  
Suite 101  
Wall, New Jersey 07719  
(hereinafter referred to as "***ENGINEERS***")

***WHEREAS***, resolution of the Township Council dated January 4, 2016, authorized an extension of certain professional service contracts to January 26, 2016, at the same rates approved in 2015; and

**WHEREAS**, resolution of the Township Council dated January 26, 2016, authorized an extension of certain professional service contracts to March 31, 2016, at the same rates approved in 2015; and

**WHEREAS**, resolution of the Township Council of the Township of Toms River dated March 8, 2016, authorized the firm of French & Parrello Associates, P.A., be placed on an approved list for the calendar year 2016 to render services for inspection and general engineering services, commencing April 1, 2016 up to and including December 31, 2016, subject to the execution of a contract, the availability of funds, and the adoption of the CY16 budget, at the following rates:

Principal Engineer	\$148.00/hour
Project Manager (PE)	\$128.00/hour
Design Engineer (EIT)	\$107.00/hour
Design Engineer	\$ 97.00/hour
Professional Land Surveyor (PLS) (As a principal or partner)	\$133.00/hour
Professional Land Surveyor (PLS) (As an associate)	\$112.00/hour
Senior Designer	\$ 77.00/hour
Computer Technician	\$ 77.00/hour
Engineering Technician	\$ 77.00/hour
Survey Technician	\$ 66.00/hour
Senior CADD Operator	\$ 77.00/hour
CADD Operator	\$ 61.00/hour
Field Survey Crew	\$138.00/hour
Senior Inspector	\$ 87.00/hour
Inspector Level 1	\$ 51.00/hour
Inspector Level 2	\$ 71.00/hour
Secretary/Clerical	\$ 33.00/hour
Delivery	\$ 33.00/hour
Prints	\$ 0.25/sq.ft.
Mylars	\$ 1.53/sq.ft.
Cloths	\$ 2.10/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost,

**WHEREAS**, the Township has a need for professional engineering services to assist the Engineering Division in the preparation for the Creek Road Roadway Elevation Construction Plans; and

**WHEREAS**, French & Parrello Associates, PA submitted a Proposal dated May 13, 2016, FPA No. 1744.PR27, for these services; and

**WHEREAS**, pursuant to law, the parties hereto wish to enter into an agreement for professional services;

**NOW, THEREFORE**, the parties hereunder do agree as follows:

1. Engineers are hereby retained to assist the Engineering Division in connection with the Creek Road Roadway Elevation Construction Plans, in accordance with their proposal dated May 13, 2016, at the following rates:

Principal Engineer	\$148.00/hour
Project Manager (PE)	\$128.00/hour
Design Engineer (EIT)	\$107.00/hour
Design Engineer	\$ 97.00/hour
Professional Land Surveyor (PLS) (As a principal or partner)	\$133.00/hour
Professional Land Surveyor (PLS) (As an associate)	\$112.00/hour
Senior Designer	\$ 77.00/hour
Computer Technician	\$ 77.00/hour

Engineering Technician	\$ 77.00/hour
Survey Technician	\$ 66.00/hour
Senior CADD Operator	\$ 77.00/hour
CADD Operator	\$ 61.00/hour
Field Survey Crew	\$138.00/hour
Senior Inspector	\$ 87.00/hour
Inspector Level 1	\$ 51.00/hour
Inspector Level 2	\$ 71.00/hour
Secretary/Clerical	\$ 33.00/hour
Delivery	\$ 33.00/hour
Prints	\$ 0.25/sq.ft.
Mylars	\$ 1.53/sq.ft.
Cloths	\$ 2.10/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost,

2. **SCOPE OF SERVICES:**

A. ***Easement Map and Metes and Bounds Description Preparation.***

Engineers will prepare an easement map and a metes and bounds description of the proposed Creek Road easement across Lots 25.01 & 45.01, Block 1108.34.

B. ***Roadway Elevation Construction Plan and Cost Estimate Preparation.***

Engineers will prepare construction plans illustrating the proposed 12” roadway elevation of Creek Road. The plans will utilize the existing topographic survey information previously obtained for the project area, as well as the conceptual grading plans illustrating this road elevation.

