

August 23, 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.

A moment of silence was held for Roseanne Citta recently deceased. She was a longtime citizen and civic organization volunteer in Toms River.

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	- Present
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

**APPROVAL OF MINUTES**

A motion was made by Council Member Wittmann, seconded by Council Member Geoghegan, and carried with Council Members Geoghegan, Hill, Manforti, Maruca, Wittmann, and Council President Kubiell voting yes, and with Council Member Carr abstaining as he was absent from the August 9, 2016 meeting, to approve the Minutes of the **Regular Meeting of August 9, 2016**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

**HONORING RESOLUTIONS AND PRESENTATIONS**

A motion was made by Council Member Hill, seconded by Council Member Carr, and carried with Council Members Carr, Hill, Geoghegan, Manforti, Maruca, Wittmann, and with Council President Kubiell voting yes, to make the following honoring proclamations a part of the Minutes.

Council Member Wittmann presented proclamation to Eagle Scout Thomas Edwards.

# *Township of Toms River*

## *Proclamation*

### *Eagle Scout Court of Honor*

*WHEREAS, Thomas Edwards is involved with the Boy Scout Program, currently as a member of Boy Scout Troop 92 in Toms River; and*

*WHEREAS, Thomas Edwards has progressed through the ranks of Cub Scouts and Boy Scouts, and has achieved the rank of Eagle Scout; and*

*WHEREAS, to achieve the rank of Eagle Scout, a scout must have a minimum of twenty-two months tenure, have earned at least seven skill awards, logged a minimum of eighteen hours community service time, served at least sixteen months as a troop leader in three of eleven leadership positions, and have amassed at least twenty-one merit badges (eleven of which are required by the Boy Scouts of America National Committee); and*

*WHEREAS, before receiving final approval for the rank of Eagle Scout, a scout's achievements must be reviewed and approved by the Board of Review with the Council District Advancement Chairman and if approved by said Board, then all paperwork is sent to the National Headquarters in Texas for approval. All of these requirements must be completed prior to a scout's 18<sup>th</sup> birthday; and*

*WHEREAS, Thomas Edwards has successfully completed all requirements to receive the rank of Eagle Scout and will be honored for his achievement of acquiring Eagle Scout at the Toms River Township Council Meeting held on the 23<sup>rd</sup> day of August in the year 2016.*

*NOW, THEREFORE, I, THOMAS F. KELAHER, Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate Thomas Edwards on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and effort for the good of his community.*

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**Mayor Thomas F. Kelaher**

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**Brian S. Kubiel  
Council President**

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**George E. Wittmann, Jr.**

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**Maurice B. Hill**

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**Jeffrey J. Carr**

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**Alfonso J. Manforti**

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**Maria L. Maruca**

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**Kevin M. Geoghegan**

Mayor Kelaher presented Township medallions to Jarid Pesci, Michael Roberts, Dylan Romeo and Sebastian Sheppard for Webelos Arrow of Light Award.

Councilman Wittmann asked for a spending report through first seven months of the year 2016.

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

**RESOLUTION PROVIDING FOR EMERGENCY TEMPORARY APPROPRIATIONS**

**AUGUST 23, 2016**

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

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

NOW, THEREOFRE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean and State of New Jersey, that the attached list of 2016 emergency temporary appropriations are hereby approved.

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

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

Approved as to Content:

<b>Description</b>	<b>8/23/2016 Temp Bdgt</b>
ADMIN SALARY & WAGES	264,000.00
Public Defender O/E	43,000.00
Prosecutor - Other Expense	87,000.00
ADMINISTRATION O/E	8,500.00
PURCHASINGSALARY & WAGES	100,706.25
PURCHASING O/E	32,000.00
VETERANS COMMISSION	610.00
Off. Of MAYOR SALARIES & WAGES	111,100.00
OFFICE OF THE MAYOR O/E	43,000.00
COUNCIL OFF. SALARIES & WAGES	96,007.50
OFFICE OF THE COUNCIL-O/E	10,000.00
IT SALARY & WAGES	205,700.00
IT DEPT O/E	450,000.00
EMG MGMT SALARY & WAGES	73,625.00
EMERGENCY MGMT O/E	11,000.00
Emgergency Management Grant	7,000.00
MatchEmgergency Management Grant	7,000.00
MASS TRANSPORTATION	5,000.00
Berkeley SS-Construction Svcs	41,600.00
CONST/INSPECT SALARY & WAGES	1,785,840.00
Relocation Assistance	6,000.00
CONSTRUCTION & INSPECTION SVCS	313,000.00
CODE ENFORCEMENT SALARIES	257,602.50
Code Enforcement Other Expense	1,200.00
HSG/PROP MAINT SALARY & WAGES	0.26
HSG/PROP MAINTENANCE O/E	3,300.00
DEMOL SALARY & WAGES	200.00
DEMOLITION OF BLDS O/E	9,000.00
PAYMENT OF BOND PRINCIPAL	9,394,415.00
INTEREST ON BONDS	2,197,212.40
INTEREST ON NOTES	749,234.00
Payment of BANs and Cap Notes	
Dir of FINANCE SALARY & WAGES	510,633.13
ANNUAL AUDIT EXPENSE	67,000.00
DIR OF FINANCE O/E	90,000.00

