

July 26, 2016

A Regular Meeting of the Township Council of the Township of Toms River was held in the L. Manuel Hirshblond Meeting Room, Municipal Complex, 33 Washington Street, Toms River, New Jersey at 6:00 PM.

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

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

OPEN PUBLIC MEETINGS ACT STATEMENT

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

Roll Call:

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

APPROVAL OF MINUTES

A motion was made by Council Member Maruca seconded by Council Member Geoghegan, and carried with Council Members Carr, Geoghegan, Hill, Manforti, Maruca, Wittmann, and Council President Kubiel voting yes to approve the Minutes of the **Regular Meeting of July 12, 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

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 Carr, 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 **D**, which was 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 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
BURKHARDT, STEVEN & LINDA	235.08	15	2015/4	5,726.80
TOTALS:				5,726.80

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 THE HOMEOWNER IS A DAV EXEMPT, AND;

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
NIKOSEY, JERRY & LYDIA	411.03	33	2016/2	365.99

TOTALS:				365.99

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 DUPLICATE OR ERRONEOUS TAX PAYMENTS, 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
HODKIEWICZ, KAYLA & KULCZYCKI A.	233.29	13	2014/4	1004.10
			2015/1	1194.06
			2015/2	1194.06
			2015/3	1318.42
TOTALS:				4,710.64

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 AUTHORIZING THE SALE OF ABANDONED AND/OR UNCLAIMED MOTOR VEHICLES PURSUANT TO N.J.S.A. 39:10A-1 ET SEQ.

July 26, 2016

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

1. It hereby authorizes the sale at public auction of the following abandoned and/or unclaimed motor vehicles pursuant to the provisions of N.J.S.A. 39:10A-1 et seq., on Wednesday, August 10th, 2016 at 10:00am at Accurate Automotive, 11:00am at Priced-Rite Towing, and 12:00pm Noon at Freedom Towing:

Vehicles For Auction with Titles:

Accurate Automotive, 14 James Street, Toms River, NJ at 10 a.m.

YEAR	MAKE	VIN#
1998	FORD	1FMZU34E8WZC29576
2006	MERCURY	2MEFM74W46X648973
2002	HYUNDAI	KMHDN45D02U244373
2004	CHEVROLET	1G1JC52FX47126219
1998	NISSAN	JN1CA21D8WT602761
1999	DODGE	1B4GP44G4XB59693
2001	PONTIAC	1GMDX03E21D336081

Priced Rite Towing, 24 Germania Station Rd., Toms River, NJ at 11 a.m.

YEAR	MAKE	VIN#
2004	INFINITI	JNKDA31A04T201097

Freedom Towing, 1725 Lakewood Road, Unit 1 Toms River, NJ at 12:00 noon

YEAR	MAKE	VIN#
1998	DODGE	1B4HS28Y3WF142428
1996	JEEP	1J4FJ27S8TL112553
2002	PONTIAC	1G2WP52K92F280944
1993	SATURN	1G8ZK5572PZ277284

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 Mitch Little
- c) Chief Financial Officer
- d) Accurate Automotive
14 James St.
Toms River, NJ 08753
- e) Priced-Rite Towing
24 Germania Station Road
Toms River, NJ 08755
- f) Freedom Towing
1725 Lakewood Road
Toms River, NJ 08753

LEGAL NOTICE

TOWNSHIP OF TOMS RIVER

PUBLIC SALE

TAKE NOTICE that the undersigned shall expose for sale in accordance with R.S. 39:10A-1, at public auction on WEDNESDAY, August 10th, 2016 at 10:00 a.m. at Accurate Automotive, 14 James Street, Toms River, NJ, 11:00am at Priced-Rite Towing, 24 Germania Station Road, Toms River, New Jersey, and 12:00pm Noon at Freedom Towing, 1725 Lakewood Road, Unit 1 Toms River, NJ, the below described motor vehicle(s) which came into the possession of the Township of Toms River Police Department through abandonment or failure to claim same within 30 days. The public auction will take place at the above indicated date, time and location(s). The motor vehicle(s) may be examined at the indicated location(s) Monday through Friday, 9:00 a.m. to 5:00 p.m.

All vehicle(s) listed have clear title. Failure to inspect said vehicle(s) will not be considered as cause for any claim for adjustment whatsoever. **ALL SALES WILL BE FINAL.** Cash or check will be required at the time of the sale when the sale is completed. Vehicle(s) must be removed from the premises at the purchaser's expense within 48 hours of sale date. Opening bids start at tow expense.

Vehicles For Auction with Titles:

Accurate Automotive, 14 James Street, Toms River, NJ at 10 a.m.

YEAR	MAKE	VIN#
1998	FORD	1FMZU34E8WZC29576
2006	MERCURY	2MEFM74W46X648973
2002	HYUNDAI	KMHDN45D02U244373
2004	CHEVROLET	1G1JC52FX47126219
1998	NISSAN	JN1CA21D8WT602761
1999	DODGE	1B4GP44G4XB59693
2001	PONTIAC	1GMDX03E21D336081

Priced Rite Towing, 24 Germania Station Rd., Toms River, NJ at 11 a.m.