The plans will illustrate the proposed roadway centerline and gutter elevations along with any utility structure location and/or relocations. The plans will also illustrate the extent of private property disturbance and will identify the required restoration for each property. The Township has been in contact with each property owner and has obtained temporary access easements from each owner to permit access to the property for the anticipated disturbance. Engineers will illustrate improvements to the storm sewer system where available. Engineers will prepare a road profile plan and construction detail sheet. The plans will identify the proposed improvement and unit quantity for ease of bid document preparation. Engineers will prepare a cost estimate for the proposed improvements based on the design prepared above.

C. ***Soil Erosion and Sediment Control Permit Preparation.***

Since the proposed improvements will disturb more than 5,000 s.f., a soil erosion and sediment control permit will need to be obtained. Engineers will prepare the necessary application and plans needed to satisfy a complete submission to the Ocean County Soil Conservation District.

The proposed improvements will disturb more than one acre. Therefore, a 5G3 application (formerly known as a Request for Authorization) will need to be obtained. This is an online application which can only be accessed once the Soil Erosion permit has been issued and a PIN number is provided by OCSCD. All application fees shall be provided by the Township.

3. **ESTIMATED FEES BASED ON TIME AND APPROVED RATES.**

a)	Easement Map and Metes and Bounds Description Preparation . . . . .	\$ 2,340.00
b)	Roadway Elevation Construction Plan and Cost Estimate Preparation . . . . .	\$56,860.00
c)	Soil Erosion and Sediment Control Permit Preparation . . . . .	\$ 4,740.00
d)	Reimbursable Expenses . . . . .	\$ 800.00

TOTAL: \$ 64,740.00

The Township shall pay Engineers for reimbursable expenses, including application fees, printing and reproduction, courier and express delivery service, bulk/special mailings, facsimile transmissions, specialized equipment and laboratory charges, GPS survey equipment usage, other costs of acquiring materials specifically for Township and related charges. The reimbursable expenses will be added to each monthly invoice.

4. The Township may terminate this Agreement with or without cause upon thirty (30) days' prior written notice to "Engineers".

5. Mandatory Equal Employment Opportunity Language, Exhibit A, is attached hereto, and made a part of this Agreement.

6. Engineers shall submit either (1) a photocopy of a valid letter that the vendor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of issuance, or (2) a photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:217-1.1 et seq., or (3) a photocopy of an Initial Employee Information Report (Form AA-302) provided by the Division of Public Contracts Equal Employment Opportunity Compliance and distributed to the Township of Toms River to be completed by the vendor in accordance with N.J.A.C. 17:27-1.1 et seq., prior to any payments being made under this contract.

7. The Township of Toms River and Engineers for themselves, their heirs, executors, administrators, successors or assigns, hereby agree to the full performance of the covenants herein contained.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed the day and year first above written.

ATTEST

**TOWNSHIP OF TOMS RIVER**

\_\_\_\_\_  
J. MARK MUTTER  
TOWNSHIP CLERK

By: \_\_\_\_\_  
THOMAS F. KELAHER  
MAYOR

WITNESS:

**FRENCH & PARRELLO ASSOCIATES,  
P.A.**

\_\_\_\_\_  
By: \_\_\_\_\_

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RESCINDING A PROPERTY MAINTENANCE LIEN WHICH WAS ERRONEOUSLY PLACED ON BLOCK 611, LOT 1, 819 MAIN STREET, TOMS RIVER, NJ, BY RESOLUTION DATED JULY 14, 2015, IN THE AMOUNT OF \$527.25, AND AUTHORIZING THE TOWNSHIP TAX COLLECTOR TO REMOVE THE LIEN FROM THE TOWNSHIP RECORDS**

**JUNE 21, 2016**

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

WHEREAS, Section 111 of the Township 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, a resolution of the Township Council dated July 14, 2015, erroneously imposed charges incurred under Section 111 of the 2006 International Property Maintenance Code as a lien against Block 611, Lot 1, 819 Main Street, in the amount of \$527.25 for property maintenance; and

WHEREAS, it has come to the Township's attention that the lien was erroneously placed on the wrong property;