DIV OF REV COLL SALARY & WAGES	379,256.25
DIV OF REVENUE COLLECT-O/E	150,000.00
EMP GROUP INSURANCE	14,350,000.00
OTHER INSURANCE	1,500,000.00
WORKERS COMPENSATION INSURANCE	2,000,000.00
HEALTH BENEFIT WAIVER	420,000.00
UNEMPLOYMENT INSURANCE	50,000.00
USE OF SURPLUS-LFB-EMPLOYEE GROUP HLTH	0.00
FIRST AID SQUADS	75,000.00
CONDO SERVICES ACT	700,000.00
SOLID WASTE COLL-APARTMENT CMP	350,000.00
CONTINGENT FUND	5,000.00
CULTURAL AFFAIRS O/E	10,500.00
BEACHFRONT SALARY & WAGES	550,000.00
BEACHFRONT O/E	50,000.00
PRKS/PLYGRDS SALARY & WAGES	210,000.00
PARKS & PLAYGROUNDS	23,000.00
RECREATION SALARIES & WAGES	236,466.25
RECREATION O/E	9,000.00
PERSONNEL SALARIES & WAGES	240,811.88
PERSONNEL O/E	15,000.00
MUNICIPAL ALLIANCE GRANT	55,162.00
MUN ALLIANCE GRT-MATCH	13,790.50
MUNICIPAL ALLIANCE SALARIES AND WAGES	6,675.00
HEALTH DEPT SALARY & WAGES	2,700.00
HEALTH DEPT O/E	370,000.00
Youth Grant 6 MONTH EXTENSION	27,346.00
Youth Grant-Twp Match (DYFS)	
YOUTH ADVS SALARY & WAGES	176,871.25
YOUTH ADVISORY.OTHER EXP.	9,500.00
SENIOR CENTER GRANTS	
SENIOR CENTER S & W	76,160.00
SEN CTR MTH - SALARIES	218,600.00
OCN CTY SEN CTR-CAREGIVERS	67,815.00
SEN CTR MTH - FRINGE	103,542.00
SEN CTR MTH - OTHER EXPENSE	69,200.00
SEN CTR-PARTICIPANT O/E	3,500.00
SEN CTR-COUNTY Transportation	2,000.00
OC SNR CTR CAREGIVER O/E	114,958.00
OC SNR CTR-CAREGIVER PARTCPTN	800.00
OC SNR CTR GRT-CAREGIVER O/E	600.00
MUN CLERK SALARIES & WAGES	506,660.13
MUNICIPAL CLERK O/E	43,000.00
ELECTIONS SALARIES AND WAGES	15,000.00
ELECTIONS O/E	12,000.00
REGISTRAR SALARIES AND WAGES	118,371.07
REGISTRAR O/E	7,000.00
RENT LVL BD SALARIES AND WAGES	8,056.25
RENT LEVELING BD O/E	4,100.00
Labor Counsel	8,000.00
LEGAL SERVICES O/E	290,000.00
LAW DEPT SALARIES AND WAGES	450,500.00
LAW DEPARTMENT O/E	27,000.00
ENGINEERING-SALARIES AND WAGES	469,312.50
Tax Map Printing and Maintenance	2,000.00
<b>Engineering O/E</b>	20,000.00
<b>Sustainable Jersey Small Grant 2016</b>	2,000.00
<b>Post Sandy - Permit Process Streaming PAPQI- 2016-1508-560</b>	25,000.00
<b>Post Sandy - Design Stds Mainland&amp;Barrier Island 2016-1508-559</b>	30,000.00
<b>NJDEP Emergency Sand for Dune Rec.</b>	726,121.60
<b>FY2015 Municipal Aid Prg-Elevation of Washington Ave</b>	325,000.00
<b>Sustainable Resilient Coastal Communitis PrgCP16-012</b>	38,000.00
Storm Water Management Salaries	100,000.00
Storm Water Mgmt-Other Expenses	70,000.00
PLANNING BOARD SALARIES	57,600.00

PLANNING BOARD O/E	52,900.00
BOA SALARIES & WAGES	90,575.00
BOARD OF ADJUSTMENT O/E	32,000.00
DIV ECONOMIC DVLPMT SALARIES	94,000.00
DIV ECONOMIC DEVELOPMENT O/E	4000.00
LAND USE REG SALARIES AND WAGES	162,050.00
LAND USE REGULATION O/E	3050.000
MUN CT - SALARY & WAGES	693,405.00
MUNICIPAL COURT O/E	44,000.00
CSO-SALARIES & WAGES	1,253,341.25
CSO-O/E	196,500.00
Shared Svcs-Lavallette-Spillman	5,000.00
Shared Svcs-Fire Commissioners-Spillman	34,178.00
POLICE SALARY & WAGES	18,648,525.00
CDBG Essential Svcs	
POLICE DEPT O/E	420,000.00
POLICE GRANTS	187,085.00
ENV HLTH SVCS SALARIES	775,551.38
ENVIRONMENTAL HLTH SVCS O/E	270,000.00
PUBLIC LANDS SALARIES AND WAGES	503,366.13
PUBLIC LANDS O/E	30,000.00
CAPITAL	
CAPITAL IMPROVEMENT	600,000.00
PURCHASE POLICE CARS	250,000.00
FAIR SHARE HOUSING	10,000.00
LANDFILL REMEDIATION	70,000.00
CAPITAL PRJ-COMPUTER EQUIP	60,000.00
DCRP	30,000.00
SOCIAL SECURITY SYST	3,200,000.00
PERS SYSTEM	2,505,903.00
POLICE/FIRE PENSION	4,311,535.00
DEFERRED CHG TO FUTURE TAXATION	448,334.00
EMERGENCY AUTH PRIOR YR BUD	4059,340.00
SNOW EMERGENCY	
	0.00
TAX ASSESSOR SALARIES AND WAGES	482,549.09
TAX ASSESSOR O/E	31,000.00
UTILITY/MISC.OTHER	0.00
TELEPHONE	235,000.00
ELECTRIC	775,000.00
NATURAL GAS	125,000.00
HEATING OIL	15,000.00
SEWER	38,000.00
WATER	44,000.00
STREET LIGHTING	1,150,000.00
TIPPING FEES/GARBAGE	1,600,000.00
TIP FEES/PAINT/STUMP	90,000.00
LNDFIL-PL 1981,C2781	60,000.00
RECYCLING TAX	110,000.00
HOST COMMUNITY TAX	189,000.00
LANDFILL CLOSURE ESC	740,000.00
GASOLINE OTHER EXPENSE	1,225,000.00
Vehicle Maintenance Salaries & Wages	933,336.49
Vehicle Maintenance Other Expenses	734,000.00
ROAD DEPT SALARIES AND WAGES	2,519,000.00
RECYCLING O/E	46,000.00
ROAD DEPARTMENT O/E	932,000.00
TR Bd of Ed S.S. - Trash Removal	225,000.00
OCC-Trash Removal	40,000.00
Shared Svcs Fire dist 1-Radio Repar	100,000.00
GARBAGE COLLECTION SALARY & WAGES	1,889,500.00
Garbage collection o/e	48,800.00
RECYCLING SALARIES AND WAGES	1,667,062,50
Clean Communities Grant	257,441.64
Recycling Tonnage Grant	174,524.62
<b>Final Totals</b>	<b>99,699,714,82</b>
Bey Lea Salaries and Wages	497,000.00

GOLF COURSE DEPART. EXPENSES

571,478.25

Golf Course Other Expense 202,508.75

**Final Totals 1,270,987.00**

Winding River Salaries and Wages 378,250.00

CAPITAL IMPROVEMENTS 500.00

Winding River Other Expenses 542,515.63

**Final Totals 921,265.63**

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 Kubiel	Yes

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, REQUESTING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO IMMEDIATELY ADDRESS PROBLEMS WHICH ARE CAUSING MALFUNCTIONS ON THE THOMAS A. MATHIS BRIDGE, THAT RESULT IN EXTENSIVE TRAFFIC BACKUPS, SAFETY CONCERNS AND INCONVENIENCE TO MOTORISTS TRAVELING EASTBOUND OVER THE BRIDGE TO THE BARRIER ISLAND, AND REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FIND AN ALTERNATIVE TRAFFIC PATTERN IN THE EVENT OF A FUTURE BRIDGE MALFUNCTION**

