

August 9, 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 Kubiell and opened with the salute to the Flag.

Council President Kubiell 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	- Absent
Council Member Geoghegan	- Present
Council Member Hill	- Present
Council Member Maruca	- Present
Council Member Wittmann	- Present
Council Vice-President Manforti	- Present
Council President Kubiell	- Present

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

APPROVAL OF MINUTES

A motion was made by Council Member Maruca, seconded by Council Member Manforti, and carried with Council Members Geoghegan, Hill, Manforti, Maruca, Wittmann, and Council President Kubiell voting yes, and with Council Member Carr absent, to approve the Minutes of the **Regular Meeting of July 26, 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

Council Member Maruca questioned the following Ordinance and moved to table it indefinitely for further review.

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 175 (BATHING BEACHES, SWIM CLUBS AND SWIMMING POOLS, MUNICIPAL) TO PROHIBIT LEAFLETING AT TOWNSHIP BEACHES AND POOLS

BE TABLED INDEFINITELY.

CONSENT AGENDA

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

RESOLUTION

AUGUST 9, 2016

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO THE HOMEOWNER SOLD PROPERTY AND FAILED TO NOTIFY THE TAX OFFICE TO STOP THE AUTOMATIC WITHDRAWL,

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>KRONEWITTER, JEANNE ESTATE OF C/O</i>	<i>1110.07</i>	<i>15</i>		
<i>DAWN STEWART</i>			<i>2016/2</i>	<i>3,068.36</i>
<i>TOTALS</i>				<i>3068.36</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 OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A SECOND AND FINAL, OPEN-

ENDED, ONE (1) YEAR EXTENSION OF THE CONTRACT WITH KREAN'S AUTO BODY, INC. FOR VEHICLE COLLISION REPAIRS THROUGH SEPTEMBER 20, 2017

AUGUST 9, 2016

WHEREAS, resolution of the Township Council dated September 24, 2013 authorized the award of a Master Contract for Vehicle Collision Repairs on behalf of the Toms River Inter Agency Cooperative Pricing System (#49 TRIACPS) to Krean's Auto Body, Inc., for two (2) years effective from September 21, 2013 through September 20, 2015; and

WHEREAS, resolution of the Township Council dated August 11, 2015, authorized an open-ended one (1) year extension of the contract for Vehicle Collision Repairs to Krean's Auto Body, Inc., through September 20, 2016, pursuant to N.J.S.A. 40A:11-15; and

WHEREAS, the Township of Toms River as Lead Agency and the Toms River Municipal Utilities Authority as Other Agency form a part of this contract extension; and

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

WHEREAS, Krean's Auto Body, Inc. has agreed to extend their current contract for Vehicle Collision Repairs for a one (1) year term, through September 20, 2017, under the same terms and conditions as the original contract; and

WHEREAS, it is in the best interest of the Township to extend the contract with Krean's Auto Body, Inc., pursuant to the Local Public Contracts Law, for a second and final one (1) year term through September 20, 2017, at the same terms and conditions and conditions as the original contract :

Krean's Auto Body, Inc.
301 West Water Street
Toms River, NJ08753

(Will extend to the Toms River Municipal Utilities Authority)

Contract Renewal Rates:

1. Labor Rate Per Hour under 11,500 lbs. GVWR: \$ 41.00 per hour
2. Labor Rate Per Hour over 11,500 lbs. GVWR: \$ 52.00 per hour
3. Flat Rate for Painting of New Police Vehicles: \$525.00/vehicle
4. Percentage Discount on Repair Parts: 5%
5. Parts Discount Based On: CCC Motor's Estimating Guide

Other Agency (Toms River Municipal Utilities Authority)

6. Labor Rate Per Hour under 11,500 lbs. GVWR: \$41.00 per hour
7. Labor Rate Per Hour over 11,500 lbs. GVWR: \$52.00.00 per hour
8. Percentage Discount on Repair Parts: 5%
9. Parts Discount Based On: CCC Motor's Estimating Guide

Kreans is not licensed to repair vehicles above 14,000 GVW

The other agency, Toms River Municipal Utilities Authority, shall be responsible for the extension of bid items #6 through #9 and execution of their own 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. It hereby authorizes the second and final extension of the contract with Krean's Auto Body, Inc., for Vehicle Collision Repairs, for an additional one (1) year term, through September 20, 2017, at the following rates:

Contract Renewal Rates:

1. Labor Rate Per Hour under 11,500 lbs. GVWR: \$ 41.00 per hour
2. Labor Rate Per Hour over 11,500 lbs. GVWR: \$ 52.00 per hour