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 rescinds the lien erroneously placed on Block 611, Lot 1, 819 Main Street, for property maintenance, in the amount of \$527.25.
2. It hereby authorizes and directs the Township Tax Collector to remove the lien erroneously placed on Block 611, Lot 1, 819 Main Street, for property maintenance, in the amount of \$527.25.
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) State of New Jersey  
Department of Transportation  
CN 600  
1035 Parkway  
Trenton, NJ 08625

## **RESOLUTION APPOINTING MEMBERS OF THE TOMS RIVER TOWNSHIP SEMIQUINCENTENNIAL COMMISSION**

**JUNE 21, 2016**

WHEREAS, the Toms River Township Semiquincentennial Commission was established by resolution on January 3, 2010, and J. Mark Mutter, Township Clerk and Township Historian, was designated as its Chairman; and

WHEREAS, the Township's 250<sup>th</sup> anniversary shall be celebrated in 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY, that the following additional members are appointed to the Commission:

1. **L. Manuel Hirshblond**  
11 Boxwood Terrace  
Toms River, NJ 08753
2. **Cynthia Smith**  
1026 Sheila Drive  
Toms River, NJ 08753
3. **Alizar N. Zorojew**

Downtown Toms River  
53 Main Street  
Toms River, NJ 08753

4. **Toms River Regional Schools**  
Elementary Schools Representative

5. **Maria Maruca**  
2513 Waters Edge Drive  
Toms River, NJ 08753

6. **Zarita Mattos-Wright**  
Chief Librarian, Toms River Branch  
Ocean County Library  
101 Washington Street  
Toms River, NJ 08753  
(Alternate: Susan Quinn, Library Director  
Ocean County Library  
101 Washington Street  
Toms River, NJ 08753)

7. **Jan Kirsten**  
Executive Director of College Relations  
Ocean County College  
College Drive  
PO Box 2001  
Toms River, NJ 08754-2001

8. **Timothy Hart**  
Ocean County Cultural & Heritage Commission  
PO Box 2191  
Toms River, NJ 08754-2191

The Municipal Clerk shall provide certified copies of this Resolution to each of the following:

- a. Mayor Thomas F. Kelaher
- b. Township Council
- c. J. Mark Mutter, Commission Chairman
- d. Each Commission Member

## **RESOLUTION**

### **June 21, 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>
32-16 Michael Hock	Taxi Driver	ABC/Beach Taxi
33-16 Martin Wink	Taxi Driver	ABC/Beach 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**

### **June 21, 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  
#44-16**

**Redwood Spa  
515 Lakehurst Rd  
Toms River, NJ 08753**

**MESSAGE LICENSE  
#45-16**

**Nina X. Meg  
943 Edgebrook 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 AUTHORIZING THE RENEWAL  
OF LIQUOR LICENSES FOR 2016-2017**

**June 21, 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 applicant, all of whom are presently holder of such licenses, for the respective premises, to wit:

1507-33-018-011 (Pocket)  
JMJ License Corporation  
t/a Pub 1850  
1850 Hooper Ave  
Toms River, NJ 08753

2. The licenses referred to in the preceding paragraph 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**.

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) 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

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

**June 21, 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:

1507-31-027-002  
George P. Vanderveer  
American Legion Post #129  
2025 Church Rd  
P. O. Box 203  
Toms River, NJ 08753

1507-31-029-001  
Toms River Elks Lodge#1875  
600 Washington Street  
Toms River, NJ 08753

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

**RESOLUTION AUTHORIZING THE RENEWAL OF  
POCKET LIQUOR LICENSE 1507-33-042-006  
ISSUED TO SIMON PROPERTY GROUP INC. (IN POCKET)  
PURSUANT TO NJABC SPECIAL RULING**

**June 21, 2016**

WHEREAS, the liquor license holder listed below has made application for the renewal of his respective license and has paid the necessary fee for his renewal; and

WHEREAS, the aforesaid application and other proceedings relative to said application and license are in regular and proper form; and

WHEREAS, Jonathan A. Orsen, Acting Director, of the State of New Jersey Alcoholic Beverage Control, has authorized the Township of Toms River to consider the renewal application for Plenary Retail Consumption License Number 1507-33-042-006 for the 2016-2017 and 2017-2018 license term, pursuant to the provisions of N. J. S. A. 33:1-12.39; and