**AUGUST 23, 2016**

WHEREAS, the Thomas A. Mathis Bridge (“Mathis Bridge”), a drawbridge, carries Route 37 traffic eastbound to Toms River, Lavallette, Seaside Park and Seaside Heights and communities on the Barrier Island; and

WHEREAS, J. Stanley Tunney Bridge (“Tunney Bridge”) carries westbound traffic from the Barrier Island to, mainland Toms River; and

WHEREAS, the Mathis Bridge, that opened to traffic in 1950, is under the jurisdiction of the Department of Transportation (“DOT”), and is currently undergoing a \$74 Million federally-funded renovation project; and

WHEREAS, the Mathis Bridge is a drawbridge that must open for marine traffic on the Barnegat Bay; and

WHEREAS, the Mathis Bridge serves as a gateway to the Barrier Island; and

WHEREAS, on July 30, 2016, the Mathis Bridge malfunctioned and became stuck in the open position, which resulted in the bridge being closed to traffic for about two hours, causing major traffic backups and safety concerns in the area; and

WHEREAS, unplanned and unannounced bridge closures cause havoc to residents and summer business owners, many of whom are small family operated stores and cafes; and

WHEREAS, the Mathis Bridge has malfunctioned three times this summer season, causing the major traffic backups; and

WHEREAS, tourism is a \$4.6 billion economic engine that helps create more than 60,000 jobs in Ocean County; and

WHEREAS, the summer months are crucial to the tourism season, and with tourists doubling our population, keeping this bridge in good working order is imperative to public safety; and

WHEREAS, the Township Council is of the opinion that the DOT must address this problem and create an alternate traffic plan in order to keep traffic and emergency vehicles safely moving on and off the island;

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 requests that the DOT expeditiously address problems causing the malfunctions on the Mathis Bridge.
2. It requests that the DOT create an alternate traffic plan in order to keep traffic and emergency vehicles safely moving on and off the Barrier Island in the event of the bridge being temporarily closed.
3. It hereby urges our legislators to find a solution to correct this problem.
4. It also urges our legislators to develop and put in place an alternate traffic plan in order to avoid these problems should another malfunction occur.
5. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Engineering Division
- f) Chief Financial Officer
- g) Police Chief Mitchell Little
- h) Ocean County Board of Chosen Freeholders  
PO Box 2191  
Toms River, NJ 08754-2191
- i) State of New Jersey  
Department of Transportation  
P.O. Box 600  
Trenton, N.J. 08625-0600  
Attn: Commissioner Richard T. Hammer
- j) 9<sup>th</sup> District Legislators
- k) 10<sup>th</sup> District Legislators
- l) 30<sup>th</sup> District Legislators

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

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 335 (HOUSING AND RENTAL PROPERTY STANDARDS) TO ESTABLISH REGULATIONS GOVERNING SHORT-TERM RENTALS**

**WHEREAS**, an increasing number of single-family homes and other dwellings located in residential zones have been advertised for short-term rentals to transient guests on various websites; and

**WHEREAS**, as a result of this practice, many residences have been converted into the functional equivalent of boarding houses or flophouses, to the detriment of the health, safety, and peaceful enjoyment of, and detracting from the overall quality of life in, the affected neighborhoods; and

**WHEREAS**, state law empowers the Township to regulate rental practices for the benefit of the public, health, safety and welfare; and

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

1. Chapter 335 (Housing and Rental Property Standards) is hereby amended and supplemented to establish Article V (Short-Term Rentals), providing as follows:

**ARTICLE V**  
**Short-Term Rentals**

**§335-19. Definitions.**

A. **DWELLING** — Any building or portion thereof designed or used exclusively for one or more dwelling units, as delineated below:

- (1) **DWELLING UNIT** — A building or part thereof having cooking, sleeping and sanitary facilities designed for or occupied by one family and which is entirely separated from any other dwelling unit in the building, either vertically or horizontally, and with an independent means of access.
- (2) **DWELLING, SINGLE-FAMILY** — A building designed for or containing one dwelling unit.
- (3) **DWELLING, TWO-FAMILY** — A building designed for or containing two dwelling units which are entirely separated from each other by vertical walls or horizontal floors.
- (4) **DWELLING, MULTIPLE** — A building designed for or containing three or more dwelling units which are entirely separated from each other by vertical walls or horizontal floors.
- (5) **DWELLING, EFFICIENCY APARTMENT** — An apartment including the following separate rooms or a combination thereof: a bathroom with toilet and bath facilities and a combination living room and bedroom with a combination kitchen and dining room; or a combination living room, bedroom and dining room with a separate kitchen; or a combination living room, bedroom, dining room and kitchen, provided that the kitchen can be closed off from the remainder of the room. No additional room shall be provided except hallways and suitable closet and storage space.
- (6) **DWELLING, ONE-BEDROOM APARTMENT** — An apartment including the following separate rooms or a combination thereof: a kitchen; a dining room; a living room; or a combination kitchen and dining room with a separate living room; or a separate kitchen with a combined living room and dining room area, provided that in no case shall a kitchen be combined with a living room; a bathroom with toilet and bath facilities; and a bedroom. No additional room shall be provided except hallways and suitable closet and storage space.
- (7) **DWELLING, TWO-BEDROOM APARTMENT** — An apartment including the following separate rooms or a combination thereof: a kitchen; a dining room; a living room; or a combination kitchen and dining room with a separate living room; or a separate kitchen with a combined living room and

dining area, provided that in no case shall a kitchen be combined with a living room; a bathroom with toilet and bath facilities; a master bedroom; a second bedroom. No additional room shall be provided except hallways and suitable closet and storage space.

(8) DWELLING, THREE-BEDROOM APARTMENT — An apartment including the following separate rooms or a combination thereof: a kitchen; a dining room; a living room; or a combination kitchen and dining room with a separate living room; or a separate kitchen with a combined living room and dining area, provided that in no case shall a kitchen be combined with a living room; a bathroom with toilet and bath facilities; a master bedroom; a second bedroom; a third bedroom. No additional room shall be provided except hallways and suitable closet and storage space.