YEAR	MAKE	VIN#
2004	INFINITI	JNKDA31A04T201097

Freedom Towing, 1725 Lakewood Road, Unit 1 Toms River, NJ at 12:00 noon

YEAR	MAKE	VIN#
1998	DODGE	1B4HS28Y3WF142428
1996	JEEP	1J4FJ27S8TL112553
2002	PONTIAC	1G2WP52K92F280944
1993	SATURN	1G8ZK5572PZ277284

RESOLUTION TO INCREASE THE AMOUNT OF THE CASH CHANGE FUND FOR THE DEPARTMENT OF RECREATION

JULY 26, 2016

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

1. The Cash change Fund in the amount of \$1,000.00 which is already in existence for the Department of Recreation is hereby increased to \$1,250.00.

2. *The Cash Change Fund shall be returned to the Township Chief Financial Officer upon written request.*

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

- A. *State of New Jersey,
Division of Local Government Services*
- B. *Chief Financial Officer*
- C. *Auditor*
- D. *Administration*
- E. *Department of Recreation*

Approved as to Content

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO DISPOSE OF, BY RECYCLING, FIVE (5) 30-YARD CONTAINER BOXES, AND ONE (1) OVEN LOCATED IN THE SIGN SHOP, AT THE DEPARTMENT OF PUBLIC WORKS, WHICH ARE NO LONGER NEEDED FOR PUBLIC USE, OR BY THE TOWNSHIP, PURSUANT TO N.J.S.A. 40A:11-36

JULY 26, 2016

WHEREAS, the Purchasing Division and the Department of Public Works are requesting authorization to dispose of five (5) 30-yard container boxes, by recycling, for the Department of Public Works, which are rusted beyond repair and should be disposed of by recycling, and which are no longer need for public use or by the Township, pursuant to N.J.S.A. 40A:11-36; and

WHEREAS, there are no fixed asset numbers assigned to these containers; and

WHEREAS, the Purchasing Division and the Department of Public Works are requesting authorization to dispose of one (1) Oven located in the Sign Shop at the Department of Public Works, which is extremely old and beyond repair and should be disposed of by recycling. Fixed Asset numbers assigned to this oven are #1081 and #0488.

WHEREAS, all items are rusted beyond repair and are not usable by the Township, and should be disposed of by recycling; 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. Pursuant to N.J.S.A. 40A:11-36, it hereby authorizes the Purchasing Division to dispose of five (5) 30-yard container boxes, for the Department of Public Works, which are no longer needed for public use, or by the Township, and which items are rusted beyond repair, and should be disposed of by recycling. There are no fixed asset numbers assigned to these containers.

<u>CONTAINER NO.</u>	<u>VIN NO.</u>
257	129542
261	129546
262	129547
263	129548
267	144664

2. Pursuant to N.J.S.A. 40A:11-36, it hereby authorizes the Purchasing Division to dispose of One (1) Oven in the Sign Shop at the Department of Public Works, which is extremely old and beyond repair and should be disposed of by recycling. Fixed Asset numbers assigned to this oven are #1081 and #0488.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN OPEN-ENDED
CONTRACT FOR MICROFILM SERVICES FOR THE OFFICE OF CONSTRUCTION
INSPECTION SERVICES, TAX COLLECTOR, AND VARIOUS DEPARTMENTS, AS NEEDED,
TO FOVEONICS IMAGING TECHNOLOGIES, AS LOWEST BIDDER MEETING ALL THE
SPECIFICATIONS, COMMENCING AUGUST 9, 2016 THROUGH AUGUST 8, 2018**

JULY 26, 2016

WHEREAS, bids were invited on June 28, 2016 for Microfilm Services for the Office of Construction Inspection Services, Tax Collector, and Various Departments, as Needed; and

WHEREAS, bids were received, as follows:

Foveonics Imaging Technologies
310 Main Street
Toms River, NJ 08753

Court Record & Data Mgmt. Services, Inc.
44 W. Ferris St., Suite E
East Brunswick, NJ 08816

Alternative Micrographics, Inc.
704 Challenger Way
Forked River, N.J. 08731

TAB Microfilm Services, Inc.
248 Brighton Road
PO Box 710
Andover, NJ 08721

WHEREAS, the bids have been reviewed by the Building Department and the Purchasing Division, and recommendation has been made to award an open-ended contract to Foveonics Imaging Technologies, as lowest bidder meeting all the specifications;

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 contract to Foveonics Imaging Technologies, as lowest bidder meeting all the specifications, for Microfilm Services for the Office of Construction Inspection Services, Tax Collector, and Various Departments, as needed. The contract term shall be for two (2) years, commencing August 9, 2016 through August 8, 2018. This will be an open-ended contract with funds being encumbered each time an order is placed, contingent upon availability of funds in the applicable municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. This contract is subject to all terms and conditions of the bid specifications

2. Pursuant to N.J.S.A. 40A:11-15, this contract may be extended for up to two (2) additional one (1) year terms after the expiration of the original contract period,

contingent upon the approval of the governing body by resolution with the agreement of the vendor.

3. The contract extensions shall be subject to the availability and appropriation of funds for each year the contract is to be extended. All terms and conditions of the contract shall remain the same. Any price changes authorized on contract extensions shall be pursuant to N.J.S.A. 40A:11-15.

