

January 26, 2021

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 Geoghegan and opened with the salute to the Flag.

Council President Geoghegan 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 Friday, January 8, 2021, the Press of Atlantic City and the Star Ledger and also forwarded to the Toms River Times, Toms River Patch and WOBN News on Wednesday, January 6, 2021, 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 Tuesday, January 5, 2021. The meeting dates have also been posted on the Township web page.

Roll Call:

Council Member Huryk	- Present
Council Member Kopp	- Present (by phone)
Council Member Lotano	- Present
Council Member Rodrick	- Present
Council Member Turnbach	- Present
Council Vice-President Maruca	- Present
Council President Geoghegan	- Present

APPROVAL OF MINUTES

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach and Council President Geoghegan voting yes, and with Council Member Rodrick abstaining, to approve the **Regular Meeting of January 12, 2021**. 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 Huryk, seconded by Council Member Maruca, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes, to make the following honoring proclamations a part of the Minutes.

The following officers were introduced by Police Chief Little for their retirement and service to the township:

Corporal Christopher Leighton
Captain William Morsch
Lieutenant Daniel J. Sysol

Lou Amoruso, Township Administrator, and Anthony Benyola, Director, Department of Public Works, introduced Mark Fremgen, who is retiring and spoke of his career at Public Works and specifically during Sandy.

Council Member Maruca asked Township Chief Financial Davidson to explain and clarified the following Ordinance for Council Member Rodrick.

Council Member Lotano asked if this would be an emergency fund for an accident.

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

CALENDAR YEAR 2021

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A.40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Toms River in the County of Ocean finds it advisable and necessary to increase its CY2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 2.5% increase in the budget for said year, amounting to \$2,509,751.74 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Toms River, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY2021 budget year, the final appropriations of the Township of Toms River shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$3,513,652.43 and that CY2021 municipal budget for the Township of Toms River be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within five (5) days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon; be filed with said Director within Five (5) days after such adoption.

A motion was made by Council Member Huryk, seconded by Council Member Lotano and carried, with Council Members Huryk, Kopp, Lotano, Turnbach, Maruca, and Council

President Geoghegan voting yes, and with Council Member Rodrick voting no, 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 January 26, 2021 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 February 9, 2021 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.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:

ANTHONY MERLINO
ASSISTANT 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, January 29, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no.

Council Member Maruca asked Township Engineer Chankalian to explain the following Ordinance to why this increase is warranted.

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING §348-3.4 OF THE TOWNSHIP CODE TO REVISE CERTAIN ZONING AND ENGINEERING PERMIT AND APPLICATION FEES

BE IT ORDAINED BY the Township Council, Township of Toms River, Ocean County, New Jersey, as follows:

1. Section 4 (Fees) of Chapter 348 (Land Use and Development Regulations) of the Township Code is hereby amended and supplemented to establish the following fees:

Application Category

**Non-refundable
Application Fee**

Administrative Approvals

Development/Zoning Permits

Single-family residential accessory structures,
fences, and additions not exceeding 150 square feet;
re-submittal..... \$75

New single-family residential dwellings and
additions exceeding 150 square feet..... \$120

All other categories..... \$120

Re-inspection..... \$75

Engineering Plot Plan/Grading Review..... \$135

2. Section 348-3.7A(3)(k) of the Township Code is hereby repealed and re-designated as “Reserved.”
3. All other fees set forth in §348-3.4 of the Township Code and all other provisions of Chapter 348 of the Township Code remain in full force and effect.
4. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.
5. 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.
6. 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 Huryk, seconded by Council Member Lotano and carried, with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no, 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 January 26, 2021 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 February 9, 2021 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.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:

ANTHONY MERLINO
ASSISTANT 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, January 29, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no.

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING §383-5A(4) OF THE TOWNSHIP CODE TO REVISE CERTAIN ICE RINK RENTAL FEES

BE IT ORDAINED BY the Township Council, Township of Toms River, Ocean County, New Jersey, as follows:

1. Subsection A(4) (Ice Rental) of Section 5 (Park and recreation area fees and charges; rules and regulations) of Chapter 383 (Parks, Municipal) of the Township Code is hereby amended and supplemented to establish the following fees:

(4) Ice rental.

(a) Outdoor rink, in-season: \$450 per hour; outdoor rink, off-season: \$250 per hour.

(b) Indoor rink: \$500 per hour.

(c) Outdoor rink for 10 hours/week or 30 hours/month: \$400 per hour.

(d) Indoor rink for 10 hours/week or 30 hours/month: \$450 per hour.

(e) [Unchanged.]

(f) [Unchanged.]

2. All other provisions of Chapter 383 of the Township Code 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 Huryk, seconded by Council Member Maruca and carried, with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council

President Geoghegan voting yes, and with Council Member Rodrick voting no, 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 January 26, 2021 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 February 9, 2021 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.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:

ANTHONY MERLINO
ASSISTANT 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, January 29, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no.

Council Member Maruca asked Jared Tate to explain the following Ordinance.

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

**ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING §§325-3 Y
AND Z OF THE TOWNSHIP CODE TO REVISE THE TEE TIME LOTTERY AND
HANDICAPPING FEES FOR BEY LEA GOLF COURSE**

BE IT ORDAINED BY the Township Council, Township of Toms River, Ocean County, New Jersey, as follows:

1. Section 325-3Y of the Township Code is hereby amended and supplemented to provide as follows:

- Y. Tee Time Lottery for preferred tee times for each golfer:
- (1) Weekdays: \$150.00;
 - (2) Weekends and holidays: \$300.00

2. Section 325-3Z of the Township Code is hereby amended and supplemented to revise the GHIN Handicap System fee to \$37.00.

3. All other provisions of Chapter 325 not inconsistent herewith remain in full force and effect.

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

5. 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.

6. 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 Huryk, seconded by Council Member Maruca and carried, with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no, 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 January 26, 2021 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 February 9, 2021 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.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:

ANTHONY MERLINO
ASSISTANT TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, NJ 08753

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Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no.

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SUBSECTION M OF SECTION 14 (EMPLOYEE HEALTH BENEFITS) OF CHAPTER 104 (EMPLOYEE REGULATIONS AND BENEFITS) TO ELIMINATE THE HEALTH BENEFIT WAIVER PAYMENT FOR CERTAIN TOWNSHIP EMPLOYEES WHO RECEIVE HEALTH

**COVERAGE THROUGH ANOTHER TOWNSHIP EMPLOYEE RELATED BY
MARRIAGE OR PARENTAGE**

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

1. Subsection M of Section 14 (Employee Health Benefits) of Chapter 104 (Employee Regulations and Benefits) is hereby amended and supplemented to provide as follows:

M. Full-time employees may waive any or all of the health benefits provided under this section in exchange for a monetary payment. The amount of the waiver payment shall be established by the Business Administrator based on budgetary considerations but, in accordance with N.J.S.A. 40A:10-17.1, shall not exceed the lesser of either: (1) 25% of the amount saved by the Township as the result of the waiver; or (2) \$5,000. Employees who waive health benefits, but who receive coverage through Township-employed spouses or civil union partners, or as a dependent through a Township-employed parent or legal guardian, are ineligible for the waiver payment provided hereunder.