(9) DWELLING, TOWNHOUSE — A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

B. SEGMENTED DWELLING — A room within or section of a dwelling that constitutes an area less than the entire dwelling.

**§335-20. Purpose and scope.**

A. This Article aims to curtail, and in certain circumstances prohibit, the increasingly widespread practice of renting or leasing various types of dwellings, or segments thereof, located primarily in residential neighborhoods, on a short-term basis to transient guests. This practice has been popularized and facilitated by various websites that advertise and broker these rentals. Left unregulated, this practice will transform many residential dwellings into flophouses to the detriment to the health, safety, and quiet enjoyment of the affected neighborhoods.

B. This Article does not apply to lawfully established and operating hotels, motels, rooming houses, boarding houses, and “bed and breakfast” establishments. This Article also does not apply to seasonal or long-term rentals of unsegmented dwellings.

**§335-21. Short-term rentals prohibited.**

No dwelling, or segment thereof, may be rented or leased for a term of less than six days.

**§335-22. Room rentals.**

A. The lease or rental of multiple rooms within a dwelling to a single tenant or separate tenants is prohibited.

B. The lease or rental of a single room within a dwelling is permitted provided the following conditions are satisfied:

1. The dwelling has been inspected, issued a rental certificate of occupancy, and complied with all other requirements set forth in §335-2H.
2. The dwelling complies with all applicable health, safety, construction, zoning, and fire codes.
3. The dwelling has a minimum of two bedrooms.
4. The addition of the tenant does not result in a violation of occupancy limitations.
5. The owner maintains all required insurances in sufficient coverage amounts and has furnished proof thereof to the Township.
6. The dwelling is owner-occupied year-round.
7. A minimum tenancy of one month, and a maximum of one tenant.

8. The tenant has unrestricted access to the dwelling's common areas and amenities, including but not limited to, kitchens, basements, garages, laundry facilities, patios/porches, pools, assigned closets, assigned bathrooms, and living and dining areas.
9. Bedroom doors may have privacy locks, but not key locks.
10. There is sufficient space on the subject property to lawfully provide one on-premises parking space for the tenant's vehicle.

**§335-22. Commercial rentals.**

The lease or rental of any dwelling for commercial or corporate purposes is prohibited.

**§335-23. Rentals of amenities.**

The lease or rental, for any purpose, of any amenity, feature, accessory, or appurtenance to or associated with a dwelling is prohibited.

**§335-24. Advertisement.**

The print, electronic, or Internet advertisement of any rental that is prohibited by or fails to comply with the provisions of this Article or any other applicable provision of the Township Code is prohibited.

**§335-25. Enforcement.**

The Division of Code Enforcement and the Police Department are empowered to enforce this Article.

**§335-26. Violations and penalties.**

- A. Every person convicted of a violation of a provision of this chapter shall be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29, and any subsequent amendments thereto.
- B. Each and every day a violation of this Article persists shall constitute a separate violation.
- C. To the extent the conduct prohibited under this Article also violates other provisions of the Township Code, those violations constitute separate offenses subject to additional fines and penalties as prescribed.

2. All other parts of Chapter 335 remain in full force and effect.

3. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.

4. If any part of this ordinance is invalidated for any reason by competent authority, that part is severed and the remaining provisions shall remain in full force and effect.

5. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.

A motion was made by Council Member Manforti, seconded by Council Member Carr, and carried with Council Members Carr, Geoghegan, Hill, Maruca, Manforti, Wittmann and with Council President Kubiak voting yes, that the foregoing Ordinance be adopted on first reading with publication notice as follows:

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on August 23, 2016 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on September 13, 2016 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

J. MARK MUTTER  
TOWNSHIP CLERK

APPROVED AS TO FORM:

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, August 26, 2016 .

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

### **CONSENT AGENDA**

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

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

### *RESOLUTION*

*AUGUST 23, 2016*

*WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE ERRONEOUS APPLICATION OF A CHECK, WHICH SHOULD HAVE BEEN DEIVERED TO THE BUILDING DEPARTMENT. CHECK WAS IN THE AMOUNT OF \$218.00 AND APPLIED TO THE TAX ACCOUNT, AND NOW MUST BE REFUNDED TO THE BUILDING DEPARTMENT,*

*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>
<b>TOWNSHIP OF TOMS RIVER CURRENT FUND (BUILDING DEPT)</b>	<b>192.44</b>	<b>33</b>	<b>2015/2</b>	<b>218.00</b>
<b>Totals:</b>				<b>218.00</b>

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

*Approved as to content:*

**RESOLUTION**

**AUGUST 23, 2016**

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

*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>
<b>REZAC, ARTHUR &amp; PATRICIA</b>	<b>298.04</b>	<b>24</b>	<b>2016/1</b>	<b>2,284.57</b>

<b>Tota;s</b>				<b>2,284.57</b>
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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**

**AUGUST 23, 2016**

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO THE PROPERTY(ies) WERE SUBDIVIDED,

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:

<b>NAME</b>	<b>BLOCK</b>	<b>LOT</b>	<b>Qual,Year</b>	<b>Amount</b>
<b>DAN-D INC.</b>	<b>404</b>	<b>58.01</b>	<b>2016/4</b>	<b>124,149.43</b>
<b>DIVISERIFIED CAPITAL TOMS RIVER ATTN: MRS. SCHWAB</b>	<b>406</b>	<b>33</b>	<b>2016/4</b>	<b>20393.54</b>
<b>Totals:</b>				<b>\$144,542.97</b>

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

Approved as to content:

**RESOLUTION**

**AUGUST 23, 2016**

WHEREAS, AN OVERPAYMENT OF TAXES HAS APPEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO NEW JERSEY STATE TAX APPEALS,

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
<i>HTRRGC LLC F.B.O. BOB CIASULLI</i>	<i>688.05</i>	<i>40</i>	<i>2015/4</i>	<i>11,612.97</i>
<i>WATERSTREET REALTY LLC @ GREER</i>	<i>658</i>	<i>37</i>	<i>2015/4</i>	<i>12,606.50</i>
<i>SCOCCA &amp; LAU LLC</i>				
<b>Totals:</b>				<b>\$24,219.47</b>

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

Approved as to content:

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CLOSEOUT OF THE GENERATOR UPGRADES FOR TOMS RIVER TOWNSHIP TOWN HALL AND POLICE DEPARTMENT PROJECT, WITH RANCO CONSTRUCTION INC., RELEASING PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND, AND FINAL PAYMENT AND RELEASING RETAINAGE HELD TO DATE TO CONTRACTOR, RANCO CONSTRUCTION, INC., IN THE AMOUNT OF \$92,060.29**

**AUGUST 23, 2016**

WHEREAS, resolution of the Township Council dated April 8, 2014, awarded a contract to Ranco Construction Inc., as low bidder, for the Generator Upgrades for Toms River Township Town Hall and Police Department Project, in the total maximum amount of \$1,626,000.00; and

WHEREAS, the contractor retained for the Generator Upgrades for Toms River Township Town Hall and Police Department 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) Original Maintenance Bond No. 58708166 with Ranco Construction, Inc., as Principal and Western Surety Company, as Surety.
- b) Invoice for Final Payment and Retainage in the amount of \$92,060.29.

