

July 12, 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.

A moment of silence was held for the Dallas shooting victims.

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

**OPEN PUBLIC MEETINGS ACT STATEMENT**

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

Roll Call:

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

**APPROVAL OF MINUTES**

A motion was made by Council Member Maruca seconded by Council Member Manforti, and carried with Council Members Carr, Geoghegan, Manforti, Maruca, and Council President Kubiel voting yes, and with Council Members Hill and Wittmann abstaining, to approve the Minutes of the **Special Meeting of June 14, 2016**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

A motion was made by Council Member Maruca, seconded by Council Member Carr, and carried with Council Members Carr, Geoghegan, Hill, Maruca, and Council President Kubiel voting yes, and with Council Members Manforti and Wittmann abstaining, to approve the Minutes of the **Regular Meeting of June 21, 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**

NONE

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 Maruca, and carried that an Ordinance entitled:

**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.*

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

"(4) **Purpose:** *Drainage and road reconstruction projects at various Township locations, including, but not limited to, Ortley 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.*

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

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*J. Mark Mutter, Township Clerk*

**NOTICE OF ADOPTION OF BOND ORDINANCE**

PUBLIC NOTICE IS HEREBY GIVEN that the bond ordinance published herewith has been finally adopted by the Township Council of the Township of Toms River, in the County of Ocean, New Jersey on July 12, 2016 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this notice.

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J. Mark Mutter, Township Clerk

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President 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 Maruca seconded the motion:

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

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

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

Council Member Carr	- Yes
Council Member Geoghegan	- Yes

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

A motion was made by Council Member Wittmann, seconded by Council Member Carr, and carried with all Council Members voting yes, to approve the following Resolution:

**RESOLUTION PROVIDING FOR EMERGENCY TEMPORARY APPROPRIATIONS**

**JULY 12, 2016**

WHEREAS, the Township Council of the Township of Toms River passed a 2016 Temporary Budget Resolution on January 4, 2016; and,

WHEREAS, N. J. S. A. 40A: 4- 20 authorizes the Township Council by resolution adopted by a two-thirds vote of the full membership thereof to make emergency temporary appropriations;

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, that the attached list of 2016 emergency temporary appropriations are hereby approved.

BE IT FURTHER RESOLVED that certified copies of this Resolution be provided by the Township Clerk to each of the following:

- a) Director, Division of Local Government Services
- b) Administrator
- c) Township Attorney
- d) Township Auditor
- e) Chief Financial Officer
- f) Affected Department Heads

Approved as to Content:

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

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

A motion was made by Council Member Manforti, seconded by Council Member Hill, and carried with all Council Members voting yes, to approve the following Resolution:

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance

Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

**WHEREAS**, the member of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, that the Township Council of the Township of Toms River, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON JULY 12, 2016.

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J. Mark Mutter, RMC  
Township Clerk  
Township of Toms River

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

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

### **CONSENT AGENDA**

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

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

### *RESOLUTION*

*JULY 26, 2016*

*WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO DAV EXEMPTIONS ON PROPERTY(IES),*

*AND;*

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
<i>AMMANANN, EDWARD &amp; BARBARA</i>	<i>1081.07</i>	<i>3</i>	<i>2016/1</i>	<i>830.35</i>
			<i>2016/2</i>	<i>830.34</i>
<i>THOMSEN, GEORGE &amp; JOSEPHINE</i>	<i>235.17</i>	<i>14</i>	<i>2016/1</i>	<i>1805.90</i>
			<i>2016/2</i>	<i>580.00</i>
<i>TOTAL:</i>				<i>\$4046.59</i>

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

*Approved as to content:*

## *RESOLUTION*

*JULY 26, 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 OR DUPLICATE 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
<b>CHASE HOME FINANCE</b>	<b>1462.14</b>	<b>33</b>	<b>2015/4</b>	<b>5,896.15</b>
<b>OCEAN FIRST BANK</b>	<b>1044</b>	<b>401</b>	<b>2016/1</b>	<b>1371.25</b>
<b>THOMAS, SANDRA &amp; JEAN PHILIPPE</b>	<b>944.02</b>	<b>12</b>	<b>2015/3</b>	<b>1151.73</b>
			<b>2015/4</b>	<b>37.88</b>
<b>WELLS FARGO REAL EST. SERV. LLC</b>	<b>411.38</b>	<b>6</b>	<b>2016/2</b>	<b>1078.74</b>
<b>TOTAL:</b>				<b>\$9,535.75</b>

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

JULY 26, 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:

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

NAME	BLOCK	LOT	Qual,Year	Amount
<b>COLLINS, DENISE</b>	<b>1462.20</b>	<b>1</b>	<b>2015/4</b>	<b>\$757.59</b>
<b>TOTAL:</b>				<b>\$757.39</b>

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

*Approved as to content:*

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF OPEN-ENDED CONTRACTS TO PAPER MART, INC., AND PREMIER SUPPLIES, USA LLC, FOR THE SUPPLY OF COPY PAPER, PARCHMENT PAPER, PROCLAMATION AND CERTIFICATE HOLDERS**

**JULY 12, 2016**

WHEREAS, bids were invited on June 22, 2016 for the Supply of Copy Paper, Parchment Paper, Proclamation and Certificate Holders; and

WHEREAS, bids were received, as follows:

W.B. Mason Co., Inc.  
21 Commerce Drive  
Cranbury, NJ 08512

Paper Mart, Inc.  
151 Ridgedale Avenue  
East Hanover, N.J. 07936

Premier Supplies, USA LLC  
460 West 34<sup>th</sup> Street, 5<sup>th</sup> Floor  
New York, NY 10001

WHEREAS, the bids have been reviewed by the Purchasing Division, and they have recommended that the award of open-ended contracts be made, to the following vendors:

Paper Mart Inc. – Item Nos. A1, A2, A3, A4 and A5.  
Premier Supplies, USA LLC – Item Nos. B1, B2, C, D1, D2, and D3.

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 Supply of Copy Paper, Parchment Paper, Proclamation and Certificate Holders, to the following vendors:

Paper Mart Inc. – Item Nos. A1, A2, A3, A4 and A5.  
Premier Supplies, USA LLC – Item Nos. B1, B2, C, D1, D2, and D3.

2. The contract term shall be for one (1) year, commencing July 11, 2016 through July 10, 2017. The award of these contracts is subject to all terms and conditions of the bid specifications. These contracts shall be open-ended with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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) W.B. Mason Co., Inc.  
21 Commerce Drive  
Cranbury, NJ 08512

- e) Paper Mart, Inc.  
151 Ridgedale Avenue  
East Hanover, N.J. 07936
- f) Premier Supplies, USA LLC  
460 West 34<sup>th</sup> Street, 5<sup>th</sup> Floor  
New York, NY 10001

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended contracts awarded to Paper Mart, Inc., and Premier Supplies, USA LLC, are contingent upon the availability of funds at the time of purchase, 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 accounts at that time.

CHRISTINE J. MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: July 12, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT TO ADVANCED  
COMPUTER CONCEPTS T/A TREC, AS SOLE BIDDER MEETING ALL THE BID  
SPECIFICATIONS, FOR THE MANUFACTURE, PRINTING AND MAILING SERVICES FOR  
CALENDAR YEARS 2016 AND 2017 TAX BILLS AND NOTICES**

**JULY 12, 2016**

WHEREAS, bids were invited on June 22, 2016 for the Manufacture, Printing and Mailing Services for Calendar Years 2016 and 2017 Tax Bills and Notices; and

WHEREAS, only one bid was received, as follows:

Advanced Computer Concepts, Inc.  
t/a TREC  
808 Lowell Avenue  
Toms River, N.J. 08753 . . . . .