2. The Employee Policies and Procedures Manual promulgated pursuant to Section 104-10B and C of the Township Code shall be revised to incorporate the amendment approved herein.

3. All other provisions of Chapter 104 remain in full force and effect.

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

5. If any provision of this ordinance is for any reason invalidated by superseding legislation or judicial decision, that provision shall be severed, and the remaining provisions shall remain in full force and effect.

6. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and 20 days after publication as required by law.

A motion was made by Council Member Huryk, seconded by Council Member Lotano and carried, with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan 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 January 26, 2021 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 February 9, 2021 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.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:

ANTHONY MERLINO
ASSISTANT TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, NJ 08753

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Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes.

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING §50-3 OF THE TOWNSHIP CODE TO REVISE CERTAIN POSITIONS WITHIN THE DEPARTMENT OF LAW ENFORCEMENT

BE IT ORDAINED BY the Township Council, Township of Toms River, Ocean County, New Jersey, as follows:

1. Subsection D of Section 3 (Establishment of offices and positions) of Chapter 50 (Department of Law Enforcement) of the Township Code is hereby amended and supplemented to provide as follows:
 - D. Sergeant of Police: 20
2. Section 3 (Establishment of offices and positions) of Chapter 50 (Department of Law Enforcement) of the Township Code is hereby further amended and supplemented to establish the following position:
 - U. Police Services Aide
3. All other provisions of the Chapter 50 not inconsistent herewith remain in full force and effect.
4. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.
5. 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.
6. 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 Huryk, seconded by Council Member Maruca and carried, with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick abstaining, 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 January 26, 2021 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 February 9, 2021 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.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:

ANTHONY MERLINO
ASSISTANT 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, January 29, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes.

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING §48-5B OF THE TOWNSHIP CODE TO ESTABLISH THE POSITION OF FIRE SUBCODE OFFICIAL

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

1. Subsection B of Section 5 (Division of Construction Services) of Chapter 48 (Department of Engineering, Construction Services, and Community Development) is hereby amended and supplemented to add the following provision:

(10) Fire Subcode Official.

2. All other provisions of Chapter 48 not inconsistent herewith 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 Huryk, seconded by Council Member Lotano and carried, with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no, that the foregoing Ordinance be adopted on first reading with publication notice as follows:

NOTICE

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ALISON CARLISLE
TOWNSHIP CLERK

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Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no.

Council Member Huryk 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 §175-10B OF THE TOWNSHIP CODE TO ESTABLISH REVISED BEACH FEES

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

1. Subsection B of Section 10 (License fees; types of badges; bathing season) of Chapter 175 (Bathing Beaches; Swim Clubs; and Swimming Pools, Municipal) is hereby amended and supplemented to establish the following fee schedule:

B. Fees for the bathing season are as follows:

- (1) Forty-five dollars for a season badge if purchased April 1 through and including the Memorial Day holiday.
- (2) Sixty dollars for a season badge if purchased immediately following the Memorial Day holiday through the Labor Day holiday.
- (3) Thirty-five dollars for a weekly beach badge.
- (4) Ten dollars for a daily (weekday) beach badge.
- (5) Eleven dollars for a daily (weekend and holiday) beach badge.

2. All other provisions of Chapter 175 of the Township Code not inconsistent herewith 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 Huryk, seconded by Council Member Lotano and carried, with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no, that the foregoing Ordinance be adopted on first reading with publication notice as follows:

NOTICE

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ALISON CARLISLE
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ASSISTANT TOWNSHIP ATTORNEY
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Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and with Council President Geoghegan voting yes, and with Council Member Rodrick voting no.

Council President Geoghegan explained the following Ordinance.

Council Member Huryk 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 147 (SALARIES AND COMPENSATION), SCHEDULE C, (SUPERVISORY EMPLOYEES), OF THE TOWNSHIP CODE TO ESTABLISH THE TITLE AND SALARY RANGE FOR THE POSITION OF FIRE SUBCODE OFFICIAL, AND AMENDING AND SUPPLEMENTING CHAPTER 147 (SALARIES AND COMPENSATION), SCHEDULE H (CONFIDENTIAL EMPLOYEES), OF THE TOWNSHIP CODE TO CLASSIFY THE POSITION OF POLICE SERVICES AIDE AS FULL-TIME

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

1. Chapter 147 (Salaries and Compensation), Schedule C (Supervisory Employees) of the Code of the Township of Toms River, New Jersey, is amended and supplemented to establish the following position at the following salary range:

<u>Position</u>	<u>Salary Range</u>
	<u>1-1-2021 to 12-31-2021</u>
Fire Subcode Official	\$ 74,077.84 - \$ 108,553.84

2. Chapter 147 (Salaries and Compensation), Schedule H (Confidential Employees) of the Code of the Township of Toms River, is hereby amended and supplemented as follows:

<u>Position</u>	<u>Salary Range</u>
Police Services Aide (Full-Time / Part-Time)	<u>[No Change]</u>

3. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 147 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

4. If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

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.

6. This ordinance is not legislative in nature, and it does not need to be codified in the Code of the Township of Toms River, Ocean County, New Jersey.

A motion was made by Council Member Huryk, seconded by Council Member Maruca and carried, with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and with Council President Geoghegan voting yes, and with Council Member Rodrick voting no. 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 January 26, 2021 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 February 9, 2021 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.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:

ANTHONY MERLINO
ASSISTANT 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, January 29, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no.

Council Member Rodrick asked Township Engineer Chankalian explained the following Ordinance compared with other municipalities.

Council Member Huryk 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 SECTION 252-6 (FEE SCHEDULES) OF CHAPTER 252 (CONSTRUCTION CODES, UNIFORM) TO ESTABLISH VARIOUS CONSTRUCTION FEES

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

1. Section 252-6 (Fee schedules) of Chapter 252 (Construction Codes, Uniform), Article IV (Construction Fees) of the Code of the Township of Toms River, Ocean County, New Jersey is amended and supplemented, to read as follows:

§252-6. Fee Schedules.

Under the provisions of this chapter, the following fee schedules are established:

A. Building subcode fees. All fees charged pursuant to this chapter shall be rounded in accordance with standard mathematical practices (i.e. \$105.44 becomes \$105, and \$198.67 becomes \$199).

(1) Plan review.

(a) For the purpose of N.J.A.C. 5:23-4.18(a)1, the plan review fee shall be 15%.