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 Generator Upgrades for Toms River Township Town Hall and Police Department Project, releasing Performance Bond, accepting Maintenance Bond, and authorizing final payment and retainage held to date to Ranco Construction, Inc., in the amount of \$92,060.29. Funds in the amount of \$92,060.29, 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) Ranco Construction, Inc.  
2 Coleman Court  
Southampton, NJ 08088

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the Final Payment and Retainage to Ranco Construction, Inc., for the Generator Upgrades for Toms River Township Town Hall and Police Department Project, in the amount of \$92,060.29, are available in Account No. X-04- -212-001.

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 the time.

CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: August 23, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN OPEN-ENDED CONTRACT FOR THE SUPPLY OF MOTOR OILS, ANTIFREEZE, GREASES AND LUBRICANTS, TO LUBENET LLC, PRIME LUBE INC., AND CRAFT OIL CORP. D/B/A PETRO CHOICE, AS LOWEST RESPONSIBLE/RESPONSIVE BIDDER FOR EACH ITEM**

**AUGUST 23, 2016**

WHEREAS, bids were invited on August 11, 2016 for the Supply of Motor Oils, Antifreeze, Greases and Lubricants; and

WHEREAS, bids were received, as follows:

Lubenet LLC  
135 Morgan Avenue  
Brooklyn, NY 11237

Prime Lube Inc.  
800 Roosevelt Avenue  
Carteret, NJ 07008

Craft Oil Corp.  
d/b/a Petro Choice  
837 Cherry Street  
Avoca, Pennsylvania 18641

WHEREAS, the bids have been reviewed by the Purchasing Division and the Department of Public Works, and they have recommended that an open-ended contract be awarded to the lowest responsible/responsive bidder for each item, as follows:

**Lubenet LLC** – Item Nos.: 6C, 6D, 7A, 9A, 11A, 12A, 12B, 13B, 14A, 15A, and 23A.

**Prime Lube Inc.** – Item Nos.: 1A, 1B, 4A, 6B, 8A, 21B, 21C, 22A, 22B, 24A, and 24B.

**Craft Oil Corp d/b/a Petro Choice** - Item Nos. 2A, 2B, 3A, 3B, 5B, 5C, 5D, 6A, 9B, 9C, 10A, 13A, 14B, 15B, 16A, 17A, 17B, 18A, 19A, 20A, 20B, 24C, 25A, 26A, 26B, and 27A;

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 an open-ended contract for the Supply of Motor Oils, Antifreeze, Greases and Lubricants, to the lowest responsible/responsive bidder for each item, as follows:

**Lubenet LLC** – Item Nos.: 6C, 6D, 7A, 9A, 11A, 12A, 12B, 13B, 14A, 15A, and 23A.

**Prime Lube Inc.** – Item Nos.: 1A, 1B, 4A, 6B, 8A, 21B, 21C, 22A, 22B, 24A, and 24B.

**Craft Oil Corp d/b/a Petro Choice** - Item Nos. 2A, 2B, 3A, 3B, 5B, 5C, 5D, 6A, 9B, 9C, 10A, 13A, 14B, 15B, 16A, 17A, 17B, 18A, 19A, 20A, 20B, 24C, 25A, 26A, 26B, and 27A;

Term of Contracts: August 22, 2016 through August 21, 2017. These will be open-ended contracts 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 these contracts are subject to all terms and conditions of the bid specifications.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Public Works Department
- e) Police Department
- f) Office of Emergency Management
- g) Parks, Buildings & Grounds
- h) Aforementioned bidders

## CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the open-ended contracts awarded to Lubenet LLC, Prime Lube Inc., and Craft Oil Corp. d/b/a Petro Choice, are contingent upon the availability of funds in the appropriate municipal budget year.

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

CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: August 23, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN OPEN-ENDED CONTRACT FOR THE SUPPLY OF POOL CHEMICALS FOR SNUG HARBOR POOL TO MIRACLE CHEMICAL COMPANY**

**AUGUST 23, 2016**

WHEREAS, bids were received on August 11, 2016 for the Supply of Pool Chemicals for Snug Harbor Pool; and

WHEREAS, bids were received, as follows:

**Hibrett Puratex**

7001 Westfield Avenue  
Pennsauken, NJ 08110

**Miracle Chemical Company**

1151 B Highway #33  
Farmingdale, NJ 07727

WHEREAS, the bids have been reviewed by the Purchasing Division and the Recreation Department, and recommendation has been made to award a contract, as follows:

**Miracle Chemical Company** - Item Nos. 1, 3, 4, and 5.

Hibrett Puratex was non-responsive and therefore their bid was rejected.

Item No. 2 did not receive any bids and will be rebid;

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

1. It hereby awards the contract for the Supply of Pool Chemicals for Snug Harbor Pool, as follows:

**Miracle Chemical Company** - Item Nos. 1, 3, 4, and 5. Hibrett Puratex was non-responsive and therefore their bid was rejected. Item No. 2 did not receive any bids and will be rebid.

Term of Contract: September 25, 2016 through September 24, 2017. All terms and conditions of the bid specifications are applicable on this contract. This will be an open-ended contract with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

2. It hereby authorizes the Purchasing Division to advertise for rebid of Item No. 2, which received no bids.

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) All Aforementioned Bidders

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended contract awarded to **Miracle Chemical Company**, are contingent upon the availability of funds in the appropriate municipal budget.