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) Building Department
- e) Tax Collector
- f) Aforementioned bidders

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contract awarded to Foveonics Imaging Technologies, are contingent upon the availability of funds in the appropriate municipal budget, each time an order is placed.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RESCINDING AWARD OF CONTRACT FOR VARIOUS ITEMS WHICH WERE AWARDED TO BLUE LINE UNIFORM AND SUPPLY, LLC, BY RESOLUTION DATED APRIL 12, 2016, FOR THE SUPPLY OF UNIFORM & SPECIALTY ITEMS FOR SCHOOL CROSSING GUARDS, BICYCLE POLICE, AUXILIARY POLICE DISPATCHERS, BOOKING OFFICERS, MOTORCYCLE POLICE, COMMUNICATION OFFICERS, COMMUNITY SERVICE OFFICERS, (CSO'S), AND ANIMAL CONTROL OFFICERS, AND AUTHORIZING THE PURCHASING DIVISION TO ADVERTISE FOR REBID OF THE ITEMS WHICH WERE AWARDED TO BLUE LINE UNIFORM AND SUPPLY, LLC AND ARE NOW BEING RESCINDED

(BLUE LINE UNIFORM AND SUPPLY LLC HAS ADVISED THE TOWNSHIP THEY ARE NO LONGER IN BUSINESS)

JULY 26, 2016

WHEREAS, resolution of the Township Council dated April 12, 2016, awarded an open-ended contract for the Supply of Uniform & Specialty Items for School Crossing Guards, Bicycle Police, Auxiliary Police Dispatchers, Booking Officers, Motorcycle Police, Communication Officers, Community Service Officers (CSO's), and Animal Control Officers, for Item Nos. 13, 21, 25, 39-41, 43, 45, 51-53, 55, 56, 59-65, 67-69, 72-76, 80, 83, 87, 89, 93-98B, 99-103, 105, 107, 113, 114, 117-122, 128, 129, 140-154, and 194-197, for a term commencing on commencing April 23, 2016 through April 22, 2017; and

WHEREAS, the Township has been advised by Blue Line Uniform and Specialty LLC, that they are no longer in business, and they will no longer be able to honor the balance of their contract; and

WHEREAS, the Purchasing Division has requested authorization to rescind the award of contract to Blue Line Uniform and Supply LLC, for Item Nos. 13, 21, 25, 39-41, 43, 45, 51-53, 55, 56, 59-65, 67-69, 72-76, 80, 83, 87, 89, 93-98B, 99-103, 105, 107, 113, 114, 117-122, 128, 129, 140-154, and 194-197, and advertise for rebid of these items; and

WHEREAS, the Township Council has determined that it would be in the best interest of the Township to rescind the award of contract to Blue Line Uniform and Supply LLC, and authorize the Purchasing Division to advertise for rebid of the rescinded items;

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 award of contract for Item Nos. 13, 21, 25, 39-41, 43, 45, 51-53, 55, 56, 59-65, 67-69, 72-76, 80, 83, 87, 89, 93-98B, 99-103, 105, 107, 113, 114, 117-122, 128, 129, 140-154, and 194-197, which items were awarded by resolution dated April 12, 2016 to Blue Line Uniform and Supply LLC, for the Supply of Uniform & Specialty Items for School Crossing Guards, Bicycle Police, Auxiliary Police Dispatchers, Booking Officers, Motorcycle Police, Communication Officers, Community Service Officers (CSO's), and Animal Control Officers.

2. It hereby authorizes the Purchasing Division to advertise for rebid of Item Nos. 13, 21, 25, 39-41, 43, 45, 51-53, 55, 56, 59-65, 67-69, 72-76, 80, 83, 87, 89, 93-98B, 99-103, 105, 107, 113, 114, 117-122, 128, 129, 140-154, and 194-197.

3. All other terms and conditions of the resolution dated April 12, 2016 remain unchanged, and in full force and effect.

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) Office of Emergency Management
- f) Animal Control
- g) Blue Line Uniform and Supply LLC
1520 Route 37, Unit #1
Toms River, NJ 08755

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO ADVERTISE FOR AND RECEIVE BIDS FOR THE FURNISHING AND DELIVERY OF ELECTRONIC CREDIT/DEBIT CARD PAYMENTS FOR THE TOWNSHIP

JULY 26, 2016

WHEREAS, the Township of Toms River is desirous of receiving bid(s) for the following items/project:

FURNISHING AND DELIVERY OF ELECTRONIC CREDIT/DEBIT CARD PAYMENTS

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 Purchasing Division is hereby authorized to prepare bid specifications for the above-mentioned items/project.

2. The Purchasing Division of the Township of Toms River is hereby authorized to advertise for the receipt of bids for the above-mentioned items/project.

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) Finance Department

RESOLUTION APPOINTING RABBI AVROHOM FRIED AS A POLICE CHAPLAIN OF THE TOWNSHIP OF TOMS RIVER

JULY 26, 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. Rabbi Avrohom Fried is hereby appointed Jewish Police Chaplain pursuant to Chapter 114, Article VI of the “Code of the Township of Toms River, New Jersey” for a term commencing July 26, 2016 and terminating December 31, 2016.