- (b) The minimum plan review fee shall be \$90.
 - (c) The amount paid as the plan review fee will be deducted from the total permit fee upon issuance. The plan review fee is nonrefundable.
 - (d) The State of New Jersey training fee shall be collected at the rate in effect at the time of permit issuance per N.J.A.C. 5:23-4.19(b) and shall be rounded to the nearest whole dollar.
 - (e) Review of documentation or change of contractor: \$75.
- (2) New construction. The fee should be based upon the volume of the structure. Volume computation shall be determined by N.J.A.C. 5:23-2.28. Use groups and types of construction are classified and defined in the currently adopted Building Subcode.
- (a) New residential construction:
 - [1] Per cubic feet of volume: \$0.043.
 - [2] Minimum fee: \$90.
 - (b) New construction, all other use groups (per cubic foot of volume):
 - [1] Use Groups A-1, A-2, A-3, A-4, B, F, S-1, S-2 and H: \$0.033.
 - [2] All other use groups: \$0.025.
 - [3] Minimum fee for Subsection A(2)(b)[1] and [2]: \$120.
 - [4] Structures on farms used exclusively for the purpose of storage of food or grain or the sheltering of livestock: \$0.0075
 - [5] Maximum fee for Subsection A(2)(b)[4]: \$750.
 - [6] Minimum fee for Subsection A(2)(b)[4]: \$75.
- (3) Modular and premanufactured building and moving houses, basic unit set on footing and foundation (minimum): \$170.
- (4) Renovations, alterations and repairs, etc.
- (a) Fees shall be based on the estimated cost of work (For the purpose of determining the estimated cost, the applicant shall submit to the Construction Official such cost data as may be available produced by an architect or engineer of record or by a recognized estimating firm or by the contractor. A bona fide contractor's bid shall also be submitted. The Construction Official shall make the final decision regarding the estimated cost.):
 - [1] One dollar to \$50,000 (per thousand): \$39.
 - [2] Fifty thousand one dollars to \$100,000 (per thousand): add \$25.
 - [3] Over \$100,000 (per thousand): add \$19.
 - [4] Minimum fee: \$90.
 - (b) For the combination of addition and renovation, etc., the sum of the fees shall be computed separately as additions and renovations.
- (5) Fireplaces and masonry chimneys, wood stoves and chimneys, minimum fee: \$75.
- (6) Installation of swimming pools/spas:
- (a) Aboveground: \$90.
 - (b) In-ground: \$225.
 - (c) Public/commercial: \$275.
- (7) Installation of temporary structures and other structures for which volume cannot be computed:

- (a) Minimum fee: \$75.
- (b) Sheds more than 200 square feet: \$90.
- (c)
- (8) Demolition of structure:
 - (a) Use Group R, less than 5,000 square feet and 30 feet high or less: \$75.
 - (d) All others: \$120.
- (9) Signs:
 - (a) Per square foot surface area computed on one side only for double-faced signs: \$1.25.
 - (b) Minimum fee: \$55.
 - (c) Pursuant to N.J.A.C. 5:23-2.14(b) 6, signs less than 25 square feet in surface area (one-sided) and not more than six feet in height will not require a sign permit.
- (10) Installation of elevator devices: The plan review fees for elevator devices shall be as described in N.J.A.C. 5:23- 40.20(c) 6 and 7.
- (11) Asbestos removal:
 - (a) Per N.J.A.C. 5:23-8.9.
 - (b) Administrative fee: \$70.
 - (c) Fee for certificate of occupancy after the completion of asbestos abatement: \$14.
- (12) Tanks, removal/installation (each): \$90.
- (13) Lead hazard abatement fee: \$100.

B. Certificate of Occupancy. All fees charged pursuant to this chapter shall be rounded in accordance with standard mathematical practices.

- (1) One- or two-family structures (Use Group R of building subcode) of less than 30 feet in height and structures on farms, including commercial farm buildings: subject to N.J.A.C. 5:23-3.2(d).
 - (a) Minimum fee: \$90.
- (2) All other use groups, basic building, excluding individual tenant occupancies: 10% of new construction permit fees.
 - (a) Minimum fee: \$90.
 - (b) Individual tenant occupancies, per unit: \$90.
- (3) Change of use certificate of occupancy:
 - (a) Building inspection fee: \$55.
 - (b) Plumbing inspection fee: \$50.
 - (c) Fire inspection fee: \$40.
 - (d) Electrical inspection fee: \$45.
 - (e) Certificate of occupancy, minimum fee: \$75.
- (4) Continued use certificate of occupancy:
 - (a) Minimum building inspection fee: \$55.
 - (b) Minimum plumbing inspection fee: \$50.
 - (c) Minimum fire inspection fee: \$40.
 - (d) Minimum electrical inspection fee: \$45.
 - (e) Certificate of occupancy, minimum fee: \$50.
- (5) A certificate of approval shall be required for all work requiring a construction permit and certifying work completed under the permit has been done in a workmanlike and satisfactory manner. There shall be no fee for the same.

(6) Fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10:

- (a) For Class I structures: \$35.
- (b) For Class II and Class III structures: \$25.
- (c) Resubmission fee, Class I structures: \$15.
- (d) Resubmission fee, Class II and III structures: \$15.

(7) Reinstatement of a lapsed permit:

- (a) Building: \$55.
- (b) Plumbing: \$50.
- (c) Fire: \$40.
- (d) Electrical: \$50.

(8) Periodic inspections:

- (a) For cross-connections and backflow preventors that are subject to testing, requiring reinspection every 12 months:
[1] For each device annually \$50.
- (b) Elevator device inspections and tests shall be per the fee schedule described in N.J.A.C. 5:23-12, plus 15% administrative charge thereof.

(9) Lead abatement clearance certificate: \$40.

(10) Temporary certificates of occupancy. A temporary certificate of occupancy may be given for a period as determined by the Construction Official. The fee for a certificate is \$30. Further extensions may be given at a fee of \$30 for each extension. The owner of the property and contract purchaser of residential property where a temporary certificate of occupancy is to be given must be informed of the reason for the temporary certificate of occupancy, and both if applicable must sign an acknowledgment of same. The owner must inform the Township if there is a contract of sale for this property.

C. Electrical subcode fees. The fees shall be as follows:

(1) Electrical fixtures and devices, including but not limited to lighting outlets, wall switches, fluorescent fixtures, convenience receptacles, smoke and/or carbon monoxide detectors, voice and data and similar fixtures or devices and motors or devices less than one horsepower or one kilowatt and are not limited elsewhere in this schedule and connected to nominal 240/120 vac 20 amp or less branch circuits. The fee shall be:

- (a) One to 25 fixtures or devices for lighting and ceiling fans, bathroom exhaust fans only: \$60.
- (b) For each additional increment of 25 fixtures or devices: \$40.
- (c) For each dedicated 20 amp 120v circuit: \$15.
- (d) Circulator pumps and blower motors that are a part of a furnace and are rated at less than one horsepower: \$15.
- (e) Utility load management device (power plus saver): \$11.
- (f) Time of day relay switch for electrical water heaters: \$22.

(2) Special electrical fixtures and devices for but not limited to electric heating, cooking, service conductors, feeders, switches, switchboards, panel boards, motors, control equipment generators, transformers, smoke detectors, air conditioners, cooling equipment, lighting standards, swimming pools, hot tubs, hydro massage tubs, spas, steam baths and similar fixtures or devices. The fee shall be:

- (a) Residential steam rooms, sauna, indoor installation of hot tubs and similar devices: \$40.
- (b) Indoor installation of hydro massage (no heating unit): \$17.