<b>Item No.</b>	<b>Description</b>	<b>Unit Price (Per Thousand)</b>
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**Manufacturing, Printing and Mailing Services (Items A & B)**

**A. 1. REGULAR TAX BILLS:**

- Option A) Tax Bill WITHOUT Flyer: \$349.00
- Option B) Tax Bill WITH One Flyer: \$359.00
- Option C) Tax Bill WITH Two Flyers: \$369.00
- Option D) Tax Bill WITH Three Flyers: \$379.00

Total Quantity: 90,000 (Approx.)  
Actual Mailing Quantity: 30,000 bills  
15,000 advice copies, Once a Year – June

**A. 2. ADDED/OMITTED TAX BILLS: \$275.00**

Total Quantity: 10,000 (Approx.)  
Actual Mailing Quantity: 5,000 pieces,  
Once a Year, October

**A. 3. DELINQUENT NOTICES:** \$150.00

Total Quantity: 43,200 (Approx.)

Actual Mailing Quantity: 5,400 pieces, Quarterly

**A.4. TAX SALE NOTICE FORMS:** \$150.00

Total Quantity: 2,000 (Approx.)

**A.5 HOMESTEAD REBATE BILL** \$185,00

Total Quantity: 11,000 &  
5,700 advice copies

**A.6. PRELIMINARY TAX BILLS  
DUE TO APPEALS** \$195.00

Total Quantity: 2,500 (Approx.)

**A.7. ESTIMATED TAX BILLS** \$250.00

Total Quantity: 90,000 (Approx.)  
Actual Mailing Quantity: 30,000 bills  
15,000 advice copies, Once a Year – June

**B.1. ANNUAL ASSESSMENT NOTICES** \$130.00

Total Quantity: 90,000 (Approx.)  
Actual Mailing Quantity: 45,000 Once a Year, January

Mailing Services Only: (Items C & D)

**C.1. POST TAX YEAR STATEMENTS** \$150.00

Total Quantity: 10,000 (Approx.)  
Actual Mailing Quantity: 5,000 pieces,  
Once a Year, January

**D.1. ANNUAL DOG LICENSING NOTICES** \$100.00

Total Quantity: 10,000 (Approx.)  
Actual Mailing Quantity: 5,000 pieces,  
Once a Year, January

DISCOUNT: State if Discount applies for prompt payment  
made within fifteen (15) days of delivery and acceptance by  
the Township of Toms River: 2.00%

WHEREAS, the bid has been reviewed by the Purchasing Division, and  
recommendation has been made to award a contract to Advanced Computer Concepts,  
Inc. t/a TREC, as sole bidder meeting all the bid specifications, at the rates stated  
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 Manufacture, Printing and Mailing  
Services for Calendar Years 2016 and 2017 Tax Bills and Notices to Advanced

Computer Concepts, Inc. t/a TREC, as sole bidder meeting all the bid specifications, as follows:

<b>Item No.</b>	<b>Description</b>	<b>Unit Price (Per Thousand)</b>
<b>Manufacturing, Printing and Mailing Services (Items A &amp; B)</b>		
<b>A. 1. <u>REGULAR TAX BILLS:</u></b>		
	Option A) Tax Bill WITHOUT Flyer:	\$349.00
	Option B) Tax Bill WITH One Flyer:	\$359.00
	Option C) Tax Bill WITH Two Flyers:	\$369.00
	Option D) Tax Bill WITH Three Flyers:	\$379.00
	Total Quantity: 90,000 (Approx.)	
	Actual Mailing Quantity: 30,000 bills	
	15,000 advice copies, Once a Year – June	
<b>A. 2. <u>ADDED/OMITTED TAX BILLS:</u></b>		<b>\$275.00</b>
	Total Quantity: 10,000 (Approx.)	
	Actual Mailing Quantity: 5,000 pieces,	
	Once a Year, October	
<b>A. 3. <u>DELINQUENT NOTICES:</u></b>		<b>\$150.00</b>
	Total Quantity: 43,200 (Approx.)	
	Actual Mailing Quantity: 5,400 pieces, Quarterly	
<b>A.4. <u>TAX SALE NOTICE FORMS:</u></b>		<b>\$150.00</b>
	Total Quantity: 2,000 (Approx.)	
<b>A.5 <u>HOMESTEAD REBATE BILL</u></b>		<b>\$185.00</b>
	Total Quantity: 11,000 &	
	5,700 advice copies	
<b>A.6. <u>PRELIMINARY TAX BILLS</u></b>		
	<b><u>DUE TO APPEALS</u></b>	<b>\$195.00</b>
	Total Quantity: 2,500 (Approx.)	
<b>A.7. <u>ESTIMATED TAX BILLS</u></b>		<b>\$250.00</b>
	Total Quantity: 90,000 (Approx.)	
	Actual Mailing Quantity: 30,000 bills	
	15,000 advice copies, Once a Year – June	
<b>B.1. <u>ANNUAL ASSESSMENT NOTICES</u></b>		<b>\$130.00</b>
	Total Quantity: 90,000 (Approx.)	
	Actual Mailing Quantity: 45,000 Once a Year, January	
	Mailing Services <u>Only:</u> (Items C & D)	
<b>C.1. <u>POST TAX YEAR STATEMENTS</u></b>		<b>\$150.00</b>
	Total Quantity: 10,000 (Approx.)	
	Actual Mailing Quantity: 5,000 pieces,	
	Once a Year, January	

**D.1. ANNUAL DOG LICENSING NOTICES \$100.00**

Total Quantity: 10,000 (Approx.)  
Actual Mailing Quantity: 5,000 pieces,  
Once a Year, January

DISCOUNT: State if Discount applies for prompt payment made within fifteen (15) days of delivery and acceptance by the Township of Toms River: 2.00%

This will be an open-ended contract with funds being subject to availability in the appropriate municipal budget. The award of this contract is also subject to all the other terms and conditions of the bid specifications. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

2. Term of Contract: Two (2) Years, commencing retroactive to June 15, 2016 through June 14, 2018 by resolution of the Township Council.

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) Tax Collector
- e) Tax Assessor
- f) Health Department
- g) Aforementioned bidder

***CERTIFICATION***

***THIS IS TO CERTIFY*** that the funds for the contract awarded to Advanced Computer Concepts, Inc. t/a TREC, are subject to availability of funds in the appropriate municipal budget, as follows:

<b><i>Item No.</i></b>	<b><i>Description</i></b>	<b><i>Unit Price (Per Thousand)</i></b>
<b><i>Manufacturing, Printing and Mailing Services (Items A &amp; B)</i></b>		

**A. 1. REGULAR TAX BILLS:**

Option A) Tax Bill WITHOUT Flyer:	\$349.00
Option B) Tax Bill WITH One Flyer:	\$359.00
Option C) Tax Bill WITH Two Flyers:	\$369.00
Option D) Tax Bill WITH Three Flyers:	\$379.00

Total Quantity: 90,000 (Approx.)  
Actual Mailing Quantity: 30,000 bills  
15,000 advice copies, Once a Year – June

**A. 2. ADDED/OMITTED TAX BILLS: \$275.00**

Total Quantity: 10,000 (Approx.)  
Actual Mailing Quantity: 5,000 pieces,  
Once a Year, October

**A. 3. DELINQUENT NOTICES: \$150.00**

Total Quantity: 43,200 (Approx.)