- 3. Flat Rate for Painting of New Police Vehicles: \$525.00/vehicle
- 4. Percentage Discount on Repair Parts: 5%
- 5. Parts Discount Based On: CCC Motor's Estimating Guide

Other Agency (Toms River Municipal Utilities Authority)

- 6. Labor Rate Per Hour under 11,500 lbs. GVWR: \$41.00 per hour
- 7. Labor Rate Per Hour over 11,500 lbs. GVWR: \$52.00 per hour
- 8. Percentage Discount on Repair Parts: 5%
- 9. Parts Discount Based On: CCC Motor's Estimating Guide

Kreans is not licensed to repair vehicles above 14,000 GVW

The other agency, Toms River Municipal Utilities Authority, shall be responsible for the extension of bid items #6 through #9 and execution of their own resolution.

2. This will be an open-ended renewal contract with funds being encumbered each time service 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. The award of this extension is subject to all the terms and conditions of the original contract.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) Public Works Department
- f) Bey Lea Maintenance Shop
- g) Krean's Auto Body, Inc.
301 West Water Street
Toms River, N.J. 08753

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended, one year extension of the contract with Krean's Auto Body, Inc., are as follows, and are available contingent upon the availability of funds in the appropriate municipal budget:

Contract Renewal Rates:

- 1. Labor Rate Per Hour under 11,500 lbs. GVWR: \$ 41.00 per hour
- 2. Labor Rate Per Hour over 11,500 lbs. GVWR: \$ 52.00 per hour
- 3. Flat Rate for Painting of New Police Vehicles: \$525.00/vehicle
- 4. Percentage Discount on Repair Parts: 5%
- 5. Parts Discount Based On: CCC Motor's Estimating Guide

Other Agency (Toms River Municipal Utilities Authority)

- 6. Labor Rate Per Hour under 11,500 lbs. GVWR: \$41.00 per hour
- 7. Labor Rate Per Hour over 11,500 lbs. GVWR: \$52.00 per hour
- 8. Percentage Discount on Repair Parts: 5%
- 9. Parts Discount Based On: CCC Motor's Estimating Guide

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: August 11, 2015

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN OPEN-ENDED, TWO (2) YEAR
EXTENSION OF THE CONTRACT WITH THE STAFFORD TOWNSHIP COOPERATIVE
PRICING SYSTEM, WITH SOUTH JERSEY ENERGY COMPANY, FOR THE SUPPLY OF
NATURAL GAS THROUGH DECEMBER 31, 2018**

AUGUST 9, 2016

WHEREAS, resolution of the Township Council dated December 23, 2014, authorized the award of a Master Contract for the Supply of Natural Gas, pursuant to bids received and the Master Contract awarded by the Township of Stafford as Lead Agency for the Stafford Township Cooperative Pricing System Bid #33-OCCP, a contract was awarded by Stafford Township as Lead Agency for the Stafford Township Cooperative Pricing System (I.D. #33-OCCP-2014-025), of which Toms River Township is an active participant, as authorized by N.J.S.A. 40A:11-11(5), for two (2) years commencing January 1, 2015 through December 31, 2016; and

WHEREAS, Stafford Township has extended this contract for twenty-four months through December 31, 2018; and

WHEREAS, the pricing is at a total upcharge unit price of \$5.1722/Dekatherm, which represents a fixed price for both Basis/Upcharge and commodity for a period of 24 (twenty-four) months (includes both the transportation and the commodity); and

WHEREAS, it is in the best interest of the Township to extend the contract with the Stafford Township Cooperative Pricing System for the Supply of Natural Gas with South Jersey Energy Company, Contract Identification No. #033-OCCPS-2016, pursuant to the Local Public Contracts Law, for an additional two (2) year period, commencing January 1, 2017 through December 31, 2018:

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 extension of the contract with the Stafford Township Cooperative Pricing System for the Supply of Natural Gas with South Jersey Energy Company, Contract Identification No. #033-OCCPS-2016, pursuant to the Local Public Contracts Law, for an additional two (2) year period, commencing January 1, 2017 through December 31, 2018.

2. The pricing is at a total upcharge unit price of \$5.1722/Dekatherm, which represents a fixed price for both Basis/Upcharge and commodity for a period of 24 months (includes both the transportation and the commodity). The unit price of \$5.1722/Dekatherm shall remain firm for the entire term of the contract.