- (c) Aboveground swimming pool and installation of hot tubs with 120v service: \$50.
- (d) In-ground swimming pool and installation of hot tubs with 240v service: \$75.
- (e) Motor or electrical devices, each:
 - [1] Greater than one hp to five hp: \$7.
 - [2] Greater than five hp to 10 hp: \$11.
 - [3] Greater than 10 hp to 50 hp: \$28.
 - [4] Greater than 50 hp to 100 hp: \$39.
 - [5] Greater than 100 hp: \$110.
- (f) Furnace replacement/heat conversions: \$35.
- (g) Central air conditioning for existing dwellings (not new construction): \$45.
- (h) Commercial cooking hood systems with make-up air: \$45.
- (i) Transformers and generators, each:
 - [1] Greater than one kw to five kw: \$7.
 - [2] Greater than five kw to 10 kw: \$11.
 - [3] Greater than 10 kw to 45 kw: \$28.
 - [4] Greater than 45 kw to 112.5 kw: \$39.
 - [5] Greater than 112.5 kw: \$110.
- (j) Annual pool inspection: \$75.
- (k) Pool bonding, or grid inspection: \$50.
- (l) Service meter equipment, subpanel and feeders and subfeeders:
 - [1] One to 225 amp: \$50.
 - [2] Two hundred twenty-five to 600 amp: \$150.
 - [3] Six hundred one to 1,000 amp: \$225.
 - [4] Greater than 1,000 amp: \$400.
- (m) Service feeders and ranch circuits, trenches:
 - [1] Each trench for first 1,000 feet: \$35.
 - [2] Each additional 1,000 feet or part thereof: \$7.
- (n) Electrical signs, each: \$35.
- (o) Electrical discharge lighting system up to 3,000 watts: \$35.
 - [1] Each additional 1,000 watts: \$7.
- (p) Protective signaling system. This includes, but is not limited to, fire alarms, burglar alarms, nurse call systems, video systems, communications, intercom systems, outlets and other monitoring systems. The fee shall be:
 - [1] One to 50 devices: \$45.
 - [2] Each additional 25 devices: \$35.
- (q) Solar devices. For photovoltaic systems, the fee shall be based on the designated kilowatt rating of the solar photovoltaic system, as follows:
 - [1] One to 50 kilowatts: \$150.
 - [2] Fifty-one to 100 kilowatts: \$300.
 - [3] Greater than 100 kilowatts: Each additional 100 kilowatts add \$300.
- (r) Inverter fees, other than micro-inverters (inverters under one kilowatt), shall be based on the kilowatts as follows:
 - [1] From one kilowatt to 10 kilowatts, the fee shall be \$25.
 - [2] From 11 kilowatts to 45 kilowatts, the fee shall be \$65.
 - [3] Over 45 kilowatts, for each additional 10 kilowatts add \$25.
- (s) Micro-inverters, inverters with a rating of less than one kilowatt, the fee shall be a flat fee of \$75, regardless of the number of micro-inverters.
- (t) Disconnects and combiner panels: Disconnect and combiner box panel fees are based on the ampere rating as follows:
 - [1] For one to 100 amperes, the fee is \$75.
 - [2] For greater than 100 to 225 amperes, the fee shall be \$180.
 - [3] For greater than 225 to 600 amperes, the fee shall be \$275.
 - [4] For greater than 600 amperes to 1,000 amperes, the fee shall be \$650.
 - [5] For greater than 1,000 amperes, for each additional 100 amperes add \$75.

- (3) Reinstatement of lapsed permit: \$45.
- (4) Change of use group: \$45.

- (5) Certificate of continued occupancy: \$45.
 - (6) Minimum fee: \$65.
- D. Plumbing subcode fees. All fees charged pursuant to this chapter shall be rounded in accordance with standard mathematical practices. For plumbing fixtures and equipment, the fees shall be as follows:
- (1) Fixtures and appliances, per fixture, piece of equipment, vent or appliance connected to the plumbing system, and for each appliance connected to the gas or oil piping system, [except as listed in Subsection D (2)]: \$15.
 - (2) Special devices: grease traps, oil separators, water-cooled air-conditioning units, refrigeration units, utility service connections, backflow preventers equipped with test ports (double-check valve assembly, reduced pressure one and pressure vacuum breaker backflow preventers), steam boilers, hot-water boilers (excluding those for domestic water heating), gas or fuel oil piping, sewer pumps and interceptors, ductwork systems, pool heaters: \$65.
 - (3) The minimum plumbing subcode fee shall be \$65.
 - (4) Reinstatement of a lapsed permit: \$50.
 - (5) Volume discount off permit fee for replacement of 50 or more water heaters when 50 or more applications are made at one time to be charged \$40 per heater.
- E. Fire subcode fees. All fees charged pursuant to this chapter shall be rounded in accordance with standard mathematical practices.
- (1) Plan review – fire subcode fees – Use Groups R-3 and R-5 only:
 - (a) Minimum fee: \$85.
 - (b) Smoke detectors; fire sprinklers:
 - [1] One to 20 heads: \$85.
 - [2] Twenty-one or more heads: Each additional 20 heads add \$50.
 - (c) Gas- or oil-fired appliance not connected to plumbing system (each appliance): \$60.
 - (d) Tank installation: \$85.
 - (e) Tank removal: \$150.
 - (f) Reinstatement of lapsed permit: \$75.
 - (g) Fireplace/woodburning stove: \$60.
 - (2) Plan review – fire subcode fees – all other use groups:
 - (a) Minimum fee: \$125.
 - (b) Smoke detectors; fire sprinklers:
 - [1] One to 20 heads: \$150.
 - [2] Twenty-one to 100 heads: \$240.
 - [3] One hundred one to 200 heads: \$300.
 - [4] Two hundred one to 400 heads: \$425.
 - [5] Four hundred one to 1,000 heads: \$500.
 - [6] One thousand heads and above: \$650.
 - [7] Underground fire main/water tanks: \$250.
 - (c) Suppression systems other than sprinklers:
 - [1] Local application systems – pre-engineered (per system): \$150.
 - [2] Total flooding systems: \$180.
 - [3] Kitchen exhaust hoods/ducts, per linear foot: \$5.
 - [4] Standpipe systems, per unit: \$240.
 - [5] Fire pumps (each): \$235.
 - [6] Incinerators/crematoriums: \$425.
 - (d) Reinstatement of lapsed permit: \$90.
 - (e) Gas- or oil-fired appliance not connected to plumbing system (each appliance): \$100.
 - (f) Tank installation:
 - [1] One to 6,000 gallons: \$150.
 - [2] Six thousand one to 10,000 gallons: \$200.
 - [3] Ten thousand one to 100,000 gallons: \$300.
 - [4] One hundred thousand gallons and above, per tank: \$350.

- [5] Tank removal, per tank: \$200.
- [6] Fireplace/woodburning stove: \$85.