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

- a. Rabbi Avrohom Fried
1886 Dino Boulevard
Toms River, New Jersey 08755
- b. Ken Fitzsimmons, Township Attorney
- c. Chief of Police, Mitch Little
- d. Office of the Township Council
- e. Mayor
- f. Personnel

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF A NEGOTIATED CONTRACT TO CURE’S CONCESSION, LLC, FOR THE LEASE OF THE WINDING RIVER ICE RINK SNACK BAR CONCESSION - INDOOR, IN THE AMOUNT OF \$2,000.00 PER MONTH/\$24,000.00 PER YEAR, COMMENCING JULY 28, 2016 THROUGH JULY 28, 2019, WITH THE OPTION TO EXTEND FOR TWO (2) ADDITIONAL ONE-YEAR TERMS

JULY 26, 2016

WHEREAS, bids were invited on May 26, 2016 for the Lease of the Winding River Ice Rink Snack Bar Concession – Indoor; and

WHEREAS, no bids were received; and

WHEREAS, rebids were invited on June 15, 2016; and

WHEREAS, no bids were received; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(3), bids were negotiated, and it is recommended that the proposal from Cure’s Concession, LLC, be accepted; and

WHEREAS, the award of this contract is subject to all the terms and conditions of the bid specifications and agreement with the following exceptions:

- a) Term of contract is now three (3) years with the option to extend for two (2) additional one-year terms.
- b) The lease amount will be \$2,000.00 per month or \$24,000.00 per year for the indoor concession only.
- c) The facility will be cleaned prior to the vendor's arrival.

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 Lease of the Winding River Ice Rink Snack Bar Concession – Indoor, to Cure's Concession, LLC.

2. The award of this contract is subject to all the terms and conditions of the bid specifications and agreement with the following exceptions:

- a) Term of contract is now three (3) years with the option to extend for two (2) additional one-year terms.
- b) The lease amount will be \$2,000.00 per month or \$24,000.00 per year for the indoor concession only.
- c) The facility will be cleaned prior to the vendor's arrival.

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) Recreation Department
- e) Winding River Ice Rink
- f) Department of Parks, Buildings & Grounds
- g) Cure's Concession, LLC
518 Bash Road
Toms River, NJ 08753

**RESOLUTION AUTHORIZING THE RENEWAL OF
POCKET LIQUOR LICENSE 1507- 33- 003- 009
ISSUED TO KANE ROBERT B
PURSUANT TO NJABC SPECIAL RULING**

July 26, 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 1507-33-003-009 for the 2016-2017 and 2017 -2018 license terms, 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:

1507-33-003-009
KANE ROBERT B
1378 VINCENZO DRIVE
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. This approval is subject to the following conditions: No Further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2018, except if good cause for reconsideration is shown.

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) Kane Robert B
1378 Vincenzo Drive
Toms River, NJ 08753

RESOLUTION

July 26, 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>
38-16 Joseph Venidis	Taxi Driver	TR 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

July 26, 2016

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

<u>Taxi Company</u>	<u>License #, Year, Car Description, Vin#</u>			
1. TR Taxi 1638 Partridge Street Toms River, NJ 08753 Joseph Venidis	476-16	2000	Ford	71272

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, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A LICENSE AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE JAY AND LINDA GRUNIN FOUNDATION, INC., FOR THE CONSTRUCTION AND MAINTENANCE OF A WAR MEMORIAL AT BEY LEA PARK

JULY 26, 2016

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

1. The Mayor is authorized to execute and the Township Clerk to attest to a License Agreement, attached as Schedule "A" to this resolution, and made a part hereof, between the Township of Toms River and the Jay and Linda Grunin Foundation, Inc., for the construction and maintenance of a War Memorial at Bey Lea Park.

2. The monument shall be designed, constructed, and situated as depicted in the rendering, attached as Schedule "B", to the agreement.

3. Copies of the fully-executed agreement shall remain on file in the Office of Township Clerk.

4. The Township Clerk shall provide certified copies of this resolution and the fully-executed agreement to the following parties:

- a) Mayor Thomas F. Kelaher
- b) Business Administrator
- c) Township Attorney
- d) Township Engineer
- e) Township Clerk
- f) Parks, Buildings & Grounds
- g) Jay A. Grunin, President
Jay and Linda Grunin Foundation, Inc.
1027 Hooper Avenue
Building 1
Toms River, NJ 08753

SCHEDULE A

"SEE ATTACHMENTS"

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN
AMENDMENT TO THE RESOLUTION DATED MARCH 8, 2016, (PART
XI), WHICH AWARDED A CONTRACT FOR PROFESSIONAL
ENVIRONMENTAL CONSULTANT EXPERT SERVICES TO MASER
CONSULTING, PA, TO CORRECT THE RATES OF COMPENSATION
FOR SERVICES
(NO ADDITIONAL FUNDS ARE REQUIRED FOR THIS AMENDMENT)**

JULY 26, 2016

WHEREAS, *the Township of Toms River has a need to acquire an environmental consultant expert on CIBA/BASF tax appeals from April 1, 2016 to 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-20.4 et. seq.; and*

WHEREAS, *Maser Consulting, PA submitted a conforming proposal with an exception containing specific rates for services at:*

<i>Executive Principal</i>	<i>\$ 225.00/hr.</i>
<i>Principal</i>	<i>\$ 195.00/hr.</i>
<i>Senior Technical Director</i>	<i>\$ 190.00/hr.</i>
<i>Senior Project Professional</i>	<i>\$ 185.00/hr.</i>
<i>Senior Project Manager</i>	<i>\$ 180.00/hr.</i>
<i>Project Professional</i>	<i>\$ 175.00/hr.</i>

<i>Technical Director</i>	\$ 170.00/hr.
<i>Project Manager</i>	\$ 155.00/hr.
<i>Senior Project Specialist</i>	\$ 150.00/hr.
<i>Senior Technical Professional</i>	\$ 145.00/hr.
<i>Project Specialist</i>	\$ 140.00/hr.
<i>Senior Technical Specialist</i>	\$ 135.00/hr.
<i>Technical Professional</i>	\$ 130.00/hr.
<i>Senior Specialist</i>	\$ 125.00/hr.
<i>Technical Specialist</i>	\$ 115.00/hr.
<i>Specialist</i>	\$ 105.00/hr.
<i>Senior Data Technician</i>	\$ 95.00/hr.
<i>Senior Technical Assistant</i>	\$ 85.00/hr.
<i>Technical Assistant</i>	\$ 75.00/hr.
<i>Data/Field Technician</i>	\$ 65.00/hr.
<i>Survey Crew – 2 Man</i>	\$ 200.00/hr.
<i>Survey Crew – 1 Man</i>	\$ 170.00/hr.
<i>Expert</i>	\$ 250.00/hr.
<i>Sr. LSRP</i>	\$ 225.00/hr.
<i>LSRP</i>	\$ 190.00/hr.