Actual Mailing Quantity: 5,400 pieces, Quarterly

**A.4. TAX SALE NOTICE FORMS:** \$150.00

Total Quantity: 2,000 (Approx.)

**A.5 HOMESTEAD REBATE BILL** \$185,00

Total Quantity: 11,000 &  
5,700 advice copies

**A.6. PRELIMINARY TAX BILLS**  
**DUE TO APPEALS** \$195.00

Total Quantity: 2,500 (Approx.)

**A.7. ESTIMATED TAX BILLS** \$250.00

Total Quantity: 90,000 (Approx.)  
Actual Mailing Quantity: 30,000 bills  
15,000 advice copies, Once a Year – June

**B.1. ANNUAL ASSESSMENT NOTICES** \$130.00

Total Quantity: 90,000 (Approx.)  
Actual Mailing Quantity: 45,000 Once a Year, January

Mailing Services Only: (Items C & D)

**C.1. POST TAX YEAR STATEMENTS** \$150.00

Total Quantity: 10,000 (Approx.)  
Actual Mailing Quantity: 5,000 pieces,  
Once a Year, January

**D.1. ANNUAL DOG LICENSING NOTICES** \$100.00

Total Quantity: 10,000 (Approx.)  
Actual Mailing Quantity: 5,000 pieces,  
Once a Year, January

DISCOUNT: State if Discount applies for prompt payment made within fifteen (15) days of delivery and acceptance by the Township of Toms River: 2.00%

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: July 12, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CONTRACTS TO VENDORS WITH STATE CONTRACT, ATLANTIC TACTICAL OF NJ, INC.; AND LAWRENCE SUPPLY CO. OF NJ INC., FOR THE PURCHASE OF BODY ARMOR FOR THE POLICE DEPARTMENT,**

**FROM STATE CONTRACT NO. T-0106, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$60,404.10 (PBA #137 VEST FUND IS PAYING \$33,431.91 TO LAWMEN SUPPLY CO. OF NJ INC. – TOWNSHIP PORTION - \$26,972.19)**

**JULY 12, 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. In accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State contract are hereby approved.

2. Contract for the Purchase of Body Armor for the Police Department, using State Contract No. T-0106, from the following vendors:

Lawmen Supply Co. of NJ Inc.  
7115 Airport Highway  
Pennsauken, NJ 08109

Vendor No. 81351

	<u>Quantity</u>	<u>Cost</u>	<u>Extended</u>
Point Blank Vision Body Armor Package	40	\$1,263.39	\$ 50,535.60
\$33,431.91 to be paid by PBA #137 Vest Fund			\$-(33,431.91)
Total Township Funds:			\$ 17,103.69

Atlantic Tactical of NJ Inc.  
14 Worlds Fair Drive  
Somerset, NJ 08873

Vendor No. 82102

	<u>Quantity</u>	<u>Cost</u>	<u>Extended</u>
Safariland Xtreme XT03 Body Armor – Navy	6	\$ 767.00	\$4,602.00
Safariland Xtreme XT03 Body Armor – White	1	\$ 737.50	\$ 737.50
ABA Tax Pocket Black ID Panels	1	\$ 147.50	\$ 147.50
Second Chance Body Armor – Navy	4	\$ 885.00	\$3,540.00
Protech Impac-HT Special Threat Plate	11	\$ 76.50	\$ 841.50
Total:			\$9,868.50
<b>TOTAL PURCHASE FROM T0106</b>			<b>\$26,972.19</b>

Contract With: Atlantic Tactical of NJ, Inc.  
14 Worlds Fair Drive  
Somerset, NJ 08873

Vendor No. 82102

Amount: \$9,868.50

Lawmen Supply Co. of NJ Inc.

7115 Airport Highway  
Pennsauken, NJ 08109

Vendor No. 81351

Amount: \$17,103.69

Account No. X-99- -907-640 - \$13,802.68

Account No. X-99- -907-575 - \$ 3,169.51

Account No. X-19- -600-150 - \$10,000.00

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) Atlantic Tactical of NJ, Inc.  
14 Worlds Fair Drive  
Somerset, NJ 08873
- f) Lawmen Supply Co. of NJ Inc.  
7115 Airport Highway  
Pennsauken, NJ 08109

### **CERTIFICATION**

***THIS IS TO CERTIFY*** that the funds for the contract for vendor with State contract, Atlantic Tactical of NJ, in the total contract amount of \$9,868.50, and Lawmen Supply Co. of NJ Inc., in the total contract amount of \$17,103.69, are available in the following Account Nos.

Account No. X-99- -907-640 - \$13,802.68

Account No. X-99- -907-575 - \$ 3,169.51

Account No. X-19- -600-150 - \$10,000.00

Total Purchase from T0106 - \$26,972.19

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: July 12, 2016

***RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CONTRACT TO VENDOR WITH STATE CONTRACT, DELL MARKETING LP, FOR PURCHASE OF MICROSOFT SOFTWARE LICENSING AND RELATED SERVICES FOR 522 USERS, FROM STATE CONTRACT NO. M0003, VENDOR NO. 89850, FOR A TOTAL CONTRACT MAXIMUM AMOUNT NOT TO EXCEED \$174,035.64 FOR 522 USERS***

***JULY 12, 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. In accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-12(a) and NJAC 5:34-7.4, and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State contract are hereby approved.

2. Contract for the Purchase of Microsoft Software Licensing from Dell Marketing LP, State Contract No. M0003, Vendor No. 89850, for a total contract amount not to exceed \$174,035.64, for 522 users.

Contract With: Dell Marketing LP  
Attn: Romina Kronick  
One Dell Way, RR8-MS41  
Round Rock, Tx 78682

State Contract No. M0003

Vendor No. 89850

Amount: \$174,035.64 for 522 Users

Account No. 6-01- -A17-510

3. Term of contract: Retroactive to July 1, 2016 through June 30, 2017.

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) Clerk's Office – Records Management
- d) IT Department
- e) Dell Marketing LP  
Attn: Romina Kronick  
One Dell Way, RR8-MS41  
Round Rock, Tx 78682

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract for vendor with State contract, Dell Marketing LP, in the total maximum contract amount not to exceed \$174,035.64 for 522 users, are available in Account No. 6-01- -A17-510.

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: July 12, 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, NINE (9) FILE CABINETS AT THE POLICE DEPARTMENT, WHICH ARE NO LONGER NEEDED FOR PUBLIC USE, OR BY THE TOWNSHIP, PURSUANT TO N.J.S.A. 40A:11-36**

**JULY 12, 2016**

WHEREAS, the Purchasing Division and the Police Department are requesting authorization to dispose of nine (9) file cabinets at the Police Department, by recycling, 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 and should be disposed of by recycling or waste, 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 nine (9) file cabinets at the Police Department, which are no longer needed for public use, or by the Township, and should be disposed of by recycling.