F. Mechanical Subcode Fees: The Mechanical Inspector, or in the absence of a Mechanical Inspector, the Plumbing Subcode Official, shall have the responsibility for the enforcement of provisions of the code, except electrical, for the installation and replacement of heating or cooling equipment or water heaters or other mechanical equipment such as refrigeration, air-conditioning or ventilating apparatus, gas piping or hearing systems, or standby power generators, in existing buildings of use R-3 or R-5.

(1) The fee for a mechanical inspection shall be \$65 for the first device and \$25 for each additional device. No separate fee shall be charged for gas, fuel oil, or water piping connections associated with the mechanical equipment inspected.

2. All other provisions of Chapter 252 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 Huryk, seconded by Council Member Maruca and carried, with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and with Council President Geoghegan voting yes, and with Council Member Rodrick voting no. 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 January 26, 2021 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 February 9, 2021 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.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:

ANTHONY MERLINO
ASSISTANT 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, January 29, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no.

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE SALE OF BLOCK 444, LOTS 78, 80, 82, AND 151, AND BLOCK 394, LOTS 10-12, 45-47, 89, 94, 96, 97, 118, AND 133 NOT NEEDED FOR PUBLIC USE, TO THE COUNTY OF OCEAN PURSUANT TO N.J.S.A. 40A:12-13(b)(1) FOR THE SUM OF \$1,880,000.00

WHEREAS, the Township of Toms River is the owner of the real property listed in Schedule A, attached hereto and incorporated by reference (“subject properties”); and

WHEREAS, the subject properties are not needed for public use by the Township; and

WHEREAS, N.J.S.A. 40A:12-13(b)(1) authorizes a municipality to sell and convey, by private sale, municipally-owned lands not needed for public use, to any “political subdivision of” the State of New Jersey, including a county; and

WHEREAS, the Township Council has determined it is in the best interests of the Township to sell and convey the subject properties to the County of Ocean for the sum of \$1,880,000.00:

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

1. The subject properties identified in Schedule A, attached hereto and incorporated by reference, are not needed for public use by the Township.

2. Pursuant to N.J.S.A. 40A:12-13(b)(1), the sale and conveyance of the subject properties to the County of Ocean for the sum of \$1,800,000.00 is hereby authorized.

3. All funds realized from the sale of the subject properties shall be deposited into the Open Space Trust Fund established pursuant to N.J.S.A. 40:12-15.7c and Chapter 95 of the Township Code.

4. The Mayor is hereby authorized to execute and the Township Clerk to attest to all documents necessary to effectuate the sale and conveyance of the subject properties to the County of Ocean as approved herein.

5. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

6. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and 20 days after publication as required by law.

7. Pursuant to N.J.S.A. 40A:12-13(b), within five days following the adoption of this ordinance, this ordinance, along with the list attached hereto as Schedule A, shall be advertised in the Township’s official newspapers. The affidavits of such publication and a copy of this ordinance shall be filed with the Division of Local Government Services in the Department of Community Affairs.

8. This ordinance is not legislative in nature; therefore, it need not be codified in the Township Code.

9. A copy of this ordinance shall be provided by the Office of the Township Clerk to the following parties:

- a. Mayor
- b. Business Administrator
- c. Chief Financial Officer
- d. Tax Assessor
- e. Township Attorney
- f. Township Engineer
- g. Ocean County Board of Commissioners
Attn: Mary Ann Cilento, Clerk of the Board
Administration Building
101 Hooper Avenue
Toms River, New Jersey 08754
- h. Laura M. Benson, Esq.
BERRY, SAHRADNIK, KOTZAS & BENSON
212 Hooper Ave.
Toms River, New Jersey 08754-0757
Counsel for Ocean County

SCHEDULE A

**LIST OF SUBJECT PROPERTIES NO LONGER NEEDED
FOR TOWNSHIP USE
FOR SALE TO THE COUNTY OF OCEAN
PURSUANT TO N.J.S.A. 40A:12-13(b)(1)**

<u>TAX MAP BLOCK</u>	<u>TAX MAP LOT</u>
444	78
444	80
444	82
444	151
394	10
394	11
394	12
394	45
394	46
394	47
394	89
394	94
394	96
394	97
394	118
394	133

TOTAL PURCHASE PRICE (all properties):

\$1,880,000.00

A motion was made by Council Member Huryk, seconded by Council Member Lotano and carried, with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no, 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 January 26, 2021 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 February 9, 2021 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.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:

ANTHONY MERLINO
ASSISTANT 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, January 29, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no.

A motion was made by Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Maruca voting yes, and with Council Member Rodrick voting no, to approve the following Resolution.

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, SUPPORTING THE ACQUISITION BY THE STATE OF
NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, BLUE ACRES BUYOUT
PROGRAM, OF REAL PROPERTY DESIGNATED AS BLOCK 1022, LOTS 2.03 AND 2.04,
AND BLOCK 1026, LOTS 27-30 IN THE TOWNSHIP OF TOMS RIVER**

WHEREAS, the property designated as Block 1022, Lots 2.03 and 2.04, and Block 1026, Lots 27-30, is a privately-owned, oceanfront parcel in the Ortley Beach section of the Township, that, for generations, had been the site of the infamous "Surf Club" establishment and its adjoining beach and parking area; and

WHEREAS, like much of Toms River's coastal sections, the Surf Club was destroyed by Superstorm Sandy in 2012 and has not been rebuilt; and

WHEREAS, with massive infusions of federal, state, Township, and private resources, Toms River's coastal areas, and Ortley Beach in particular, continue to emerge vibrantly from Superstorm Sandy's wreckage; and

WHEREAS, as residences and business have rebuilt bigger and better post-Sandy, the Township similarly has maintained a sustained public commitment to the revival of the barrier island, with modernized public infrastructure and amenities, including new and upgraded recreational facilities, such as playgrounds, pickleball courts, and a restored public boardwalk; and

WHEREAS, with the completion of the Army Corps beach replenishment and dune project, which will fortify the barrier island against future storms, the Township turned its attention to another major priority: acquiring more open space — particularly beachfront — for the benefit of the residents and visitors to Ortley Beach and to enhance Ortley Beach’s standing among rival shore communities; and

WHEREAS, in mid-2018, the Township began to seriously explore the acquisition of the Surf Club property, which lay dormant since Superstorm Sandy, and had few, if any, viable prospects at being privately redeveloped; and

WHEREAS, the highest and best use of the Surf Club property is to be publicly-owned and –accessible beachfront; and

WHEREAS, in late 2018, the Township approached the State of New Jersey, Department of Environmental Protection (“NJDEP”), Blue Acres Buyout Program (“Blue Acres”), seeking the State’s cooperation in acquiring the Surf Club property; and

WHEREAS, because the Surf Club property is one of the few, if any, remaining beachfront properties in the entire state available for public acquisition, and would represent the first major Blue Acres acquisition in Ocean County, the Township succeeded in securing NJDEP’s support for the project; and