3. This will be an open-ended contract with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all the terms and conditions of the bid specifications and the Master Contract as awarded by the Township of Stafford as Lead Agency.

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) Public Works Department

- e) Township of Stafford
260 East Bay Avenue
Manahawkin, NJ 08050
Attn: Purchasing Agent
- f) South Jersey Energy Company
1 North Whitehorse Pike
PO Box 152
Hammononton, NJ 08037

CERTIFICATION

THIS IS TO CERTIFY that the funds for the two-year contract extension with the Stafford Township Cooperative Pricing System, with South Jersey Energy Company, for the Supply of Natural Gas, will be open-ended with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget.

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: August 9, 2016

RESOLUTION AMENDING THE RE-ESTABLISHMENT OF PETTY CASH FUNDS

August 9, 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 following Petty Cash Funds were hereby re-established on January 4, 2016 for the various Departments of the Township of Toms River and are hereby amended as follows:
 - A. Department of Recreation: \$500.00. Said sum shall be utilized in order to pay for various minimal purchases and expenses incurred by the aforesaid Department. Jared Tate and/or Charlene Cruoglio shall be the Custodian of the Petty Cash Fund.
 - B. Department of Law Enforcement: \$600.00. Said sum shall be utilized for the payment of motor vehicle registrations and various minimal miscellaneous travel expenses incurred by the aforesaid Department. Captain James Harris and/or Lieutenant Patrick Dellane shall be the Custodian of the Petty Cash Fund.
 - C. Department of Public Works: \$250.00. Said sum shall be utilized for the payment of motor vehicle registrations and transfers and various minimal miscellaneous travel expenses incurred by the aforesaid Department. Walter Wells and/or Anthony Benyola shall be the Custodian of the Petty Cash Fund.
 - D. Division of Youth Services: \$250.00. Said sum shall be utilized in order to pay for admission to youth oriented events and various miscellaneous travel expenses incurred by the aforesaid Office. Adam Silversmith and/or Susan Brehmer shall be the Custodian of the Petty Cash Fund.

- E. Division of Senior Services: \$250.00 Said sum shall be utilized for the purchase of newspapers and periodicals and for various minimal purchases and expenses, including travel expenses of the aforesaid Office. JoAnn Benson and/or Cathleen Newman shall be the Custodian of the Petty Cash Fund.
 - F. Division of Purchasing: \$250.00. Said sum shall be utilized for the minimal purchases of various supplies and related items and miscellaneous travel expenses incurred by the personnel of the Township of Toms River. Gail Catania and/or Kelly Wells shall be the Custodian of the Petty Cash Fund.
 - G. Winding River Ice Rink: \$250.00. Said sum shall be utilized, in order to pay for various minimal purchases and expenses incurred by the aforesaid Department. Robert DiBiase and/or Jackie Campbell shall be the Custodian of the Petty Cash Fund.
 - H. Bey Lea Golf Course: \$250.00. Said sum shall be utilized in order to pay for various minimal purchases and expenses incurred by the aforesaid Department. Joseph Kinlin and/or Tracy Lasky shall be the Custodian of the Petty Cash Fund.
 - I. Municipal Alliance Office: \$100.00. Said sum shall be utilized in order to pay for various minimal purchases and expenses incurred by the aforesaid Office. Joann Benson and/or Helen McGovern shall be the Custodian of the Petty Cash Fund.
 - J. Department of Parks, Buildings and Grounds: \$500.00. Said sum to be utilized in order to pay for the minimal purchases and expenses incurred by the aforesaid Department. Craig Ambrosio and/or Michael Freudenberg shall be the custodian.
 - K. Department of Animal Control: \$100.00. Said sum to be utilized in order to pay for the minimal purchases and expenses incurred by the aforesaid Department. James Bowen and/or Jaime Hawks shall be the custodian.
2. The Custodians of the Petty Cash Funds shall prepare and file with the Chief Financial Officer monthly reports detailing the expenditures made from the Funds. Said reports shall be accompanied by receipts for all expenditures made from the Petty Cash Funds.
 3. All Petty Cash Funds shall be returned to the Chief Financial Officer on or before December 31, 2016.
 4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a. Director of Finance/CFO
 - b. Township Attorney
 - c. Jared Tate/Charlene Cruoglio
 - d. Captain James Harris/Lt. Patrick Dellane
 - e. Walter Wells/Anthony Benyola
 - f. Adam Silversmith/ Susan Brehmer
 - g. Joseph Kinlin/Tracy Lasky
 - h. JoAnn Benson/Cathleen Newman/Helen McGovern
 - i. Gail Catania/Kelly Wells
 - j. Robert DiBiase/Jackie Campbell
 - k. Craig Ambrosio/Michael Freudenberg
 - l. James Bowen/Jaime Hawks
 - m. State of New Jersey
 Division of Local Government Services
 P.O. Box 803
 Trenton, NJ 08625-0803