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) Township Attorney
- c) Chief Financial Officer
- d) Public Works Department
- e) Police Department
- f) Lorraine Adams, Grant Coordinator

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING PLAN ENDORSEMENT CITIZEN'S ADVISORY COMMITTEE ESTABLISHED BY MAYOR THOMAS F. KELAHER, PURSUANT TO N.J.S.A. 40:55D-27**

**JULY 12, 2016**

WHEREAS, the Township of Toms River desires to obtain Plan Endorsement from the State Planning Commission; and

WHEREAS, Plan Endorsement is a voluntary review process developed by the State Planning Commission to provide the technical assistance and coordination of the state for municipalities, counties, and regional agencies to meet the goals of the State Planning Act and State Development and Redevelopment Plan; and

WHEREAS, the State Planning Act recognizes that coordination of state action is necessary to help municipalities develop New Jersey's economy while protecting the natural, historic and recreational resources, providing adequate and diverse housing, and redeveloping our cities and older suburban areas; and

WHEREAS, the purpose of the Plan Endorsement process is to increase the degree of consistency among municipal, county, regional and state agency plans with each other and with the State Plan, and to facilitate the implementation of these plans with the primary focus on where and how development and redevelopment can be accommodated in accordance with the State Plan; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines establish a comprehensive and coordinated planning process in order for a municipality to consider, and update as necessary, master plans, functional plans, development regulations and capital plans to be consistent with the State plan and achieve plan endorsement; and

WHEREAS, through plan endorsement, master plans, functional plans, development regulations and capital plans should be coordinated and supportive of each other; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines incorporate and expand upon the principles of the Municipal Land Use Law in order to help towns plan for a sustainable future; and

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-27, the Mayor may appoint one or more persons as a citizen's advisory committee to assist or collaborate with the planning board in duties, including adoption of, and amendment to, the master plan to guide the use of lands within the municipality in a manner which protects the public health and safety and promotes the general welfare of the community; and

WHEREAS, the Plan Endorsement Guidelines and State Planning Rules require the appointment of a Plan Endorsement Advisory Committee to guide the municipality through the Plan Endorsement process; and

WHEREAS, the Plan Endorsement Advisory Committee shall consist of between five and ten members, including: one representative of the Township Council; a Class IV member of the planning board; one representative of a local board, commission or committee who is not a member of the planning board; and two representatives of the public that do not hold a position, employment or office with the municipality, and such other members as designated by Mayor;

### ***ESTABLISHMENT OF THE PLAN ENDORSEMENT CITIZEN'S ADVISORY COMMITTEE***

- 1) The Committee shall consist of at least five and not more than ten members to be appointed by the Mayor pursuant to N.J.S.A. 40:55D-27;
- 2) The Members of the Committee shall serve at the pleasure of the Mayor;
- 3) The Committee shall report findings and conclusions of its actions performed pursuant to the State Planning Rules and Plan Endorsement Guidelines, and shall make recommendations to the Planning Board on Plan Endorsement, but shall have no power to vote or take other action required of the planning board;
- 4) The Committee shall report to the Mayor and Township Council at least once a month on the status of plan endorsement;
- 5) The Committee shall be entitled to contact any municipal official for relevant information;
- 6) The Committee is established for the purpose of:
  - a) Guiding the plan endorsement process for the municipality;
  - b) Increasing public awareness of, and participation in, the plan endorsement process for the community;
  - c) Serving as the liaison with the state, county, regional agencies and local officials through the plan endorsement process;
  - d) Assisting the municipality in meeting the deadlines of plan endorsement;
  - e) Taking the lead on completing a municipal self-assessment and submitting the required planning documents to the Office of Planning Advocacy;
  - f) Helping to facilitate community visioning as described in the Plan Endorsement Guidelines and community visioning standards;
  - g) Reporting the findings and conclusions of the self-assessment and community visioning for the planning board for its review;
  - h) Negotiating a draft Action Plan with the Office of Planning Advocacy, in collaboration with the planning board and governing body, to consist of actions that should be taken to adopt and/or update plans, ordinances and regulations in order to meet the plan endorsement requirements;
  - i) Facilitating completion of the Action Plan items in order to achieve endorsement by the State Planning Commission and enjoy the benefits available to the municipality as a result of the endorsed plan.
- 7) The Township Clerk shall transmit a copy of this document and the notice as required in the State Planning Rules to the State Planning Commission.

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

- a) Mayor Thomas Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Township Engineer
- f) Township Planner
- g) Assistant Township Planner
- h) Chief Financial Officer

***Pursuant to N.J.S.A. 40:55D-27, I hereby establish the Plan Endorsement Citizen's Advisory Committee in accordance with the above guidelines. Appointments of Committee members shall be made by a separate letter.***

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THOMAS F. KELAHER, MAYOR

**RESOLUTION OF THE TOWNSHIP COUNCIL OF  
THE TOWNSHIP OF TOMS RIVER, OCEAN  
COUNTY, NEW JERSEY, AUTHORIZING A  
PROFESSIONAL SERVICE CONTRACT WITH  
RAYMOND J. HANBURY, PH.D, AS TOWNSHIP  
PSYCHOLOGIST FROM APRIL 1, 2016 TO  
DECEMBER 31, 2016**

**JULY 12, 2016**

**WHEREAS**, *Raymond J. Hanbury, Ph.D., 2640 Highway 70, Bldg. 7A, Suite 202, Manasquan, N.J. 08736-2609, has been the Township Psychologist for several years and the Council finds his services to professional and competent; and*

**WHEREAS**, *the Township of Toms River has a need to acquire a Township Psychologist from January 4, 2016 up to and including December 31, 2016; and*

**WHEREAS**, *the Township of Toms River 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 et. seq.; and*

**WHEREAS**, *on December 1, 2015, the Township of Toms River requested proposals for these services from the public, where there was no response; and*

**WHEREAS**, *on January 4, 2016, this Council extended Raymond J. Hanbury's contract to March 31, 2016; and*

**WHEREAS**, *the Township of Toms River solicited a second round of proposals for these services in accordance with the Fair and Open Process, pursuant to the provisions of N.J.S.A. 19:44A-20 et. seq.; and*

**WHEREAS**, *to date there has been no response to this second request for proposals; and*

**WHEREAS**, *the total maximum amount for these services does not exceed the threshold to obtain a Business Entity Disclosure Certification and Political Contribution Disclosure form pursuant to N.J.S.A. 19:44A-20.4 et. seq.; and*

**WHEREAS**, *Raymond J. Hanbury, Ph.D. agrees to act as the Township Psychologist for the 2016 calendar year retroactive to April 1, 2016:*

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Toms River authorizes the Mayor to enter into and the Township Clerk to attest to a contract with Raymond J. Hanbury, Ph.D., as Township Psychologist, from April 1, 2016 up to and including December 31, 2016, for a total maximum amount not to exceed \$15,000.00 for CY16, contingent upon the execution of a contract, availability of funds and the adoption of the CY16 budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

**BE IT FURTHER RESOLVED** that the award of this professional service contract is being made in conformance with N.J.S.A. 19:44A-20.4 et. seq. and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 et. seq.

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

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

- a) Mayor Thomas Kelaher
- b) Chief Financial Officer
- c) Business Administrator
- d) Township Attorney
- e) Township Clerk
- f) Chief of Police
- g) Director of Public Works
- h) Raymond F. Hanbury, Ph.D.  
2640 Highway 70  
Bldg. 7A, Suite 202  
Manasquan, N.J. 08736-2609

## **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), these contracts are subject to the availability of funds, the adoption of the CY16 budget and the adoption of the appropriate Capital Ordinances, if applicable.