WHEREAS, in the closing months of 2018, the Township brought the property owners and NJDEP together in an effort to consummate the deal, and the parties performed the necessary appraisals in accordance with state law requirements as to valuation and other due diligence; and

WHEREAS, in January 2019, NJDEP tendered an initial offer to the property owners, which was rejected, leading to further negotiations into early summer 2019, which culminated in NJDEP increasing its initial offer by 5%; and

WHEREAS, the property owners also rejected NJDEP’s second offer, which was significantly below their asking price, based on their appraisal experts; and

WHEREAS, as originally conceived, the transaction would have involved NJDEP, through the Blue Acres Program, covering the entire acquisition cost of the Surf Club property, with the Township’s committing funds to the post-acquisition improvement, maintenance, and use of the property, subject to agreement with and approval by NJDEP; and

WHEREAS, with the State and the property owners at a stalemate, the Township’s involvement pivoted toward rescuing the transaction by finding sufficient funds to supplement the State’s offer, without overburdening the pandemic-strained Township budget; and

WHEREAS, in mid-2019, the Township began separately negotiating with the property owners, but by early 2020, the parties remained far apart, with the asking price still significantly more than the combined State/Township offers; and

WHEREAS, in March 2020, buoyed by the incoming administration’s renewed push to complete the acquisition, the Township and the property owners submitted to non-binding mediation, facilitated by the Ortley Beach Voters and Taxpayers Association (“OBVTA”); and

WHEREAS, mediation pushed forward despite complications from the global pandemic, and by June 2020, the Township successfully negotiated a 12% reduction in the purchase price, enabling the parties to structure a tentative, tri-partite arrangement, whereby NJDEP, through Blue Acres, would acquire title to the subject property, with the State and the Township each contributing a share of the purchase price; and

WHEREAS, under this arrangement, Blue Acres funding will comprise approximately 90.6% of the purchase price, with the Township contributing the remaining 9.4%; and

WHEREAS, since June 2020, the Township and NJDEP have been in negotiations to finalize the necessary instruments to consummate the transaction, including a tri-partite contract of sale and a companion, bi-lateral management and use agreement between the Township and NJDEP governing the post-acquisition maintenance and use of the subject property; and

WHEREAS, as part of that process, the Township submitted a draft concept plan for the post-acquisition management and use of the Surf Club property, which remains under review by DEP; and

WHEREAS, although not formally a party to the transaction, the County of Ocean’s pending \$1.8 million purchase of Township lands was instrumental in enabling the Township to generate sufficient funds to cover both the Township’s share of the acquisition costs and its post-acquisition commitments,

WHEREAS, the NJDEP and the Township have jointly determined that the Surf Club property is one of the few, if any, remaining beachfront parcels viable for acquisition as open space for the use and enjoyment of the general public; and

WHEREAS, the Surf Club property lies between Township-owned beachfront to the immediate north and south; and

WHEREAS, the acquisition of the Surf Club property represents the missing link which would expand and unify the publicly-owned and -accessible beachfront in the Ortley Beach section of the Township and provide for increased parking; and

WHEREAS, §95-1 of the Township Code permits “the disbursement of monies from the Open Space Trust Fund to assist . . . the State of New Jersey . . . in acquiring interests in real property located within the Township of Toms River” for recreation, conservation, and open space; and

WHEREAS, the Mayor and Township Council fully and enthusiastically support the State’s acquisition of the Surf Club property, which will appreciably expand the Township’s publicly-owned and -accessible beachfront and benefit the Township ecologically and economically:

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

1. The Township endorses the acquisition of Block 1022, Lots 2.03 and 2.04, and Block 1026, Lots 27-30 by NJDEP, as open space, pursuant to the tentative, tri-partite arrangement among between the NJDEP, the Township, and the property owners.

2. The Township's final ratification of the parties' tentative accord, and the enactment of an ordinance authorizing an appropriation for the Township's share of the purchase price, is contingent upon: (a) NJDEP fulfilling its pledge of Blue Acres funding in no less than the agreed-upon amount and acquiring fee-simple title to the subject property; (b) the execution of a tri-partite contract of sale among the NJDEP, the Township of Toms River, and owners of the subject property; (c) the mutual satisfaction of all obligations, covenants, and contingencies set forth therein, including, but not limited to, the execution of a companion, bi-lateral management and use agreement between the Township and NJDEP governing the post-acquisition maintenance and use of the subject property; and (d) the Township receiving the anticipated funds from completion of the pending sale of lands to the County of Ocean.

3. The Mayor is hereby authorized to execute and the Township Clerk to attest to contracts of sale and all necessary documents to effectuate the acquisition of the subject property.

4. A copy of this resolution shall remain on file in the Office of the Township Clerk and provided to the following parties:

- a. Mayor
- b. Business Administrator
- c. Township Attorney
- d. Chief Financial Officer
- e. Township Engineer
- f. Fawn Z. McGee, Director
NJNJDEP Blue Acres Program &
Bureau Chief, State Land Acquisition,
NJNJDEP Green Acres Program
Mail Code: 501-01
P.O. Box 420
501 East State Street, 1st Floor
[Trenton, NJ 08625-0420](mailto:501-01@njdeprules.com)
- g. Lawrence E. Bathgate, II, Esq.
Bathgate, Wegener & Wolf
One Airport Road
P.O. Box 2043
Lakewood, New Jersey 08701
*Counsel for Hoffman's Surf Club, Inc., and
Joseph and Dolores Barcellona*

CONSENT AGENDA

Township Clerk Carlisle 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 Huryk, seconded by Council Member Lotano, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and

Council President Geoghegan voting yes, to approve all the following items listed on the Consent Agenda, except item **U and X**, which were done separately.

RESOLUTION

January 26, 2021

RESOLUTION AUTHORIZING ASSIGNMENT

WHEREAS, N.J.S.A. 54: 113 authorizes assignment by a municipality of tax sale certificates for the full amount of the certificate, including all subsequent municipal taxes and other municipal charges; and,

WHEREAS, ESQ CAPITAL III, LLC has presented an offer to purchase, by assignment, the attached Schedule A list of tax sale certificates that were issued to the Township of Toms River, being the full amount of the certificate(s) including all subsequent municipal taxes and other municipal charges as of January 26, 2021

NOW, THEREFORE, BE IT RESOLVED, that the Township of Toms River hereby authorizes the Mayor and Municipal Clerk to execute the necessary assignment document(s) to effect the attached Schedule A list of tax sale certificates.