REIMBURSABLE EXPENSES

<i>General Expenses</i>	Cost + 15%
<i>Travel (Hotel, Airfare, Meals)</i>	Cost + 15%
<i>Sub-Consultants/Sub-Contractors</i>	Cost + 15%
<i>Mileage Reimbursement*</i>	\$ 0.56/per mile
<i>Plotting</i>	\$ 3.50/each
<i>Computer Mylars/Color Plots</i>	\$ 45.00/each
<i>Photo Copies</i>	\$.10/each
<i>Color Photo Copies</i>	\$ 1.50/each
<i>Document Binding</i>	\$ 3.00/each
<i>Compact Disk CD/DVD</i>	\$ 75.00/each
<i>Exhibition Lamination (24" x 36" or larger)</i>	\$ 50.00/each

* Mileage reimbursement subject to change based on IRS standard mileage rate.; and

WHEREAS, the proposal was publicly opened and read on December 1, 2015;
and

WHEREAS, Maser Consulting, PA was the only firm to submit a proposal for this service; and

WHEREAS, Maser Consulting, PA, has been the expert witness involving CIBA/BASF tax appeals and the Council finds their services responsive and professional;
and

WHEREAS, on March 8, 2016 Maser Consulting, PA was awarded a contract for these services not to exceed \$75,000.00; and

WHEREAS, due to a clerical error, the resolution awarding the contract contained incorrect rates for compensation, but was accurate as to the amount of the contract not exceeding \$75,000.00; and

WHEREAS, it was determined after the award of the contract that the incorrect rates were contained in the March 8, 2016 resolution, and there is a need to amend the resolution providing the correct rates of compensation:

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 March 8, 2016 (Part XI), in order to correct rates to be listed as follows:

<i>Executive Principal</i>	\$ 225.00/hr.
----------------------------	---------------

Principal	\$ 195.00/hr.
Senior Technical Director	\$ 190.00/hr.
Senior Project Professional	\$ 185.00/hr.
Senior Project Manager	\$ 180.00/hr.
Project Professional	\$ 175.00/hr.
Technical Director	\$ 170.00/hr.
Project Manager	\$ 155.00/hr.
Senior Project Specialist	\$ 150.00/hr.
Senior Technical Professional	\$ 145.00/hr.
Project Specialist	\$ 140.00/hr.
Senior Technical Specialist	\$ 135.00/hr.
Technical Professional	\$ 130.00/hr.
Senior Specialist	\$ 125.00/hr.
Technical Specialist	\$ 115.00/hr.
Specialist	\$ 105.00/hr.
Senior Data Technician	\$ 95.00/hr.
Senior Technical Assistant	\$ 85.00/hr.
Technical Assistant	\$ 75.00/hr.
Data/Field Technician	\$ 65.00/hr.
Survey Crew – 2 Man	\$ 200.00/hr.
Survey Crew – 1 Man	\$ 170.00/hr.
Expert	\$ 250.00/hr.
Sr. LSRP	\$ 225.00/hr.
LSRP	\$ 190.00/hr.

REIMBURSABLE EXPENSES

General Expenses	Cost + 15%
Travel (Hotel, Airfare, Meals)	Cost + 15%
Sub-Consultants/Sub-Contractors	Cost + 15%
Mileage Reimbursement*	\$ 0.56/per mile
Plotting	\$ 3.50/each
Computer Mylars/Color Plots	\$ 45.00/each
Photo Copies	\$.10/each
Color Photo Copies	\$ 1.50/each
Document Binding	\$ 3.00/each
Compact Disk CD/DVD	\$ 75.00/each
Exhibition Lamination (24" x 36" or larger)	\$ 50.00/each

* Mileage reimbursement subject to change based on IRS standard mileage rate.

2. The Mayor is hereby authorized to execute and the Township Clerk to attest to an Amended Professional Services Agreement with Maser Consulting, PA with the corrected rates of compensation as environmental consultant expert on CIBA/BASF tax appeals. Term of contract: April 1, 2016 up to and including December 31, 2016.

3. The purpose of this amendment is to correct the rates of compensation to Maser Consulting, PA as environmental consultant expert on CIBA/BASF tax appeals from April 1, 2016 to December 31, 2016.

4. No additional funds are required for this amendment.

5. All other terms and conditions of the resolution dated March 8, 2016 (Part XI) are to remain in full force and effect.

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

7. 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) *Township Engineer*
- i) *Maser Consulting, PA*
331 Newman Springs Road, Suite 203
Red Bank. N.J. 07701

AMENDED 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.