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CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: July 12, 2016

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

**JULY 12, 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) Calao, Louis & Jeanette  
1240 Fox Hollow Drive  
Toms River, NJ 08755
- i) Lemasters, Opal  
1246 Old Freehold Road  
Toms River, NJ 08753
- j) Cook, Jill A  
337 Flaam Street  
Toms River, NJ 08753
- k) Bullaro, Salvatore  
100-03 70<sup>th</sup> Avenue  
Forest Hills, NY 11375
- l) Schieferstein, Thania  
596 Clifton Avenue  
Toms River, NJ 08753
- m) White, Justin & Angela  
933 Bay Avenue  
Pt. Pleasant Beach, NJ 08742
- n) Tucker, Albert E. & June L.  
208 Charlotteville Drive North  
Toms River, NJ 08757

**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. 1089	59	32 Silver Beach Road	\$766.00
2. 410	36.10	1240 Fox Hollow Drive	\$790.60
3. 647	16	596 Clifton Avenue	\$790.60

4.	571.22	16	1246 Old Freehold Road	\$891.75
5.	410	38.06	1427 Oakwood Hollow Lane	\$891.75
6.	442.58	8	337 Flaam Street	\$797.10
7.	1462.04	18	1878 Monitor Drive	\$790.60

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A  
MAJOR SITE PLAN KNOWN AS IMPERIAL MANOR, BLOCK 300, LOT 237  
(231 WARNER STREET)**

**JULY 12, 2016**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Imperial Manor, Block 300, Lot 237.

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

- 1) Maintenance Cash Bond currently on deposit in account 6-14- -0-2-101 in the amount of \$15,040.00 with applicable interest, is hereby released;
- 2) Township Clerk shall send a certified copy hereof to each of the following:
  - a. Township Engineer
  - b. Chief Financial Officer
  - c. Township Attorney
  - d. Imperial Manor  
2205 Tilu Court  
Toms River, NJ 08755  
Attn: Amjad Chowdhry

**RESOLUTION  
July 12, 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>
31-16 Robert Maurer	Taxi Driver	ABC/ Beach
34-16 Linda Ambrose	Taxi Driver	All Pro Taxi
35-16 Jillian Knapp	Taxi Driver	ABC/Beach Taxi
36-16 Tracy Devine	Taxi Driver	All Pro Taxi

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

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

1. That the Clerk of this Township is hereby authorized and directed to issue the TAXI LICENSE to the applicants listed

above, in accordance with Chapter 457 (Taxicab and Taxicab Drivers) the "Code of the Township of Toms River".

2. The applicant is required to conform to all provisions of Chapter 457 (Taxi cabs and Taxi Drivers)
3. The Township Clerk shall send a certified copy of Resolution to the:

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RATIFYING AND AFFIRMING AN ADDENDUM TO THE EXISTING 2014-2017 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND TEAMSTERS LOCAL 97 OF NEW JERSEY, AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO THE ADDENDUM**

**JULY 12, 2016**

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

1. It hereby ratifies and affirms an Addendum to the existing 2014-2017 Collective Bargaining Agreement between the Township of Toms River and Teamsters Local 97 of New Jersey.

2. It hereby authorizes the Mayor to execute and the Township Clerk to attest to an Addendum to existing 2014-2017 Collective Bargaining Agreement between the Township of Toms River and Teamsters Local 97 of New Jersey.

3. A copy of the executed Addendum is attached to this resolution as Schedule "A", and made a part hereof.

4. 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 Clerk
- e) Township Attorney
- f) Chief Financial Officer
- g) Personnel
- h) Payroll
- i) Director of Human Resources
- j) Director of Public Works
- k) Teamsters Local 97 of New Jersey  
John Gerow, President  
485 Chestnut Street  
Union, New Jersey 07083
- l) Teamsters Local 97 of New Jersey  
Pat Guaschino, Vice President  
485 Chestnut Street  
Union, New Jersey 07083

**SCHEDULE "A"**

**ADDENDUM TO COLLECTIVE BARGAINING AGREEMENT**

The TOWNSHIP OF TOMS RIVER ("Toms River" or "Township") and TEAMSTERS LOCAL 97 OF NEW JERSEY ("Union") hereby enter into this addendum to the parties' 2014-2017 collective negotiations agreement to reclassify certain employees permanently assigned to the Recycling Center.

**TERMS AND CONDITIONS**

1. Subsection G of Appendix A (Classifications and Base Pay) of the parties' 2014-2017 collective negotiations agreement is hereby amended to provide4 as follows:

G. Effective January 1, 2014, the "Laborer" classification is eliminated. Laborers hired prior to this date are grandfathered into that classification; except that, "Laborers" who are permanently assigned to the Recycling Center will be re-classified as "Recycling Center Attendants" and placed into one of the following two categories, and paid accordingly, depending on their qualifications:

- (1) Recycling Center Attendant with CDL, paid at the prevailing "Driver" rate.
- (2) Recycling center Attendant without CDL, paid at the prevailing "Laborer" rate.

2. All other provisions of the parties' 2014-2017 collective negotiations agreement remain in full force and effect.

TEAMSTERS LOCAL 97 OF NJ

TOWNSHIP OF TOMS RIVER

\_\_\_\_\_  
John Gerow  
President

\_\_\_\_\_  
Thomas F. Kelaher, Mayor

\_\_\_\_\_  
Patrick Guaschino  
Vice-President

\_\_\_\_\_  
J. Mark Mutter  
Township Clerk

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

***RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RATIFYING AND AFFIRMING AN ADDENDUM TO THE EXISTING 2014-2017 COLLECTIVE NEGOTIATIONS AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE TOMS RIVER TOWNSHIP MUNICIPAL SUPERVISORS ASSOCIATION, AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO THE ADDENDUM***

***JULY 12, 2016***

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

1. It hereby ratifies and affirms an Addendum to the existing 2014-2017 Collective Negotiations Agreement between the Township of Toms River and the Toms River Township Municipal Supervisors Association.

2. It hereby authorizes the Mayor to execute and the Township Clerk to attest to an Addendum to the existing 2014-2017 Collective Negotiations Agreement between

the Township of Toms River and the Toms River Township Municipal Supervisors Association.

3. A copy of the executed Addendum is attached to this resolution as Schedule "A", and made a part hereof.

4. 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 Clerk
- e) Township Attorney
- f) Chief Financial Officer
- g) Personnel
- h) Payroll
- i) Director of Human Resources
- j) Toms River Township Municipal Supervisors Association

### **SCHEDULE "A"**

#### **AMENDMENT TO COLLECTIVE NEGOTIATIONS AGREEMENT**

The TOWNSHIP OF TOMS RIVER ("Toms River" or "Township") and the TOMS RIVER TOWNSHIP MUNICIPAL SUPERVISORS ASSOCIATION ("Association") hereby agree to amend the parties' 2014-2017 collective negotiations agreement to revise the provisions governing the accumulation and use of compensatory time.