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

CHRISTINE J. MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: August 23, 2016

**RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY AUTHORIZING SHARED SERVICES  
AGREEMENTS BETWEEN THE TOWNSHIP AND OTHER PUBLIC ENTITIES FOR  
THE PROVISION OF EDUCATIONAL SERVICES ASSOCIATED WITH THE CLEAN  
COMMUNITIES PROGRAM**

**AUGUST 23, 2016**

**WHEREAS**, the Township is the recipient of a grant from the Clean Communities Program Fund, a statewide litter abatement program established pursuant to the Clean Communities Act of 1986; and

**WHEREAS**, the terms of the grant funding require that municipalities implement litter abatement programs that incorporate the elements of cleanup, enforcement, and education; and

**WHEREAS**, in accordance with that requirement, the Department of Public Works has developed an innovative, state-of-the-art Clean Communities educational program that other grant-funded public entities have enlisted to satisfy their own educational requirements; and

**WHEREAS**, the Department of Public Works has recommended that the Township formally enter agreements with these other public entities pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 to -35, to recoup the costs of providing these services; and

**WHEREAS**, the Division of Law has developed a model shared services agreement, attached as Schedule "A" to this resolution, for the Department to use on a rolling basis to effectuate these arrangements:

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

1. Shared services agreements with other public entities for the provision of the Department of Public Works' Clean Communities educational program are hereby authorized.

2. These arrangements shall be established using the form shared services agreement attached hereto as Schedule "A". The Mayor is hereby authorized to execute and the Township Clerk to attest to these shared services agreements.

3. Certified copies of this resolution and all shared services agreements authorized pursuant to this resolution shall be kept on file on the Office of Township Clerk and provided to the appropriate parties, including:

- a. Business Administrator
- b. Chief Financial Officer
- c. Township Attorney
- d. Director of Public Works
- e. Contracting Public Entities

### **SHARED SERVICES AGREEMENT**

The **TOWNSHIP OF TOMS RIVER** (“Toms River” or “Township”), a municipal corporation established and operating pursuant to the laws of the State of New Jersey, with offices located at 33 Washington Street, Toms River, New Jersey, 08753, and the \_\_\_\_\_, (“Public Entity”), with offices located at \_\_\_\_\_, hereby enter into this agreement pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 to -35, for Clean Communities educational services.

### **BACKGROUND RECITALS**

**WHEREAS**, Toms River is the recipient of a grant from the Clean Communities Program Fund, a statewide litter abatement program established pursuant to the Clean Communities Act of 1986; and

**WHEREAS**, the terms of the grant funding require that municipalities implement litter abatement programs that incorporate the elements of cleanup, enforcement, and education; and

**WHEREAS**, in accordance with that requirement, the Toms River Department of Public Works has developed an innovative, state-of-the art Clean Communities educational program; and

**WHEREAS**, Public Entity is also a recipient of a grant from the Clean Communities Program Fund and is under the same obligation to implement litter abatement programs that incorporate the elements of cleanup, enforcement, and education; and

**WHEREAS**, Public Entity intends to enlist the services of Toms River’s Clean Communities educational program to satisfy its own educational programming requirements; and

**WHEREAS**, Public Entity has agreed to cover Toms River’s cost for providing these services; and

**WHEREAS**, Toms River and the above-named entity have entered into this agreement to formalize this arrangement:

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

### **TERMS AND CONDITIONS**

1. **Services Provided.** The Toms River Department of Public Works will administer its Clean Communities educational program for Public Entity.

2. **Program Schedule/Facility.** Public Entity will provide adequate facilities for the program. The program will take place on a mutually agreeable schedule. To the extent the program must be rescheduled or relocated for any reason, the parties will establish a new schedule and location by separate written agreement.

3. **Costs.** Toms River will charge, and Public Entity will pay, a fee comprised of the prevailing hourly rate for each Toms River employee administering the program, multiplied by the hourly duration of the program, and any mileage costs. The breakdown of fees and the precise amount due is set forth in Schedule A attached hereto. Payment is due within 30 days of the date the program takes place.

4. **Termination.** This agreement may be terminated in writing by either party no later than seven business days prior to the scheduled date of the program.

5. **Hold Harmless/Indemnification.** To the fullest extent permissible by law, Public Entity covenants to hold harmless and indemnify Toms River, and its officials, agents, employees, and assigns, for all errors, mistakes, delays, failures, claims, suits, actions, liabilities, and damages, including reasonable attorneys’ fees and costs of suit, arising out of or in any way connected with the educational services and programming provided pursuant to this agreement.

6. **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 on this subject matter.

7. **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.

8. **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.

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

10. **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.

11. **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.

12. **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.

13. **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 other.

**Township of Toms River**

Attest:

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

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

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

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

**Public Entity**

Attest:

\_\_\_\_\_

\_\_\_\_\_

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

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

**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**

**AUGUST 23, 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) Faro, Thomas & Beatrice  
PO Box 288  
Englewood, NJ 34295
  - i) Njeidi, Mohamed K. & Mona Njeidi  
14 Holden Blvd.  
Staten Island, NY 10314
  - j) Tretola, Phillip & Gerard  
307 Maria Drive  
Toms River, NJ 08753
  - k) Cohen, Michael  
953 Stafford Drive  
Toms River, NJ 08753
  - l) Malgeri, Victor  
15 Neptune Road  
Toms River, NJ 08753
  - m) Ives, Robert Jr. & Karen  
1223 Jasam Court  
Toms River, NJ 08755
  - n) Canberg, Michael  
8 West End Court  
Long Branch, NJ 07740
  - o) Cranmer, Catherine  
1414 Long Beach Blvd.  
Ship Bottom, NJ 08008
  - p) PNC Bank NA  
3232 Newmark Drive  
Miamisburg, OH 453472
  - q) Soffel, Thomas, Ann & G. Mullaly  
16 Berkshire Court  
Toms River, NJ 08753
  - r) Arafa Trust  
115 Scarborough Way  
Marlboro, NJ 07746
  - s) US Bank NA  
1661 Worthington Rd. # 100  
West Palm Beach, FL 33409
  - t) Costanzo, Barry & Jaime  
12 Kingfisher Lane  
Toms River, NJ 08753
  - u) Wharton, Rose  
721 Palisade Ave. 2<sup>nd</sup> Floor  
Cliffside Park, NJ 07010

**SCHEDULE "A"**

**CERTIFICATION OF COSTS**

1.	694.02	11	953 Stafford Drive	\$681.75
2.	1086.04	15	1475 Randolph Street	\$1345.93
3.	442.40	13	5 Oak Glen Road	\$997.38
4.	612	3	10 South Gateway	\$997.38
5.	235.25	17	15 Neptune Road	\$971.01
6.	724.10	178	25 Mermaid Road	\$1646.05
7.	235.01	10	12 Kingfisher Lane	\$1207.38
8.	659	1	36 Hyers Street	\$844.00
9.	167	6.05	1223 Jasam Court	\$1423.65
10.	192.02	58	16 Berkshire Court	\$952.50
11.	235.17	81	562 Bay View Drive	\$973.50
12.	297.06	7	307 Maria Drive	\$1181.00
13.	235.25	32	14 Neptune Road	\$1365.75
14.	1694.99	25.04	598 Somerset Drive	\$1423.65