CHRISTINE MANOLIO
 CHIEF FINANCIAL OFFICER

Dated: July 26, 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 26, 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) Bentley, Richard & Rosemary
520 Parkside Avenue
Toms River, NJ 08753
- i) CAPC NJ Assesst Stabilization Fund
108 Church Street
New Brunswick, NJ 08901
- j) Eby, Carol A.
187 Sapphire Village
St. Thomas, VI 00802
- k) Diaz, Armando & Carmen
163 Lafayette Street
Newark, NJ 07105
- l) Aumiller, Keith & Donna
94 Oak Hill Road
Toms River, NJ 08753
- m) Ochme, Robert & Frances
67 Grand Avenue
Toms River, NJ 08753
- n) Biancamano, Joseph & Renee
40 Stanford Place
Glen Ridge, NJ 07028
- o) Corletta, Philip & Lisa
958 Cedar Grove Road
Toms River, NJ 08753
- p) Desomma, Rocco
3 Anchor Square
Toms River, NJ 08753
- q) DiMaggio, Thomas & Joyce
350 Tontine Avenue
Lyndhurst, NJ 07071

SCHEDULE "A"

CERTIFICATION OF COSTS

	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TOTAL</u>
1.	839	10	520 Parkside Avenue	\$891.75
2.	839	13	524 Parkside Avenue	\$891.75
3.	724.15	67	5 Sandy Lane	\$1079.75
4.	172.04	29	1124 Church Road	\$1464.88
5.	233.06	24	94 Oak Hill Road	\$1110.50
6.	235.34	16	1 Green Island Road	\$1079.75
7.	235.08	28	623 Bay View Drive	\$891.75
8.	443.30	21	958 Cedar Grove Road	\$681.75
9.	794.38	2.01	3 Anchor Square	\$865.38
10.	1099	19	206 Eisenhower Avenue	\$1076.00

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 I), WHICH AWARDED A CONTRACT FOR
PROFESSIONAL LEGAL SERVICES TO BRIAN J. DISTEFANO, ESQ., L.L.C., FOR POOL
CONFLICT MUNICIPAL PUBLIC DEFENDER SERVICES, IN ORDER TO ADD ONE (1)
ADDITIONAL POOL CONFLICT MUNICIPAL PUBLIC DEFENDER, ALEXANDRA NIEVES-
MARTINEZ, ESQ., FOR THE TOWNSHIP OF TOMS RIVER
(NO ADDITIONAL FUNDS ARE REQUIRED FOR THIS AMENDMENT)

JULY 26, 2016

WHEREAS, the Township of Toms River has a need to acquire professional legal services for Pool Conflict Municipal Public Defender Services, 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 I), authorized a professional services contract with Brian J. DiStefano, Esq., L.L.C. and Mark A. Schneider, Esq., as Pool Conflict Municipal Defender Services, at \$350.00 per court session, not to exceed a total maximum amount of \$5,000.00 for CY16, as a combined total for both firms, 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 received a letter from Brian J. DiStefano, Esq., dated June 22, 2016, requesting that Alexandra Nieves-Martinez, Esq., be included as an attorney from his office who may provide coverage in court due to scheduling conflicts; and

WHEREAS, the Township Council wishes to acknowledge the addition of Alexandra Nieves-Martinez, Esq., as a Pool Conflict Municipal Public Defender, 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 I), in order to add Alexandra Nieves-Martinez, Esq., as a Pool Conflict Municipal Public Defender, 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 Brian J. DiStefano, Esq., in order to add Alexandra Nieves-Martinez, Esq., as a Pool Conflict Municipal Public Defender for the Township of Toms River. Term of contract: June 1, 2016 up to and including December 31, 2016.

3. The purpose of this amendment is to add Alexandra Nieves-Martinez, Esq., as Pool Conflict Municipal Public Defender for the Township of Toms River. No additional money is required in connection with this resolution.

4. All other terms and conditions of the resolution dated May 24, 2016 (Part I), 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) Brian J. DiStefano, Esq.
1 Pelican Drive, 2nd Floor, Suite 6
Bayville, NJ 08721
- i) Alexandra Nieves-Martinez, Esq.
c/o Brian J. DiStefano, Esq., LLC
1 Pelican Drive, 2nd Floor, Suite 6
Bayville, NJ 08721

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: July 26, 2016

**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, BLOCK 400.02, LOT 21
(Fischer Blvd)**

July 26, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan entitled 7-11, Block 400.02 Lot 21.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount of \$5,280.00 which represents the 10% Maintenance Guarantee, accepted by way of Resolution 'T' dated August 25, 2015 and is currently on deposit in account 6-14- -902-101 and will remain on account to represent the Maintenance Cash Bond;
- 2) 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 Surety Bond # 1118324 in the amount of \$47,520.00, 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
- d. TCAT Properties
42 Colts Glen Lane
Basking Ridge, NJ 07920

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING
PERFORMANCE GUARANTEES FOR A MAJOR SUBDIVISION KNOWN AS BLOCK
173, LOTS 37, 37.01 AND 40 (HICKORY STREET)**

JULY 26, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision entitled Hickory Estates, known as Block 173, Lots 37, 37.01 and 40. Hickory Estates was approved as a six-lot Major Subdivision and one of the lots (Lot 37.01) was sold prior to Resolution Compliance. Also, the subdivision map was not filed due to the failure to comply with all conditions imposed by the Planning Board.

WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees and the acceptance of the new Performance Guarantees, accepted by way of Resolution 'AA' dated June 21, 2016, posted by Hickory Homes, LLC.