#### **TERMS AND CONDITIONS**

1. Article XII (Overtime) of the parties' 2014-2017 collective negotiations agreement is hereby amended as follows:

a. Compensatory time earned and approved in accordance with the procedures set forth in Article XII (Overtime) may be used throughout the calendar year in which it is earned.

b. Compensatory time earned within the last two months of the calendar year may be carried over and used at any time during the immediately succeeding calendar year. Compensatory time earned in the first 10 months of the calendar year may not be carried over and must be used in accordance with the preceding subparagraph.

c. Compensatory time not used in accordance with the preceding provisions is forfeited.

d. Unused compensatory time may not, under any circumstances, be converted into a monetary payment.

e. These amendments take effect retroactively from January 1, 2016, and continue through the term of the agreement.

2. These amendments supplant and replace all conflicting or inconsistent provisions of Article XII (Overtime) and become part of the agreement subject to future negotiations.

3. The provisions of Article XII not in conflict or inconsistent herewith remain in full force and effect.

For the Township:

Attest:

\_\_\_\_\_  
J. MARK MUTTER  
Township Clerk

\_\_\_\_\_  
THOMAS F. KELAHER  
Mayor

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

For the Association:

Attest:

\_\_\_\_\_  
  
Dated: \_\_\_\_\_

\_\_\_\_\_  
BERNIE MACKLE  
President

\_\_\_\_\_  
JAMES BOWEN  
Vice-President

\_\_\_\_\_  
SCOTT WARTHEN  
Committee Person

Dated: \_\_\_\_\_

**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, AND AMENDING RESOLUTION DATED JUNE 21, 2016, WHICH AUTHORIZED THE ADDITION OF 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**

**(THIS RESOLUTION WILL AUTHORIZE THE ADDITION OF TWO (2) ALTERNATE MUNICIPAL PROSECUTORS, FOR THE TOWNSHIP OF TOMS RIVER, RONALD DELIGNY, ESQ., AND ALEXANDER BECKER, ESQ., OF THE CITTA LAW FIRM)**

**(NO ADDITIONAL MONEY IS REQUIRED FOR THIS AMENDMENT)**

**JULY 12, 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, resolution of the Township Council dated June 21, 2016, authorized the addition of two (2) Alternate Municipal Prosecutors, Morgan R. Montano, Esq., and James W. Holzapfel, Esq., for the Township of Toms River; and

WHEREAS, the Township has been notified by the Citta law firm by letter dated July 7, 2016, that Ronald Deligny, Esq., and Alexander Becker, Esq., has joined the Citta law firm, and that they should be added as Alternate Municipal Prosecutors for the Township of Toms River; and

WHEREAS, the Township Council wishes to acknowledge the addition of Ronald Deligny, Esq. and Alexander Becker, 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), and June 21, 2016, in order to add two (2) additional Alternate Municipal Prosecutors, Ronald Deligny, Esq., and Alexander Becker, Esq., as 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., James W. Holzapfel, Esq., Ronald Deligny, Esq., and Alexander Becker, 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 Ronald Deligny, Esq., and Alexander Becker, Esq., 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), and June 21, 2016, 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: Ronald Deligny, Esq.
- j) Citta, Holzapfel & Zabarsky, Esqs.  
248 Washington Street  
Toms River, N.J. 08753  
Attn: Alexander Becker, Esq.

**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 CY16 budget and the adoption of the appropriate Capital Ordinances, if applicable.

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CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: July 12, 2016

A motion was made by Council Member Hill, seconded by Council Member Manforti, and carried with Council Members Carr, Hill, Manforti, Maruca, Geoghegan, Wittmann, and with Council President Kubiell voting yes, that the following resolution **be removed and tabled to July 26, 2016 Council Meeting.**

**AUTHORIZING CONCESSION AGREEMENT FOR WINDING RIVER SKATING CENTER**

Arnold Taranto questioned the following resolution and its funding. Councilman Kubiell explained.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF ONE (1)  
ADDITIONAL REPLACEMENT AUTOMATED REFUSE COLLECTION SYSTEMS CAB &  
CHASSIS, NEW AND UNUSED 2016 MODEL 66,000 LB GVW FOR THE DEPARTMENT  
OF PUBLIC WORKS FROM HUNTER JERSEY PETERBILT, AT A TOTAL COST  
NOT TO EXCEED \$265,975.00**

**(ORIGINAL AWARD OF CONTRACT JULY 28, 2015, FOR TWO (2) UP TO A MAXIMUM  
OF FIVE (5) AUTOMATED REFUSE COLLECTION SYSTEMS CAB & CHASSIS NEW**

**AND UNUSED 2016 MODEL 66,000 LB GVW MINIMUM (OR EQUAL), FOR THE DEPARTMENT OF PUBLIC WORKS, AT A COST OF \$265,975.00 EACH, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$531,950.00 FOR TWO (2))**

**AND**

**(RESOLUTION DATED FEBRUARY 23, 2016 AWARDED A CONTRACT FOR THE PURCHASE OF TWO (2) ADDITIONAL REPLACEMENT AUTOMATED REFUSE COLLECTION SYSTEMS CAB & CHASSIS, NEW AND UNUSED 2016 MODEL 66,000 LB GVW FOR THE DEPARTMENT OF PUBLIC WORKS FROM HUNTER JERSEY PETERBILT, AT A TOTAL COST NOT TO EXCEED \$531,950.00 FOR TWO (2))**

**JULY 12, 2016**

WHEREAS, bids were invited on July 7, 2015 for Two (2) Up to a Maximum of Five (5) Automated Refuse Collection Systems Cab & Chassis New and Unused 2016 Model 66,000 LB GVW Minimum (or equal) for the Department of Public Works; and

WHEREAS, resolution of the Township Council dated July 28, 2015, awarded a contract to Hunter Jersey Peterbilt, as sole bidder meeting all the specifications, for two (2) up to a maximum of five (5) Automated Refuse Collection Systems Cab & Chassis New and Unused 2016 Model 66,000 LB GVW Minimum ( or equal) for the Department of Public Works, for a total cost not to exceed \$531,950.00 for two (2) (\$265,975.00 each), with the option to purchase up to three (3) additional, contingent upon availability of funds in future municipal budgets; and

WHEREAS, resolution of the Township Council dated February 23, 2016, authorized the purchase of Two (2) Additional Replacement Automated Refuse Collection Systems Cab & Chassis, New and Unused 2016 Model 66,000 LB GVW for the Department of Public Works, from Hunter Jersey Peterbilt, at a cost of \$265,975.00 each, for a total contract price not to exceed \$531,950.00 for two (2); and

WHEREAS, the Township Council has determined that it would be in the best interest of the Township to exercise its option to purchase One (1) Additional Replacement Automated Refuse Collection Systems Cab & Chassis New and Unused 2016 Model 66,000 LB GVW for the Department of Public Works, for a total cost not to exceed \$265,975.00 from:

Hunter Jersey Peterbilt  
524 Monmouth Road  
Clarksburg, NJ 08510

AUTOMATED REFUSE COLLECTION SYSTEMS  
CAB & CHASSIS NEW AND UNUSED  
2016 MODEL 66,000 LB GVW MINIMUM (OR EQUAL)  
PRICE PER EACH: .....\$265,975.00  
MAKE CAB /CHASSIS BID: Peterbilt  
MODEL BID: 320  
YEAR BID: 2016  
DELIVERY DATE: 120 Days A.R.O.