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2016 STATEWIDE CRACKDOWN PROGRAM, AND AUTHORIZING THE TOWNSHIP OF TOMS RIVER TO ACCEPT A DRIVE SOBER OR GET PULLED OVER 2016 STATEWIDE CRACKDOWN GRANT, FROM THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY, IN THE AMOUNT OF \$5,000.00, FOR THE GRANT PERIOD COMMENCING AUGUST 19, 2016 THROUGH SEPTEMBER 5, 2016

AUGUST 9, 2016

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

WHEREAS, impaired driving crashes cost the United States almost \$50 Billion a year; and

WHEREAS, 27% of motor vehicle fatalities in New Jersey in 2013 (the last year for which complete data is available) were alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober or Get Pulled Over 2016 Statewide Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from August 19 through September 5, 2016; and

WHEREAS, an increase in impaired enforcement and a reduction in impaired driving will save lives on our roadways;

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 declares its support for the Drive Sober or Get Pulled Over 2016 Statewide Crackdown Program commencing August 19 through September 5, 2016, and pledges to increase awareness of the dangers of drinking and driving.

2. The Mayor is authorized to execute and the Township Clerk to attest to any and all documentation in connection with this grant.

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

- a) Township Attorney
- b) Chief Financial Officer
- c) Police Department, Attn: Chief Mitchell Little
- d) Police Department, Attn: Lt. Dudzik
- e) Police Department, Attn: Lt. P. Dellane
- f) Lorraine Adams, Grant Coordinator
- g) State of New Jersey
Division of Highway Traffic Safety
140 E. Front Street, 7th Floor
PO Box 048
Trenton, NJ 08625-0048

**RESOLUTUION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING A SHARED SERVICES AGREEMENT
BETWEEN THE TOWNHIP OF TOMS RIVER AND THE BOROUGH OF ISLAND HEIGHTS
FOR BEACH CLEANING SERVICES**

AUGUST 9, 2016

WHEREAS, the Borough of Island Heights has requested that the Township of Toms River provide, through its Department of Parks, Buildings and Grounds, beach cleaning services for the Summit Avenue beach, in the same manner as Toms River Township maintains its own adjacent beaches; and

WHEREAS, the Township of Toms River and the Borough of Island Heights have determined that it is in their mutual best interest to establish an arrangement whereby the Township of Toms River will provide the personnel and equipment to clean the beach, at an agreed-upon fee, located at the eastern terminus of Summit Avenue, from the southernmost curb line to the northern border abutting Dillon's Creek; and

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 to -35, the parties negotiated an agreement for that purpose, which is attached as Exhibit "A" to this resolution:

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to the shared services agreement, attached as Exhibit "A" to this resolution, between the Township of Toms River and the Borough of Island Heights, whereby the Township of Toms River will provide beach cleaning services to the Borough of Island Heights on the terms and conditions stated therein.

2. A fully-executed copy of this shared services agreement shall be kept on file in the Office of the Township Clerk.

3. A certified copy of this resolution and the fully-executed agreement shall be provided by the Township Clerk to the following parties:

- a) Business Administrator
- b) Chief Financial Officer
- c) Director of Public Works
- d) Director of Parks, Buildings and Grounds
- e) Township Attorney
- f) Borough of Island Heights
1 Wanamaker Municipal Complex
Island Heights, NJ 08759

SHARED SERVICES AGREEMENT

The TOWNSHIP OF TOMS RIVER ("Toms River"), a municipal corporation established and operating under the laws of the State of New Jersey, with offices located at 33 Washington Street, Toms River, New Jersey, 08753, and the BOROUGH OF ISLAND HEIGHTS ("Island Heights"), a municipal corporation established and operating under the laws of the State of New Jersey, with offices located at 1 Wanamaker Municipal Complex, Island Heights, New Jersey, 08759, hereby enter into this agreement pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 to -35, to establish an arrangement for the cleaning of the Summit Avenue beach.