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 \$43,603.80, is to be released;

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

- a. Township Engineer
- b. Chief Finance Department
- c. Township Attorney
- d. Mayer Kesserman
Hickory Homes, LLC
111 Madison Avenue
Lakewood, NJ 08701

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 FARRO'S TEES, BLOCK 444.07, LOT 22 (FISCHER BLVD)

July 26, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan entitled Farro's Tees, Block 444.07 Lot 22.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount of \$550,00 which represents the 10% Maintenance Guarantee, accepted by way of Resolution 'L' dated February 23, 2016 in the original amount of \$5,500.00 and is currently on deposit in account 6-14- - 902-101 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 \$4,950.00 which 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. Dominick Farro
873 Fischer Blvd
Toms River, NJ 08753

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 WAWA, BLOCK 1092.01, LOT 1.01 (Route 37 East)

July 26, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Wawa, Block 1092.01, Lot 1.01.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond # 106502500 in the amount of \$4,050.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$450.00 which represents the ten percent portion of the performance guarantee amount.
- 3) 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 Wawa, 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. WAWA, INC.
260 West Baltimore Pike
Wawa, PA 19063

**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 WAWA, BLOCK 442.15, Lot 3.01
(1725 Hooper Avenue)**

July 26, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Wawa, Block 442.15, Lot 3.01..

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond # 106502501 in the amount of \$1,800.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$200.00 which represents the ten percent portion of the performance guarantee amount.
- 3) 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 Wawa, 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. WAWA, INC.
260 West Baltimore Pike
Wawa, PA 19063

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 WAWA, BLOCK 364, Lot 85
(1680 Lakewood Road)

July 26, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Wawa, Block 364, Lot 85,

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond # 106502499 in the amount of \$7,920.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$880.00 which represents the ten percent portion of the performance guarantee amount.
- 3) 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 Wawa, 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. WAWA, INC.
260 West Baltimore Pike
Wawa, PA 19063

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE JOINT BOARDS OF FIRE COMMISSIONERS, FIRE DISTRICTS NO. 1 AND NO. 2, FOR THE USE OF THE TOWNSHIP'S SPATIAL DATA LOGIC ("SDL") COMPUTER PROGRAM, FOR A TERM COMMENCING RETROACTIVE TO NOVEMBER 1, 2015 THROUGH DECEMBER 31, 2019

JULY 26, 2016

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

1. The Mayor is authorized to execute and the Township Clerk to attest to a Shared Service Agreement between the Township of Toms River and the Joint Boards of Fire Commissioners Districts No. 1 and No. 2, which will provide for the use of the Township's Spatial Data Logic ("SDL") computer program used and maintained by the

Township Building Department. The term of this Agreement will commence retroactive to November 1, 2015 and shall December 31, 2019. A copy of this agreement will be attached to this resolution as Schedule "A", and made a part hereof.

2. 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) Construction Dept.
- c) Building Dept.
- d) Chief Financial Officer
- e) Fire Prevention
- f) Joint Boards of Fire Commissioners
District No. 1
1144 Hooper Avenue
Toms River, N.J. 08753
- g) Joint Board of Fire Commissioners
District No. 2
257 Warner Street
Toms River, N.J. 08753
- h) Division of Local Government Services

SHARED SERVICES AGREEMENT

The Township of Toms River ("Toms River" or "Township"), a municipal corporation of the State of New Jersey, with offices located at 33 Washington Street, Toms River, New Jersey, 08753, and the Toms River Township Boards of Fire Commissioners Districts No. 1 and No. 2 ("Fire Commissioners"), fire districts established and operating pursuant to N.J.S.A. 40A:14-70 to -105.1, with offices located at 1144 Hooper Ave, Suite 306, Toms River, New Jersey, 08753, and 257 Warner Street, Toms River, New Jersey, 08753, respectively, hereby enter into this agreement pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 to -35, for use of the Spatial Data Logic ("SDL") computer program used and maintained by the Township Building Department.

BACKGROUND RECITALS

WHEREAS, *the Township Building Department uses and maintains the Spatial Data Logic ("SDL"), computer program, which tracks permits and inspections; and*

WHEREAS, *the Fire Commissioners use this program to conduct inspections and issue permits pursuant the fire subcode; and*

WHEREAS, *the parties intend to establish an arrangement for the shared use of the program and associated hardware and software; and*

WHEREAS, *the parties have executed this Shared Services Agreement for that purpose:*

NOW, THEREFORE, *in consideration of the mutual promises set forth herein, the parties hereby agree as follows:*

TERMS AND CONDITIONS

1. Use of Program. *The Township hereby grants the Fire Commissioners access to and use of the SDL program and shall provide any associated hardware and software.*

2. Costs and Fees. *The Fire Commissioners are responsible for yearly per-user license fees; air-card fees; and any other costs for associated hardware and software. These costs will be deducted from the quarterly revenues collected by the Township and remitted to the Fire Commissioners.*

3. Term. *This agreement shall take effect retroactively from November 1, 2015, and continue through December 31, 2019. It may be cancelled by either party upon 60 days' written notice.*

4. Entire Agreement. *The parties acknowledge and agree that this writing constitutes the only and entire agreement between the parties and supersedes any prior oral or written agreement.*

5. Interpretation/Construction. *The parties agree that this agreement shall be governed by, and interpreted in accordance with, the laws of the State of New Jersey.*