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 purchase of One (1) Additional Replacement Automated Refuse Collection Systems Cab & Chassis New and Unused 2016 Model 66,000 LB GVW for the Department of Public Works, from Hunter Jersey Peterbilt, for a total cost not to exceed \$265,975.00. The award of this contract is subject to all the terms and conditions of the bid specifications. Funds in the maximum amount not to exceed \$265,975.00, 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.

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 Department
- e) Hunter Jersey Peterbilt  
524 Monmouth Road  
Clarksburg, NJ 08510

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the Purchase of One (1) Additional Replacement Automated Refuse Collection Systems Cab & Chassis New and Unused 2016 Model 66,000 LB GVW, for the Department of Public Works, from Hunter Jersey Peterbilt, in the total contract price not to exceed \$265,975.00, 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: July 12, 2016

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING TOWNSHIP OF TOMS RIVER CHIEF OF POLICE, MITCHELL A. LITTLE, TO ENTER INTO AND EXECUTE A MEMORANDUM OF UNDERSTANDING - LAW ENFORCEMENT AGENCY SECURITY ENHANCEMENT PROGRAM, BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE NEW JERSEY DIVISION OF PURCHASE AND PROPERTY (ON BEHALF OF THE NEW JERSEY MOTOR VEHICLE COMMISSION), FOR SECURITY COVERAGE OF THE TOMS RIVER MOTOR VEHICLE COMMISSION AGENCY LOCATED AT 1861 HOOPER AVENUE, TOMS RIVER, NEW JERSEY**

**JULY 12, 2016**

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

1. It hereby authorizes Toms River Township Police Chief Mitchell A. Little, to enter into and execute a Memorandum of Understanding - Law Enforcement Agency Security Enhancement Program, between the Township of Toms River and the State of New Jersey, Division of Purchase and Property (on behalf of the New Jersey Motor Vehicle Commission), for security coverage of the Toms River Motor Vehicle Commission Agency located at 1861 Hooper Avenue, Toms River, NJ 08753.
2. Term of Contract shall commence retroactive to July 1, 2016 through June 30, 2017. The Motor Vehicle Commission shall pay to the Township of Toms River, an annual sum of \$94,085.00, payable in twelve (12) equal monthly installments, with the first payment due July, 2016.
3. A copy of the Memorandum of Understanding is attached to this resolution, as Schedule "A" and made a part hereof.
4. 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) Business Administrator
- c) Chief Financial Officer
- d) Township Attorney
- e) Police Department, Attn: Chief Mitchell Little
- f) State of New Jersey, Division of Purchase and Property  
33 West State Street, 9<sup>th</sup> Floor  
PO Box 039  
Trenton, NJ 08625
- g) Director T. Flarity  
MVC Security & Investigations  
225 East State Street  
PO Box 175  
Trenton, NJ 08666-0175

**SCHEDULE "A"**

"SEE ATTACHMENTS"

Arnold Taranto questioned the following resolution.

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

**TOWNSHIP OF TOMS RIVER  
OCEAN COUNTY, NEW JERSEY**

**J. MARK MUTTER, RMC  
OFFICE OF THE TOWNSHIP CLERK  
33 WASHINGTON STREET  
TOMS RIVER, NEW JERSEY 08753  
FAX NO. 732-341-3586**

**RESOLUTION OF THE TOWNSHIP OF COUNCIL OF THE TOWNSHIP OF TOMS  
RIVER, OCEAN COUNTY, NEW JERSEY, SUPPORTING AND CONCURRING WITH  
THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH BICYCLE LANES  
ALONG BOTH DIRECTIONS OF ROUTE NJ 35 IN THE TOWNSHIP OF TOMS  
RIVER, IN CONNECTION WITH THE RECONSTRUCTION PROJECT OF ROUTE NJ  
35 IN THE TOWNSHIP OF TOMS RIVER**

**JULY 12, 2016**

WHEREAS, reference is made to the recent reconstruction project by the New Jersey Department of Transportation (NJDOT) for Route NJ 35 in the Township of Toms River; and

WHEREAS, in connection with this project, the NJDOT has been requested to establish Bicycle Lanes along both directions of Route NJ 35 in the Township of Toms River; and

WHEREAS, the NJDOT recently completed a field investigation and reviewed the documentation submitted, and they have determined that the request to establish Bicycle Lanes along both directions of Route NJ 35 in the Township of Toms River is warranted and can be recommended for approval; and

WHEREAS, the Township Council wishes to support and concurs with the determination and recommendation of the NJDOT;

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, that it supports and concurs with the establishment of Bicycle Lanes along both directions of Route NJ 35 in the Township of Toms River, as follows:

**IN THE TOWNSHIP OF TOMS RIVER;**

**ROUTE NJ 35**

**BICYCLE LANES:**

The lane locations described are hereby designated as Bicycle Lanes. No vehicle other than a bicycle shall be permitted the use of said lane.

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LANE WITDTH</u>	<u>LIMITS</u>
Route NJ 35 Northbound	East	5 Feet	Between the Seaside Heights Borough-Toms River Township corporate line and 6 <sup>th</sup> Avenue. (Approximate mileposts 3.48 to 4.00)
Route NJ 35(Z) Southbound	East	5 Feet	Between 6 <sup>th</sup> Avenue and Central Avenue (under NJDOT jurisdiction) (Approximate mileposts 4.10 to 3.66)
Central Avenue (Under NJDOT Jurisdiction)	East	5 Feet	Between NJ 35(Z) and Route NJ 35

**Repealer Clause:**

The Township of Toms River concurs that any approved traffic regulations in conflict with or inconsistent with the provisions of this Resolution be rescinded upon approval of the Traffic Regulation Order.

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

- a) Township Attorney
- b) Chief Financial Officer
- c) Township Engineer
- d) Police Department
- e) Township Planner
- f) Department of Public Works
- g) Michael E. Mihalic  
Supervisor, Traffic Investigations  
Bureau of Traffic Engineering  
Department of Transportation  
PO Box 600  
Trenton, NJ 08625-0600
- h) Clerk of the Ocean County Board of Chosen Freeholders  
P.O. Box 2191  
Toms River, N.J. 08754-2191
- i) Ocean County Engineering Department  
129 Hooper Avenue  
Toms River, N.J. 08754  
Attn: John N. Ernst, County Engineer

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Thomas F. Kelaher, Mayor

J. Mark Mutter, RMC  
July 12, 2016

**CERTIFICATION**

I, J. Mark Mutter, do hereby certify that the foregoing is a true copy of a resolution adopted by the Township Council at a meeting held on the 12th day of July, 2016.

---

J. Mark Mutter, RMC  
Municipal Clerk

(Municipal Seal)

**REPORTS**

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

1. Youth Services- June 2016- \$21,599.50
2. Clerk's Office- June 2016- \$72,437.39
3. Pre-Season Beach Badge- Week #11- \$19,740.00
4. Pre-Season Beach Badge- Week #12- \$18,515.00
5. Pre-Season Pool Badge- Week #11- \$1,350.00
6. In-Season Pool Badge- Week #1- \$8,746.00
7. Winding River Ice Rink- June 2016- \$32,560.50
8. Bey Lea Golf Course- June 2016- \$187,880.65

**APPROVAL OF BILLS**

Council President Kubieli asked for a report on the bills.

The Bill List, dated **July 8, 2016** was approved on motion by Council Member Manforti, seconded by Council Member Carr, and carried with Council Members Hill, Kubieli, Manforti, Maruca, Geoghegan, Wittmann, and Council President Kubieli voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 16-03430, payable to Barnabas Health Corporate Care in the amount of \$75.00.