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, ACCEPTING A RIDER AND ASSIGNMENT FOR A  
MAJOR SITE PLAN KNOWN AS BLOCK 657, LOTS 16, 17 AND 18  
(HYERS STREET & LEGION COURT)**

**AUGUST 23, 2016**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Block 657, Lots 16, 17 and 18 the following:

A Rider and Assignment have been posted as follows:

- 1) Rider #CT021714 provides that Surety Bond #CT021714 in the amount of \$235,719.00, which represents the ninety percent portion of the performance guarantee, is transferred from Lotano Development, Inc. to Legion Square Village, LLC. It has been agreed that at the time of release the bond shall be released to Legion Square village, LLC.
- 2) The Assignment provides that the previously posted cash performance bond and engineering escrow fees posted by Lotano Development, Inc. are transferred to Legion Square Village, LLC, and further provides at the time of release the cash performance bond and the remaining escrow fees shall be released to Legion Square Village, 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) The Rider and Assignment set forth in the preamble hereto are hereby approved. A copy of the Rider and Assignment are attached.
- 2) This bond approval is conditioned upon Legion Square Village, LLC, its successors and assignees, complying with all terms of the original development approval and all requirements of the Land Use Ordinance of the Township of Toms River.
- 3) The Township Clerk shall send a certified copy hereof to each of the following:
  - a. Township Engineer
  - b. Chief Financial Officer
  - c. Township Attorney
  - d. Legion Square Village, LLC

c/o Joseph Celler  
PO Box 426  
Deal NJ 07723  
e. Lotano Development, Inc.  
c/o Gary Lotano  
9 Central Avenue  
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A  
MAJOR SITE PLAN KNOWN AS ST. STEPHENS UKRAINIAN CATHOLIC CHURCH,  
BLOCK 169, LOT 6 (WHITE OAK BOTTOM ROAD)**

**AUGUST 23, 2016**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as St. Stephens Ukrainian Catholic Church, Block 169, Lot 6.

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

2) Maintenance Surety Bond in the amount of \$21,750.00 is hereby released;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. St. Stephan's Ukrainian Catholic Church  
1344 White Oak Bottom Road  
Toms River, NJ 08755

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY AUTHORIZING THE MAJOR TO EXECUTE AND THE  
TOWNSHIP CLERK TO ATTEST TO A TRI-PARTITE SHARED SERVICES AGREEMENT  
AMONG THE TOWNSHIP, THE TOMS RIVER PARKING AUTHORITY, AND THE TOMS  
RIVER REGIONAL SCHOOLS BOARD OF EDUCATION FOR THE JOINT USE OF THE  
PARKING LOT LOCATED AT THE CORNER OF COURTHOUSE LANE AND SHERIFFS  
STREET, ON THE TOMS RIVER HIGH SCHOOL SOUTH CAMPUS**

**AUGUST 23, 2016**

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 Mayor is hereby authorized to execute and the Township Clerk to attest to the tri-partite Shared Services Agreement, attached as Schedule A hereto, for the joint use of the parking lot located at the corner of Courthouse Lane and Sheriffs Street on the Toms River High School South Campus.

2. A certified copy of the Agreement shall be kept on file and made available for public inspection in the Township Clerk's office.

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

- a) Mayor, Thomas Kelaher
- b) Business Administrator
- c) Township Attorney
- d) Township Clerk
- e) Toms River Parking Authority
- f) Superintendent of Schools  
Toms River Regional Schools Board of Education  
1144 Hooper Avenue  
Toms River, New Jersey

#### SCHEDULE A

#### EXHIBIT A

“SEE ATTACHMENTS”

Township Clerk Mutter indicated that Chief Financial Officer has not signed certification of funds on the following Resolution.

A motion was made by Council Member Hill, seconded by Council Member Carr, and carried with Council Members Carr, Hill, Manforti, Maruca, Geoghegan, Wittmann, and with Council President Kubiell voting yes, that the Resolution to be tabled to the next Council Meeting.

**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 \$214,789.17), RELEASING PERFORMANCE BOND, AND PROCESSING FINAL PAYMENT AND RELEASE OF FINAL RETAINAGE TO MATHIS CONSTRUCTION CO., INC., IN THE AMOUNT OF 420,687.24 THE CLOSEOUT OF THE RECONSTRUCTION OF ORTLEY ROADS & SEWER REPAIR PROJECT #2, VARIOUS ROADS, PHASE 2 & 3.**

**BE TABLED TO THE NEXT COUNCIL MEETING ON SEPTEMBER 13, 2016.**

Martha Bowden questioned location of this license.

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

**RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE 1507-33-046-006 FROM GMRI, INC. TO BAHAMA BREEZE HOLDING, LLC**

**AUGUST 23, 2016**

**WHEREAS, an application has been filed for PERSON-TO-PERSON TRANSFER for Plenary Retail Consumption License Number 1507-33-046-006, heretofore issued to TR Liquor, LLC. with a address of 1201 Hooper Ave, Toms River, NJ 08753 and**

**WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, funding sources have been disclosed and the license has been properly renewed for the current license term; and**

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinance and conditions consistent with Title 33 and has disclosed the source of funds for said purchase;

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 does authorize the **Person-To-Person Transfer** of Plenary Retail Consumption Liquor License Number 1507-33-046-006 from **GMRI, Inc.**, to **Bahama Breeze Holdings, LLC**

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

- a) Police Department
- b) Chief Financial Officer
- c) Township Attorney
- d) State of New Jersey  
Division of Alcoholic Beverage Control  
140 E. Front Street  
P. O. Box 087  
5th Floor  
Trenton, N. J. 08625-0087
- e) Bahama Breeze Holdings, LLC  
Attn: Licensing  
P. O. Box 695016  
Orlando, FL, 32869-5016

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS PATRIOT ESTATES, LLC BLOCK 693, LOTS 41, 42 AND 43.01 (BAY AVENUE)**

**AUGUST 23, 2016**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as, Patriot Estates, LLC Block 693, Lots 41, 42 and 43.01.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #CT021951 in the amount of \$375,461.56 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$41,717.95 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$10,429.48 which represents the full required 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 ARYA properties, LLC., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. ARYA Properties, LLC  
130 Central Avenue  
PO Box 145  
Island Heights, NUJ 08732

Martha Bowden spoke regarding the following Resolution.

Township Administrator Shives replied.