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

CARL M. DILEO, CTC

(SEE ATTACHED RESO FOR SCHEDULE A)

RESOLUTION

January 26, 2021

RESOLUTION AUTHORIZING THE ISSUANCE OF DUPLICATE TAX SALE CERTIFICATES

WHEREAS, CONGREGATION EITZ CHAIM CENTER IS THE HOLDER OF THE TAX SALE CRTIFICATE LISTED BELOW; AND;

WHREAS, SAID LIEN HOLDER LOST ITS ORIGINAL TAX SALE CERTIFICATE, AND;

WHEREAS, A DUPLICATE TAX SALE CERTIFICATE IS REQUESTED FOR A FEE OF \$100.00 EACH; NOW THEREFORE,

BE IT RESOLVED, THAT THE TAX COLLECTOR IS HEREBY AUTHORIZED, PURSUANT TO NJSA 54:5-52.1 TO PREPARE AND ISSUE A DUPLICATE TAX CERTIFICATE TO THE OUTSIDE LIEN HOLDERS AS FOLLOWS:

TAX SALE CERTIFICATE 13-00050 BLOCK/LOT 159 LOT 2 ASSESSED TO: EREZ HEALTH CARE REALTY CO LLC

TAX SALE WAS RECORDED IN THE OFFICE OF THE COUNTY CLERK, FOR THE COUNTY ON, DECEMBER 27, 2013 MORTGAGE BOOK 15716 ON PAGE NO. 1842

CARL M. DILEO, CTC

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 1078.03 LOT 8 EFFECTIVE JUNE 22ND, 2020, AND PROVIDING THAT PROPERTY TAXES FOR 2020, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

JANUARY 26, 2021

WHEREAS, the owner of real property in the Township of Toms River known as Block 1078.03 LOT 8, located at 3243 Mystic Port Place, has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective June 22nd, 2020 and

WHEREAS, property taxes for 2020, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

WHEREAS, any taxes paid after the date of this resolution by the property owner (or on his behalf), are to be cancelled and/or refunded from the date 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. All 2020 real property taxes for 1078.03 lot 8 due on or after June 22nd, 2020, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 1078.03 lot 8 if any, shall be refunded on a pro-rated basis from June 22nd, 2020.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor
 - b) Business Administrator
 - c) Township Attorney
 - d) Chief Financial Officer
 - e) Township Assessor
 - f) Township Tax Collector

RESOLUTION

JANUARY 26, 2021

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO PROPERTY(IES) WERE IN TAX SALE AND PAID COST OF RECORDING FEES, HOWEVER THEY OVERPAID AND THEY PAY NO TAXES, ONLY SEWER BILLS SO MONIES COULD NOT BE APPLIED TO THEIR TAXES AND NOW MONIES MUST BE REFUNDED, 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>

CB TITLE GROUP	442.08	14	2021/2	\$30.00
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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

JANUARY 26, 2021

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

WHEREAS, BC EXPRESS, INC. SENT CHECK 17498, IN THE AMOUNT OF \$152.00 TO PAYOFF AN OPEN BUILDING PERMIT.

WHEREAS, CHECK NO. 17498 WAS MAILED TO THE BUILDING DEPARTMENT TO PAY AN OPEN PERMIT. HOWEVER IT WAS RECEIVED IN THE TAX COLLECTOR'S OFFICE AND WAS ERRONEOUSLY CASHED.

WHEREAS THE BUILDING DEPARTMENT HAS ASKED THE TAX COLLECTOR TO REFUND THE \$152.00 OPEN PERMIT FEE TO THEIR OFFICE INSTEAD OF BC EXPRESS, INC.

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
TOWNSHIP OF TOMS RIVER	37	1	-C1301	\$152.00
BUILDING DEPARTMENT			1/2021	

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

JANUARY 26, 2021

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

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>
CORELOGIC CENTRALIZED REFUNDS	797.27	20	2020/4	\$1,172.23

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

JANUARY 26, 2021

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO HOME OWNER SOLD THE PROPERTY, AND HAD AN AUTOMATIC WITDRAWL, AND FAILED TO NOTIFY THE TAX COLLECTOR TO DISCONTINIUE THE DIRECT WITHDRAWL, NOW MONIES MUST BE REFUNDED TO THE PRIOR OWNER; 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>
EICK, PATRICIA	951.10	27.23	2020/2	\$378.18
			2020/3	\$415.59
			2020/4	\$409.23

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

JANUARY 26, 2021

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO PROPERTY(IES) HAVE A NEW COUNTY BOARD TAX APPEAL, AND;

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
DVD REALTY LLC	1098.33	52	2020/4	\$6,809.05
BARDIS, NIKOLOAS & REGINA	686	5	2020/4	\$18.28

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 WAIVING LOCAL REVIEW OF TOWNSHIP BUDGET

January 26, 2021

WHEREAS, The Township of Toms River waives its right to local review of the 2021 Budget even though the Township meets the criteria and qualifies for self review.

WHEREAS, it is necessary to formally request that the Director of the Division of Local Government Services review the Township's 2021 Budget;

NOW, THEREFORE, BE IT RESOLVED that the Township of Toms River is waiving local review of the 2021 Budget and requesting to have the Director of Local Government Services review the Budget. A copy of the Budget will be sent to the Division for their use.

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

- a) Director, Division of Local Government Services (copy of Budget & resolution)
- b) Business Administrator
- c) Township Attorney
- d) Township Auditor
- e) Chief Financial Officer

Approved as to Content:

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER
COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A CONTRACT FOR
PROPRIETARY 2021 SOFTWARE MAINTENANCE WITH EDMUNDS & ASSOCIATES, INC.,
FOR THE EDMUNDS FINANCIAL SOFTWARE SYSTEM CURRENTLY UTILIZED BY THE
TOWNSHIP, FOR THE DEPARTMENT OF FINANCE, IN THE AMOUNT OF \$42,392.50**

JANUARY 26, 2021

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

1. Pursuant to N.J.S.A. 40A:11-5(1)(dd), a contract which exceeds the bid threshold may be awarded by the governing body without public advertising for bids and bidding by resolution for the support or maintenance of proprietary computer hardware and software. This purchase in addition to the hosting will exceed that amount. The agreement for the payment to Edmunds & Associates, Inc., for the Renewal of Proprietary Software Maintenance and Support for the Edmunds Financial Software System currently utilized by the Township for the Department of Finance, is approved, as follows:

DESCRIPTION: 2021 PROPRIETARY SOFTWARE MAINTENANCE

(MNJTX3) SS Tax Collection:	\$ 14,060.00
(MNJFN3) SS Financial Accounting:	\$ 11,900.00
(MNJER3) SS Electronic Requisitions:	\$ 4,005.00
(MNJES1) SS Escrow Accounting:	\$ 975.00
(MNJPR2) SS Payroll II	\$ 4,205.00
(MNJHR2) SS Human Resources	\$ 4,005.00
(WIPP-RET) MCSJ WHIPP Tax Annual Fee	\$ 1,240.00
(MNMCE2) SS Permits & Code Enforcement. . . .	\$ 2,002.50
TOTAL AMOUNT:	\$ 42,392.50

Contract Awarded to: Edmunds & Associates, Inc.
301A Tilton Road
Northfield, N.J. 08225

Maximum Amount: \$42,392.50

Account No.: 0-01- -A17-510

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) IT Services
- e) Finance Department

- f) Edmunds & Associates, Inc.
301A Tilton Road
Northfield, N.J. 08225

CERTIFICATION

THIS IS TO CERTIFY that the funds for Proprietary 2021 Software Maintenance with Edmunds & Associates, Inc., in the total maximum amount not to exceed \$42,392.50, are available in Account No. 0-01- -A17-510.