Purchase Order 16-02726, payable to Board of Fire Commissioners in the amount of \$9,592.00.

Purchase Order 16-03610, payable to Community Medical/Saint Barnabas in the amount of \$59.02.

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

Purchase Order 16-03430, payable to Barnabas Health Corporate Care in the amount of \$75.00.

Purchase Order 16-03668, payable to Board of Education-Toms River Schools in the amount of \$14,331,649.53.

Purchase Order 16-01170, payable to Heartwood Ecological Consultant in the amount of \$815.00.

Purchase Order 16-03520, 16-03779, 16-03427 and 16-03778, payable to Saint Luke's Church in the amount of \$1,680.00.

Purchase Order 16-03520, 16-03779, 16-03427 and 16-03778, payable to Toms River Schools in the amount of \$6,210.00.

Purchase Order 16-03610, payable to Community Medical/Saint Barnabas in the amount of \$59.02.

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

Purchase Order 16-03427 and 16-03778, payable to FY16 New Jersey Motor Vehicle Lease in the amount of \$1,190.00.

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

Purchase Order 16-01170, payable to Heartwood Ecological Consultant in the amount of \$815.00.

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

Mayor Kelaher was not present during elected Officials' comments portion of the meeting.

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

Councilman Geoghegan spoke regarding recent police shootings.

Councilman Manforti spoke regarding cruising downtown and art stroll in Toms River.

Councilman Hill noted that Toms River is one of the safest towns in New Jersey. He also spoke regarding the beach replenishment project.

### ***PUBLIC COMMENTS***

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

Arnold Taranto spoke regarding parking laws enforcement in the Township.

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

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

***ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 10.2 (ZONING MAP) OF CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE TOWNSHIP CODE TO REZONE PROPERTY DESIGNATED ON THE MUNICIPAL TAX MAP AS BLOCK 414, LOT 8 FROM THE 0-10 (OFFICE) ZONE TO THE 0-15 (OFFICE) ZONE***

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

Council Member Wittmann indicated he had conflict of interest, and left the meeting before the hearing started.

Discussion, procedurally, ensued with attorneys Robert Shea, Edward Liston and Ronald Gasiorowski regarding whether David Zimmerman, a planner, would testify.

Robert Shea objected to Mr. Zimmerman's testimony. Township Attorney Fitzsimmons ruled that Mr. Zimmerman could testify.

#### The Briad Group:

James Talerico, 78 Okner Parkway, Livingston, New Jersey 07039, a representative of the Briad Group, was sworn in by Township Clerk J. Mark Mutter.

Mr. Talerico testified in support of the application for Briad Group and spoke regarding rateables coming to Toms River.

Attorney Edward Liston, representing the Penny Layne Condominium Association, cross-examined Mr. Talerico. Objection by Robert Shea.

Attorney Fitzsimmons ruled that Attorney Liston could continue cross examining Mr. Talerico. Questions continued.

Attorney Gasiorowski had no questions.

#### Attorney Ronald Gasiorowski's case:

David Zimmerman, Planner, was sworn in by Township Clerk J. Mark Mutter.

Mr. Zimmerman spoke regarding his credentials; documents he reviewed, and regarding this application.

Mr. Zimmerman and Mr. Gasiorowski thanked Township Clerk Mutter for documents and cooperation in providing same regarding this ordinance.

Mr. Zimmerman spoke regarding the ordinance and said it should have been part of the Master Plan. He also spoke regarding the re-examination report and "spot zoning", and regarding this property as a transitional use. He also said that this property should be considered as part of the Master Plan Review that is currently underway by the Township.

Mr. Zimmerman was cross-examined by Attorney Robert Shea and there were re-direct questions by Mr. Gasiorowski of Mr. Zimmerman.

Councilman Carr questioned Mr. Zimmerman.

Edward Liston, said he represents the Penny Layne Condominium Association,

Discussion regarding whether to hear from the residents again—as this was already heard on March 22, 2016 before Council Meeting.

Discussion was held to allow residents to speak and decision was to let residents speak.

Speaking next:

Pat Neumberger spoke regarding the ordinance and need to protect homeowners.

Sherrie Huff, 1503 King George Lane, spoke regarding impact on children and other hotels in Toms River.

Vic Palmieri, 1002 English Lane, spoke regarding re-examination report; 0-15 zone; and other hotels in Toms River.

Pat Klaslo, Ortley Beach, spoke regarding changing designation of zones; Ocean County College students potentially using the hotel for a dormitory.

Hugh Gardner spoke regarding need for equal treatment in Township as Township enacted measures for North Dover property owners.

Angela Allora, Penny Layne resident, questioned hotel at this location.

Marlene Mango, a realtor for 40 years and recent property owner in Penny Layne Condominium, spoke of her concern regarding the impact on Penny Layne, if hotel use is approved.

Tracy Apgar opposed the ordinance.

Roseanne Stevens opposed the ordinance.

Gary Pesciotta, Penny Layne resident, spoke regarding current traffic on Oak Avenue and opposed the ordinance.

To **close** Public Hearing:

On motion by Council Member Manforti, seconded by Council Member Hill, a motion to close the hearing was made, but then **held in abeyance** in order to allow the attorneys to make concluding remarks.

Edward Liston gave concluding argument in opposition to the ordinance, regarding tax appeals that will result if approved; land use law, and urged the ordinance to be rejected.

Ronald Gasiorowski spoke and also urged the ordinance be rejected.

Robert Shea spoke and urged the ordinance's adoption for rateables, if ordinance and hotel are ultimately approved. He also spoke regarding the Township procedure followed by Briad regarding this ordinance request.

Vote to **close** hearing was now held:

The vote on the motion by Council Member Manforti, seconded by Council Member Hill was now held and carried with Council Members Carr, Hill, Manforti, Maruca, and Council President Kubiel voting yes, and with Council Member Wittmann absent, to **CLOSE the Public Hearing.**

Discussion by Council regarding what action to take- Councilwoman Maruca spoke.

A motion by Council Member Maruca, seconded by Council Member Geoghegan "**to deny the ordinance.**"

A yes is to deny the ordinance- - advised by Attorney Fitzsimmons. Discussion held. As a result of the discussion Council Member Maruca withdraw her motion and Council Member Geoghegan withdraw his second to it.

A motion by Council Member Maruca, seconded by Council Member Geoghegan was then made "**to approve the ordinance.**"

Attorney Fitzsimmons – explained that a yes vote is to approve the ordinance and a no vote is to deny the ordinance being adopted.

Council Member Maruca - No  
Council Member Geoghegan - No  
Council Member Carr - Yes  
Council Member Hill - No

Council Member Manforti - No  
Council Member Kubiel - No

Township Clerk Mutter announced that the motion to approve the ordinance was ***not adopted***, and that no Executive Session was to be held.

No other business appearing, the meeting was adjourned at 8:44 P. M., a motion was made by Council Member Hill, seconded by Council Member Maruca and carried, with Council Members Carr, Geoghegan, Hill, Manforti, Maruca, and Council President Kubiel, and with Council Member Wittmann absent.

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BRIAN S. KUBIEL, COUNCIL PRESIDENT

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J. MARK MUTTER, TOWNSHIP CLERK