BACKGROUND RECITALS

WHEREAS, Island Heights has requested that Toms River provide, through its Department of Parks, Buildings and Grounds, beach cleaning services for the Summit Avenue beach, in the same fashion as Toms River maintains its own adjacent beaches; and

WHEREAS, Toms River has determined that this arrangement will be mutually beneficial and cost-effective for both parties; and

WHEREAS, the parties have entered into this agreement to establish the terms and conditions of that arrangement:

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

TERMS AND CONDITIONS.

1. **Services Provided.** Toms River shall provide to Island Heights beach cleaning services for the beach located at the eastern terminus of Summit Avenue, from the southernmost curb line to the northern border abutting Dillon's Creek, in the same manner and on the same schedule as the Township's adjacent beaches are maintained.
2. **Fees.** The fee for these services will be \$45.00 per hour inclusive of manpower and equipment.
3. **Payment Schedule.** Toms River shall bill, and Island Heights shall pay for, the services provided under this agreement on a monthly basis, in accordance with each party's billing procedures.
4. **Entire Agreement.** This agreement constitutes the only and entire agreement of the parties and supersedes any prior written or oral agreement.
5. **Hold Harmless/Indemnification.** To the fullest extent permitted by law, Island Heights agrees to fully release, hold harmless, and indemnify Toms River, and its employees, officials, agents, and assigns, for any and all claims, suits, damages, penalties, including reasonable attorneys' fees, arising out of or in any way connected with the financial and accounting services provided under this agreement.
6. **Term.** This agreement shall take effect September 1, 2016, and shall continue through December 31, 2017. Thereafter, this agreement may be automatically renewed for additional one-year periods running from January 1 through December 31 with the written consent of both parties.
7. **Termination.** This agreement may be terminated by either party upon 60-days written notice to the other.
8. **Severability.** If any provision of this agreement is invalidated by a court of competent jurisdiction, that provision shall be severed and the remaining provisions of this agreement shall remain in full force and effect.
9. **Intent to be Legally Bound.** Both parties represent that they intend to be legally bound by this agreement.
10. **Authority to Execute.** The parties represent and warrant that this agreement has been executed by individuals legally authorized to do so and that they have approved this agreement in accordance with their respective legal requirements and procedures.
11. **Governing Law.** This agreement shall be governed by the laws of the State of New Jersey.
12. **Forum Selection.** Any disputes arising out of or relating to this agreement shall be instituted in the Superior Court of New Jersey, Ocean County vicinage.

For Toms River:

ATTEST:

J. MARK MUTTER
Township Clerk

THOMAS F. KELAHER
Mayor

Dated: _____

For Island Heights:

ATTEST:

ELLIE ROGALSKI
Township Clerk

JEFFREY B. SILVER
Mayor

Dated: _____

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS BLOCK 687.08, LOTS 7,8,9 AND 10 (CRANMOOR DRIVE)

AUGUST 9, 2016

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision, known as, Block 687.08, Lots 7,8,9 and 10.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #481749S in the amount of \$13,140.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$1,460.00 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 Omar Adam Almallah, 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. Omar Adam Almallah
108 Cranmoor Drive
Toms River, NJ 08753

RESOLUTION
August 9, 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>
39-16 Austin Ross	Taxi Driver	ABC/ Beach Taxi

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

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

1. That the Clerk of this Township is hereby authorized and directed to issue the TAXI LICENSE to the applicants listed above, in accordance with Chapter 457 (Taxicab and Taxicab Drivers) the "Code of the Township of Toms River".

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

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

Council Member Hill spoke regarding the following Resolution and thanked the Engineering Department for having the improvements made.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING, CHANGE ORDER NO. 1 - FINAL (REDUCTION IN CONTRACT IN THE AMOUNT OF \$35,347.85), RELEASING PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND, AND AUTHORIZING FINAL PAYMENT TO CONTRACTOR, MATHIS CONSTRUCTION CO., INC., IN THE AMOUNT OF \$16,619.53 FOR THE CLOSEOUT OF THE RIVERWOOD PARK RESTROOM BUILDING & SEWER MAIN EXTENSION PROJECT

AUGUST 9, 2016

WHEREAS, resolution of the Township Council dated August 26, 2014, awarded a contract to Mathis Construction Co., Inc., as low bidder meeting all the specifications, for the Riverwood Park Restroom Building & Sewer Main Extension Project, in the maximum amount not to exceed \$679,308.73; and

WHEREAS, the contractor retained for the Riverwood Park Restroom Building & Sewer Main Extension Project, has submitted the required documents in connection with the closeout of this project; and

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

- a) Contractor's Application for Payment in the amount of \$16,619.53.
- b) Change Order No. 1 - Executed by the contractor for a reduction in the contract amount of \$35,347.85.
- d) Original Maintenance Bond No. B1149258 with Mathis Construction Co., Inc., as Principal and Selective Insurance Company of America, as Surety.