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

1. The Plenary Retail Consumption Liquor License is hereby granted to the following applicant, which is presently the holder of the license:

**1507-33-042-006  
Simon Property Group Inc.  
1201 Hooper Ave  
Toms River, NJ 08753  
(POCKET)**

2. The license referred to in the preceding paragraphs 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 Tax Department, the issuance of this license as soon as this license is 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) Attorney
- d) State of New Jersey  
Division of Alcoholic Beverage Control  
P. O. Box 087  
Trenton, NJ 08625-0087
- e) State Tax Dept.
- f) Simon Property Group Inc  
1201 Hooper Ave  
Toms River, NJ 08753

**RESOLUTION AUTHORIZING THE RENEWAL OF  
POCKET LIQUOR LICENSE 1507-33-014-004  
ISSUED TO OCEAN VENTURES LIQUOR LLC  
PURSUANT TO NJABC SPECIAL RULING  
N. J. S. A. 33:1-12.39**

**June 21, 2016**

WHEREAS, the liquor license holder listed below has made application for the renewal of his respective license and has paid the necessary fee for his renewal; and

WHEREAS, the aforesaid application and other proceedings relative to said application and license are in regular and proper form; and

WHEREAS, Jonathan A. Orsen, Acting Director, of the State of New Jersey Alcoholic Beverage Control, has authorized the Township of Toms River to consider the renewal application for Plenary Retail Consumption License Number 1507-33-014-004 for the 2016-2017 and 2017-2018 license term, pursuant to the provisions of N. J. S. A. 33:1-12.39; and

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

1. The Plenary Retail Consumption Liquor License is hereby granted to the following applicant, which is presently the holder of the license:

**1507-33-014-004  
OCEAN VENTURES LIQUOR LLC  
708 Third Ave  
New York, NY 10017 4146  
(POCKET)**

2. The license referred to in the preceding paragraphs 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. This approval is made based upon the Special Ruling dated August 5, 2013 made by ABC Acting Director Jonathan A. Orsen.

4. The Township Clerk shall forthwith report to the Division of Alcoholic Beverage Control of the State of New Jersey, and to the State Tax Department, the issuance of this license as soon as this license is issued.

5. 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) Attorney
- d) State of New Jersey  
Division of Alcoholic Beverage Control  
P. O. Box 087  
Trenton, NJ 08625-0087
- e) State Tax Dept.
- f) Claude Chandonnet  
708 Third Ave 21<sup>st</sup> Floor  
New York, NY 10017

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING REPLACEMENT PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS BLOCK 797, LOT 5.01 (1811 ROUTE 37 EAST)**

**JUNE 21, 2016**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Block 797, Lot 5.01.

WHEREAS, Replacement Performance Bonds from Elfi Holdings, LLC, has been posted as follows:

1) Surety Bond #BUIFSU0697 in the amount of \$18,720.00 which represents the ninety percent portion of the replacement performance guarantee amount.

2) Check in the amount of \$2,080.00 which represents the ten percent portion of the replacement performance guarantee amount.

3) Check in the amount of \$865.00 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) Previously posted Cash Bond in the amount of \$20,800.00, currently on deposit in account 6-14- -902-101 is hereby released with applicable interest to Robert P. Lamb.

2) The bonds set forth in the preamble hereto are hereby approved.

3) Said bond approval is conditioned upon compliance by Elfi Holdings, 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.

Township Clerk shall send a certified copy hereof to each of the following:

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. 10 Allen Street  
Attn: Robert Lamb  
Toms River, NJ 08753
- e. Elfi Holdings, LLC  
Attn: Cesar A. Dietrich  
108 Starboard Street  
Forked River, NJ 08731

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MAJOR SUBDIVISION KNOWN AS DAYNA ESTATES II, BLOCK 410.02, LOT 27, (FREEHOLD ROAD)**

**JUNE 21, 2016**

WHEREAS, the Township engineer has reported to the Township Council with respect to a Major Subdivision, known as Dayna Estates II, Block 410.02, Lot 27.