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

**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 ACME MARKETS, INC. TO CONTINUE TO LEASE SPACE FOR THE POLICE SUBSTATION IN PART OF THE ACME BUILDING LOCATED IN ORTLEY BEACH**

**AUGUST 23, 2016**

**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 Mayor is authorized to execute and the Township Clerk to attest to a License Agreement between the Township of Toms River and Acme Markets, Inc. to continue to lease space for the Police Substation in part of the Acme building located in Ortley Beach. A copy of the fully executed agreement will be kept 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) Mayor Thomas Kelaher
- b) Township Council
- c) Business Administrator
- d) Chief Financial Officer
- e) Township Attorney
- f) Captain Mitchell Little  
Toms River Police Department
- g) Patty Ambrose, Paralegal  
Albertson's LLC  
Acme Markets, Inc.  
Real Estate Law  
250 Parkcenter Blvd.  
Boise, ID 83706

Councilwoman Maruca spoke regarding the following Resolution.

Martha Bowden questioned the following Resolution. Discussion ensued.

Toni Tomarazzo spoke in favor of the following Resolution.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, URGING THE OCEAN COUNTY BOARD OF CHOSEN FREEHOLDERS TO REQUEST THE OCEAN COUNTY UTILITIES AUTHORITY TO CONVEY ANY EXCESS PROPERTY/LANDS NOT NEEDED FOR OPERATIONAL PURPOSES AT THEIR ORTLEY BEACH FACILITY LOCATED ON FIELDER AVENUE, BLOCK 1033, LOT 1, TO THE TOWNSHIP OF TOMS RIVER TO BE USED FOR PUBLIC PURPOSES**

**AUGUST 23, 2016**

WHEREAS, the Ocean County Utilities Authority (“OCUA”) is the owner of premises located in Ortley Beach, Toms River Township, located on Fielder Avenue, Block 1033, Lot 1; and

WHEREAS, the OCUA demolished a wastewater treatment plant located on said premises leaving a large portion of the premises as vacant land; and

WHEREAS, the Township Council is of the opinion that any excess vacant land could be put to better use as a public purpose; and

WHEREAS, the Township Council strongly urges the Ocean County Board of Chosen Freeholders to request the OCUA to convey any excess lands not needed for operational purposes to the Township of Toms River to be used for public purposes;

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 strongly urges the Ocean County Board of Chosen Freeholders to request the OCUA to convey any excess lands not needed for operational purposes to the Township to be used for public purpose.

2. 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) Jay Lynch, Township Planner
- f) Township Engineer
- g) Chief Financial Officer
- h) Public Works Department
- i) Recreation Department
- j) Ocean County Board of Chosen Freeholders  
PO Box 2191  
Toms River, NJ 08754-2191
- k) Ocean County Utilities Authority  
501 Hickory Lane  
PO Box P  
Bayville, NJ 08721-2157  
Attn: Executive Director

## **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 Kubiak voting yes, to approve the following Reports.

1. In-Season Beach Badge Weekly Report- week #6- \$15,417.00
2. In-Season Beach Badge Weekly Report- week #7- \$19,120.00
3. In-Season Pool Badge Weekly Report- week #7- \$4,516.00
4. In-Season Pool Badge Weekly Report- week #8- \$7,543.00
5. Clerk's Office- July 2016- \$10,681.45
6. Permits & Inspections Office- July 2016- \$234,266.50

## **APPROVAL OF BILLS**

Council President Kubiell asked for a report on the bills.

The Bill List, dated **August 19, 2016** was approved on motion by Council Member Maruca, seconded by Council Member Manforti, and carried with Council Members Carr, Hill, Manforti, Maruca, Geoghegan, Wittmann, and Council President Kubiell voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 16-04671, payable to Board of Education-Toms River Schools in the amount of \$11,036,104.42.

Purchase Order 16-04281, payable to Heartwood Ecological Consultant in the amount of \$233.75.

Purchase Order 16-04037, 16-04040 and 16-04333, payable to Owen, Little and Associates, Inc. in the amount of \$13,494.73.

Purchase Order 16-04600, payable to Saint Luke's Church in the amount of \$504.00.

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

Purchase Order 16-01207 and 16-03751, payable to Dasti, McGuckin-Attorney at Law in the amount of \$2,322.00.

Purchase Order 16-04600, payable to State of New Jersey Division-Purch/Prop Motor Vehicle Center Program in the amount of \$3,971.00.

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

Purchase Order 16-04281, payable to Heartwood Ecological Consultant in the amount of \$233.75.

## **ELECTED OFFICIALS COMMENTS**

Mayor Kelaher had no comments.

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

Councilwoman Maruca spoke regarding Department of Transportation and Ocean County Utilities Authority Resolutions; and Ortleigh Beach 2016 Beach Jam recently held.

Councilman Hill spoke regarding Beach Jam; and New Jersey Department of Transportation hearing regarding Route 9 conditions and proposed improvements.

## **PUBLIC COMMENTS**

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

Frank Donnelly spoke regarding Air B&B Ordinance. Councilman Kubieli replied.

Martha Bowden spoke regarding Air B&B Ordinance. Township Attorney Fitzsimmons replied.

Toni Tomarazzo spoke regarding the recent Beach Jam Event held in Ortley Beach.

Alizar Zarojew, of the Business Improvement District, spoke regarding September 1, 2016 Public Art un-veiling in downtown Toms River and downtown Art Stroll.

Ken Langdon spoke regarding upcoming storm season. Township Engineer Chankalian replied. Discussion ensued.

Penelope Boehle spoke regarding Winding River Park restrooms and its recent renovations and costs regarding same.

Martha Bowden spoke regarding beach replenishment costs.

No further comments from the public appearing, a motion was made by Council Member Hill, seconded by Council Member Carr, and carried to enter into a private Executive Session at 6:55 PM.

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

### **R E S O L U T I O N**

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  
Matters in Litigation  
Attorney Client Privilege

3. The following specific topics were announced.
  1. July 26, 2016 Executive Session Minutes
  2. Personnel
  3. Liberterians for Transparency versus Toms River Township-status
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 Kubiell	- Yes

The Council reconvened the public portion at 7:28 P.M., with Council Members Carr, Hill, Manforti, Maruca, Geoghegan, Wittmann, and with Council President Kubiell all present.

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

**July 26, 2016**

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

No other business appearing, the meeting was adjourned at 7:29 P. M., with Council Members Carr, Geoghegan, Hill, Manforti, Maruca, Wittmann, and with Council President Kubiell voting yes.

BRIAN S. KUBIEL, COUNCIL PRESIDENT

J. MARK MUTTER, TOWNSHIP CLERK