WHEREAS, Change Order 1 – Final - to the contract with Mathis Construction Co, Inc., to wit:

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

Adjustment in various line item quantities to close out project. Net reduction.

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	(\$36,997.85)
Total Extras This C.O.	\$ 1,650.00	X
Total Supplementary This C.O.	X	X
Total This C.O.	\$ 1,650.00	(\$36,997.85)
Previous Change Orders	X	X

Total Change Orders to Date:	\$ 1,650.00	(\$36,997.85)
Total Change in Contract		(\$35,347.85)
ORIGINAL CONTRACT BID PRICE:	\$679,308.73	
NEW CONTRACT PRICE:	\$643,960.88	

be and the same is hereby ratified and confirmed;

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

1. It hereby authorizes the appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation, to close out the Riverwood Park Restroom Building & Sewer Main Extension Project, approval of Change Order No. 1 – Final, releasing Performance Bond, acceptance of Maintenance Bond, and authorizing payment to contractor, in the amount of \$16,619.53. Funds in the amount of \$16,619.53, are available in Account No. X-04- -212-001. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing Division
- e) Mathis Construction Co., Inc.
1510 Route 539, Suite 1
Little Egg Harbor, NJ 08087

CERTIFICATION

THIS IS TO CERTIFY that the funds for payment to Mathis Construction Co., Inc., in the amount of \$16,619.53, are available in Account No. X-04- -212-001.

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

CHRISTINE MANOLIO
CHIEF FINANCIAL OFFICER

Dated: August 9, 2016

REPORTS

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

- 1. In-Season Beach Badge Weekly Report- week #4: \$27,768.00
- 2. In-Season Beach Badge Weekly Report- week #5: \$23,721.00
- 3. In-Season Pool Badge Weekly Report- week #5: \$12,557.00
- 4. In-Season Pool Badge Weekly Report- week #6: \$11,268.00
- 5. Bey Lea Golf Course- July 2016: \$199,104.35
- 6. Winding River Ice Rink- July 2016: \$49,355.50

APPROVAL OF BILLS

Council President Kubiell asked for a report on the bills.

The Bill List, dated **August 9, 2016** was approved on motion by Council Member Manforti, seconded by Council Member Wittmann, and carried with Council Members Hill, Manforti, Maruca, Geoghegan, Wittmann, and Council President Kubiell voting yes, and with Council Member Carr absent. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 16-04028, payable to Tires-Silverton First Aid, in the amount of \$583.18.

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

Purchase Order 16-04038, payable to Owen, Little and Associates, Inc., in the amount of \$6,699.00.

Purchase Order 16-04347 and 16-04375, payable to Saint Luke's Church in the amount of \$840.00.

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

Purchase Order 16-04347 and 16-04375, payable to State of NJ Div of Purch/Prop MVC Prog., in the amount of \$3,892.50.

ELECTED OFFICIALS COMMENTS

Mayor Kelaher spoke regarding the recent rescues by Township lifeguards.

Council Members Geoghegan, Wittmann, Manforti, Hill and Kubiell had no comments.

Councilwoman Maruca spoke regarding traffic safety and Mathis Bridge conditions and need to correspond with the New Jersey Department of Transportation for improvements. Discussion ensued. It was determined that a formal Resolution for the next Council Meeting should be prepared and listed on the agenda.

PUBLIC COMMENTS

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

Cathy Crisafulli spoke regarding Mathis Bridge conditions.

Reyna Kravitz, Silverton, spoke regarding an "Air B and B" house on Pinewood Road and conditions regarding same. Discussion ensued.

Dee Samatovicz spoke regarding "Air B and B" situation.

Martha Bowden spoke in favor of Bed and Breakfasts.

Frank Donnelly spoke regarding "Air B and B" affecting quality of life in Silverton.

Gina Oleske spoke regarding "Air B and B" and use of homes for "corporate events."

Ed Pfeifer, 43 Sand Creek Lane, spoke regarding "Air B and B's".

Michael Dedominicis spoke regarding "Air B and B's".

No other business appearing, the meeting was adjourned at 6:33 P. M., on motion with Council Member Maruca, seconded by Council Member Manforti, and carried with

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

BRIAN S. KUBIEL, COUNCIL PRESIDENT

J. MARK MUTTER, TOWNSHIP CLERK

(No Executive Session was held)