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) Maintenance Surety Bond #K08681405 in the amount of \$17,937.60, is hereby released;

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. Jankim Properties, LLC  
1856 Route 9, Suite 1  
Toms River, NJ 08755  
Attn: Arvo Prima

**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 1103, LOT 16 (Ocean Beach Surf Club)**

**June 21, 2016**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Ocean Beach Surf Club, Block 1103, Lot 16.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$2,160.00.00 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 Ocean Beach Surf Club 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. Ocean Beach Surf Club  
PO Box 213  
Lavallette, NJ 08735

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING REDUCED REPLACEMENT PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS BLOCK 172, LOT 11.02 (Lakewood Road)**

**June 21, 2016**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Block 172, Lot 11.02.

WHEREAS, Reduced Replacement Performance Bonds from Toms River Medical Offices, LLC, have been posted as follows:

- 1) Check in the amount of \$48,540.00 which represents the full portion of the reduced replacement performance guarantee amount.
- 2) Check in the amount of \$1,213.50 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) Previously posted Letter of Credit in the amount of \$145,620.00, currently on deposit in account X-18- -101-488 is hereby released to Glen McDonald from Homes For All.
- 2) Previously posted Cash Bond in the amount of \$16,180.00, currently on deposit in account 6-14- -902-101, is hereby released.
- 3) The bonds set forth in the preamble hereto are hereby approved.
- 4) Said bond approval is conditioned upon compliance by Toms River Medical Offices, 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.

Township Clerk shall send a certified copy hereof to each of the following:

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Homes For All INC  
7 Hyers Street  
Toms River, NJ 08753  
ATTN: Glen McDonald
- e. Toms River Medical Offices, LLC  
1931 Lakewood Road  
Toms River, NJ 08755

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

**June 21, 2016**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision, known as Block 173, Lots 37 & 40.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Letter of Credit in the amount of \$305,100.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$33,900.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$4,237.50 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 Hickory Homes LLC, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.
- 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. Hickory Homes, LLC  
18 Bradshaw Road  
Lakewood, NJ 08701

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A  
MAJOR SUBDIVISION KNOWN AS SILVERTON VALLEY ESTATES II, BLOCK 172.04 LOT  
21.01 (SILVERTON ROAD)**

**JUNE 21, 2016**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision, known as Silverton Valley Estates II, Block 172.04, Lot 21.01.

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

2) Maintenance Surety Bond #K08681399 in the amount of \$15,225.00, is hereby released;

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. Puntonia Associates, INC  
1856 Route 9, Suite 1  
Toms River, NJ 08755

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING  
PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES  
FOR A MINOR SITE PLAN KNOWN AS PINE BELT CADILLAC,  
BLOCK 644, LOT 1 AND 41 (Route 37 East and King Street)**

**June, 21 2016**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Pine Belt Cadillac, Block 644, Lots 1 & 41.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount of \$560.00 which represents the 10% Maintenance Guarantee, accepted by way of Resolution 'P' dated February 24, 2015 and is currently on deposit in account 6-14- -902-101 and will remain on account to represent the Maintenance Cash Bond;

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

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

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

- 1) Previously posted cash in the amount of \$5,040.00 on deposit in account 6-14- -902-10, is to be released;
- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;

Township Clerk shall send a certified copy hereof to each of the following:

- a. Township Engineer
- b. Chief Finance Department
- c. Township Attorney
- d. 71 Route 37 East, LLC  
Attn: Michael Lynch  
1088 Route 88  
Lakewood, NJ 08701

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS 1804 INDUSTRIAL WAY, LLC, BLOCK 472, LOT 14 (Industrial Way North & Corporate Circle)**

**June 21, 2016**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan entitled 1804 Industrial Way, LLC, Block 472, Lot 14.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount of \$16,390.00 which represents the 10% Maintenance Guarantee, accepted by way of Resolution 'T' dated October 28, 2014 and is currently on deposit in account 6-14- -902-101 and will remain on account to represent the Maintenance Cash Bond;

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

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

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

- 1) Previously posted Cash Bond in the amount of \$147,510.00, is to be released;
- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;

Township Clerk shall send a certified copy hereof to each of the following:

- a. Township Engineer
- b. Chief Finance Department
- c. Township Attorney  
1804 Industrial Way  
182 Queens Boulevard

## **REPORTS**

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

1. Pre-Season Beach Badge Weekly Report: week #10: \$13,520.0
2. Pre-Season Pool Badge Weekly Report- week #10: \$75.00
3. Youth Services- May 2016: \$16,855.12
4. Winding Rink Ice Rink- May 2016: \$28,322.50
5. Bey Lea Golf Course- May 2016: \$124,078.76
6. Permits & Inspections- May 2016: \$291,115.50

## **APPROVAL OF BILLS**

Council President Kubiell asked for a report on the bills.

The Bill List, dated **June 17, 2016** was approved on motion by Council Member Maruca, seconded by Council Member Carr, and carried with Council Members Carr, Geoghegan, Hill, Kubiell, Maruca, and Council President Kubiell voting yes, and with Council Members Manforti and Wittmann 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 16-01427, payable to Board of Fire Commissioners-District 2 in the amount of \$726,351.98.

Purchase Order 16-01771, payable to Board of Fire Commissioners in the amount of \$1,109,078.40.

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

Purchase Order 16-03465, payable to Toms River Municipal Utility Authority in the amount of \$7,068.06.

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

Purchase Order 16-01427, payable to Board of Fire Commissioners-District 2 in the amount of \$726,351.98.

Purchase Order 16-02988, 16-03072 and 16-03166, payable to F&C Auto Supply (Silverton First aid rigs) in the amount of \$578.30.

Council Member Hill 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 16-02778, payable to Heartwood Ecological Consultant in the amount of \$552.50.

Purchase Order 16-03003, payable to Ocean County Board of Health in the amount of \$160.00.

Purchase Order 16-03112, payable to Owen, Little and Associates in the amount of \$5,369.99.

Purchase Order 16-03212 and 16-03211, payable to Toms River Schools in the amount of \$1,292.50.

Purchase Order 16-03212 and 16-03211, payable to Saint Luke's Church in the amount of \$840.00.

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 16-02946 and 16-02948, payable to Dasti, McGuckin-Attorneys at Law in the amount of \$3,993.30.

Purchase Order 16-03262, payable to New Jersey Motor Vehicle Commission in the amount of \$600.00.

Purchase Order 16-03212 and 16-03211, payable to FY16 New Jersey Motor Vehicle Lease in the amount of \$4,027.50.

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

No comments.

### ***PUBLIC COMMENTS***

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

Steve Delmar spoke regarding un-licensed taxi drivers. He also spoke regarding ABC Taxi and its activities in the Township. Discussion ensued. Administrator to investigate.

Sherman Barton, 208 Eisenhower Avenue, spoke regarding property maintenance at 2016 Eisenhower Avenue in Ortley Beach.

William McPhail spoke regarding Parking Fees Ordinance. Pam Piner of Parking Authority responded.

Robert Engel, Eisenhower Avenue, spoke regarding 206 Eisenhower Avenue property condition.

Ken Langdon spoke regarding property maintenance in Ortley Beach. Discussion ensued. Councilwoman Maruca and Trevor Newman from Engineer responded. They also spoke regarding raised homes and occupancy regarding same.

Nels Luthmann spoke regarding "River Walk" project along the river, and regarding Highway 9 condition near Huddly Park, and sky bridge across Water Street.

Thomas Clarico, AA-1 Taxi, spoke regarding ABC Taxi activities.

Liz Fry spoke regarding conduct regarding taxis in Toms River.

Michael Salvadore spoke regarding United States Post Office in Toms River and parking fees for postal employees.

William McPhail spoke regarding Property Maintenance Ordinance and its enforcement.

No other business appearing, the meeting was adjourned. A motion was made by Council Member Maruca, seconded by Council Member Geoghegan, and carried with

Council Members Carr, Geoghegan, Hill, Maruca, and Council President Kubiell voting yes, and with Council Members Manforti and Wittmann absent.

No Executive Session was held.

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BRIAN S. KUBIEL, COUNCIL PRESIDENT

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J. MARK MUTTER, TOWNSHIP CLERK