6. Forum Selection. *Any and all disputes arising out of or relating to this agreement shall be brought in the Superior Court of New Jersey, Ocean County vicinage.*

7. Assignment. *This agreement is non-assignable.*

8. **Non-waiver.** *The parties agree that a failure or delay in the enforcement of any provision of this agreement by either party shall not constitute a waiver of those provisions.*

9. **Severability.** *If any provision of this agreement is invalidated by a court or agency of competent jurisdiction, that provision shall be severed and the remainder of the agreement shall remain in full force and effect.*

10. **Approval.** *The parties represent that this agreement has been formally approved as required by law and voluntarily executed by the officials with the legal authority to do so.*

11. **Independent Public Agencies.** *The parties acknowledge and agree that they are associated only for the purposes set forth in this agreement and that each party is a public entity separate and distinct from the others.*

Township of Toms River

Attest:

J. MARK MUTTER
Township Clerk

THOMAS F. KELAHER
Mayor

Dated: _____

Dated: _____

Boards of Fire Commissioners – District No. 1

Attest:

CLERK, FIRE DISTRICT NO. 1

Dated: _____

Dated: _____

REPORTS

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

1. In-Season Beach Report- Week #1- \$65,648.00
2. In-Season Beach Report- Week #2- \$54,858.00
3. In-Season Beach Report- Week #3- \$22,537.00
4. In-Season Pool Report- Week #2- \$10,568.00
5. In-Season Pool Report- Week #3- \$19,984.00
6. In-Season Pool Report- Week #4- \$8,191.00
7. Permits & Inspections Office- June 2016- \$272,139.50

APPROVAL OF BILLS

Council President Kubielski asked for a report on the bills.

The Bill List, dated **July 22, 2016** was approved on motion by Council Member Manforti, seconded by Council Member Carr, and carried with Council Members Carr, Hill, Manforti, Geoghegan, Wittmann, and Council President Kubielski voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 16-03910, payable to Toms River Bureau of Fire in the amount of \$32,300.00.

Purchase Order 16-03483, payable to the ARC (Ocean City Chapter) in the amount of \$164.88.

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

Purchase Order 16-03501, payable to F&C Auto Supply for Silverton First Aid in the amount of \$288.71.

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

Purchase Order 16-04182, payable to Board of Education-Toms River Schools in the amount of \$11,036,104.42.

Purchase Order 16-03345, payable to Heartwood Ecological Consultant in the amount of \$361.25.

Purchase Order 16-04044, payable to Saint Luke's Church (part of Toms River Payroll bill) in the amount of \$756.00.

Purchase Order 16-04059, payable to Saint Luke's Church (Special Duty Admin Fee) in the amount of \$84.00.

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

Purchase Order 16-03529, payable to Ocean County Board of Health in the amount of \$224.00.

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

Purchase Order 16-03345, payable to Heartwood Ecological Consultant in the amount of \$361.25.

Purchase Order 16-03346, payable to ARYA Properties (part of Planning Board escrow bills) in the amount of \$135.00.

Council Member Maruca abstained on all bills.

ELECTED OFFICIALS COMMENTS

Mayor Kelaher, Council Members Geoghegan, Manforti, Carr and Kubieli had no comments.

Council Member Hill spoke regarding planning issues in the Township.

Council Member Maruca spoke regarding recent Ortleigh Beach Voters and Taxpayers Association meeting.

Council Member Wittmann spoke regarding additional funding for budget from State, and building permit fees collected by the Township.

PUBLIC COMMENTS

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

Pat Klaslo spoke regarding Ortleigh Beach Voters and Taxpayers Association meeting, and New Jersey Transportation Trust Fund.

Patty Moretta spoke regarding paving in Township. Township Engineer Chankalian responded.

Dr. William Burr, Stevens Road, spoke regarding commercial use of property on Stevens Road. Discussion ensued. Township Administrator Shives to investigate his complaints.

Alizar Zarejew spoke regarding Toms River Business Improvement District and thanked the Township regarding July Summer Festival and cooperation by the Township.

No further comments from the public appearing, a motion was made by Council Member Hill, seconded by Council Member Wittmann, and carried to enter into a private Executive Session at 6:35 PM.

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

RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, Public Law 1975, permits the exclusion of the public from a meeting in certain circumstances to discuss matters requiring confidentiality and/or of a privileged nature; and

WHEREAS, the Township Council is of the opinion that such circumstances presently exist;

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

1. The Township Council will now conduct a private Executive Session.
2. The general nature of the subject matter to be discussed and/or acted upon is as follows:

Matters of Personnel
Attorney Client Privilege

3. The following specific topics were announced.
 1. July 12, 2016 Executive Session Minutes
 2. Personnel Items
4. It is anticipated that deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

The foregoing resolution was approved on the following roll call vote:

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

The Council reconvened the public portion at 6:54 P.M., with Council Members Carr, Hill, Manforti, Maruca, Geoghegan, Wittmann, and with Council President Kubieli all present.

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

**RESOLUTION APPROVING
EXECUTIVE SESSION MINUTES**

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

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

1. The following Executive Session Minutes are approved:

June 6, 2016

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

No other business appearing, the meeting was adjourned at 6:56 P. M., with Council Members Carr, Geoghegan, Hill, Manforti, Maruca, Wittmann, and with Council President Kubiel voting yes.

BRIAN S. KUBIEL, COUNCIL PRESIDENT

J. MARK MUTTER, TOWNSHIP CLERK