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

Edmunds Software Maintenance has always been paid in prior year budget with resolution normally being approved in November. Therefore, prior year budget is being used now for 2021 and normal schedule will resume this year.

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: January 26, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, REJECTING BIDS RECEIVED FOR NEW 95-
GALLON SANITATION COLLECTION SYSTEM AUTOMATED/SEMI-AUTOMATED
(ROBO) CONTAINERS FOR THE DEPARTMENT OF PUBLIC WORKS, AND
AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS TO ADVERTISE FOR
REBID FOR THIS PURCHASE**

JANUARY 26, 2021

WHEREAS, bids were invited on October 16, 2020, for New 95-Gallon Sanitation Collection System Automated/Semi-Automated (Robo) Containers for the Department of Public Works; and

WHEREAS, bids were received from the following vendors:

Rehrig Pacific Company
1010 East 26th St.
Los Angeles, CA 90058

Encore Industries, Inc. (IPL)
165 Industrial Park Road
Forsyth, GA 31029

Cascade Engineering
3400 Innovation Court SE
Grand Rapids, MI 49512

Schaefer Systems International, Inc.
10021 Westlakes Dr.
Charlotte, NC 28273

WB Mason Co., Inc.
59 Centre St.
Brockton, MA 02301

WHEREAS, the bids have been reviewed by the Purchasing Division and the Department of Public Works, and recommendation has been made that it would be in the best interest of the Township to reject all bids pursuant to N.J.S.A. 40A:11-13.2(a) and rebid this contract; and

WHEREAS, Encore Industries, Inc. (IPL) was rejected because they cannot hold their pricing for the term of the contract; and

WHEREAS, WB Mason Co., Inc. was rejected because they bid the wrong container; and

WHEREAS, the other vendors had multiple exceptions. All were rejected because the specifications were not met. Rehrig Pacific Company sent sample cans for demonstration and was rejected because of height shortages on parts of the can and wheels, which would cause safety hazards. Cascade Engineering did not have a compatible lifting saddle. Schaefer Systems International, Inc. did not have the proper molds:

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 is in the best interest of the Township to reject all of the above-mentioned bids received, pursuant to N.J.S.A. 40A:11-13.2(a).
2. The appropriate Township Officials are hereby authorized to rebid for this purchase.
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) Department of Public Works
 - e) Aforementioned bidders

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A CONTRACT TO VENDOR WITH STATE CONTRACT, GENERAL RECREATION, INC., CONTRACT NO. 16-FLEET-00130, TO PURCHASE RESURFACING FOR SILVERTON PLAYGROUND FOR THE DIVISION OF PARKS, BUILDINGS AND GROUNDS, IN THE TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$195,100.00

JANUARY 26, 2021

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

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

2. Contract to Purchase Resurfacing for Silverton Playground for the Division of Parks, Buildings and Grounds with General Recreation Inc., State Contract No. 16-FLEET-00130, in the total maximum contract amount not to exceed \$195,100.00, as follows:

**General Recreation Inc.
PO Box 440
Newton Square, PA 19073
State Contract: 16-FLEET-00130**

<u>Item #</u>	<u>Description</u>	<u>Quantity in Square Feet</u>	<u>Price</u>	<u>Total</u>
Manufacturer: Fall Zone Inc.				
2PIP	2-5 Area: Poured-In-Place Surfacing over Stone Sub-Base, 2.5" Thick, 100% Color, *5' Fall Height to accommodate Existing Structure and Independents	2,400	\$15.50	\$37,200.00

4PIP	2-5 Area: Poured-In-Place Surfacing over Stone Sub-Base, 4" Thick, 100% Color, *8' Fall Height to accommodate Existing Swing Area	800	\$17.75	\$14,200.00
3PIP	5-12 Area: Poured-In-Place Surfacing over Stone Sub-Base, 3" Thick, 100% Color, *7' Fall Height to accommodate Existing Structure and Independents	5,400	\$16.75	\$90,450.00
4PIP	5-12 Area: Poured-In-Place Surfacing over Stone Sub-Base, 4" Thick, 100% Color, *8' Fall Height to accommodate Existing Swing Area	3,000	\$17.75	\$53,250.00
			TOTAL:	\$195,100.00

Contract with: General Recreation, Inc.
PO Box 440
Newton Square, PA 19073

Contract No. 16-FLEET-00130

Amount: \$195,100.00

Account No. X-04-46-732-014

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

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

- a) Division of Purchasing
- b) Chief Financial Officer
- c) Township Attorney
- d) Department of Recreation
- e) Division of Parks, Buildings and Grounds
- f) General Recreation, Inc.
PO Box 440
Newtown Square, PA 19073

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract for Playground Resurfacing with vendor with State contract, General Recreation Inc., State Contract 16-FLEET-00130, in the total maximum contract amount not to exceed \$195,100.00, are available in Account No. X-04-46-732-014.

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.

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: January 26, 2021

**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 SHARED SERVICES AGREEMENT BETWEEN THE
TOWNSHIP OF TOMS RIVER AND THE COUNTY OF OCEAN FOR THE FY 2020-2021
“MOVE OVER” LAW ENFORCEMENT PROGRAM (M.O.L.E.P.)**

JANUARY 26, 2021

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 a Shared Services Agreement between the Township of Toms River and the County of Ocean for the “Move Over” Law Enforcement Program (M.O.L.E.P.), attached hereto as Schedule A. The agreement commences retroactive from October 1, 2020, through September 30, 2021. A copy of this Agreement will be kept on file in the Office of the Township Clerk upon execution.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Chief Financial Officer
- e) Township Attorney
- f) Police Department, Attn: Chief Mitchell Little
- g) Ocean County Board of Freeholders
P.O. Box 2191
Toms River, N.J. 08754-2191
- h) Ocean County Prosecutor’s Office
Attn: Robert Parlow
Vehicular Homicide Unit
119 Hooper Avenue
P.O. Box 2191
Toms River, N.J. 08754-2191
- i) Division of Local Government Services
PO Box 803
Trenton, NJ 08625-0803

SCHEDULE “A”

“See Attachments”

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING CRAIG AMBROSIO, HEAD OF THE
DIVISION OF PARKS, BUILDINGS AND GROUNDS, TO EXECUTE A COOPERATIVE
SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE UNITED
STATES DEPARTMENT OF AGRICULTURE (USDA) ANIMAL AND PLANT HEALTH
INSPECTION SERVICE (APHIS), WILDLIFE SERVICES (WS), FOR WILDLIFE DAMAGE
MANAGEMENT, IN AN AMOUNT NOT TO EXCEED \$11,593.00**

JANUARY 26, 2021

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. Craig Ambrosio, Head of the Division of Parks, Buildings and Grounds, is authorized to execute a Cooperative Service Agreement between the Township of Toms River and the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS), for wildlife damage management, in connection with Canada geese control at Huddy Park, Shelter Cove, and other properties

owned by the Township of Toms River (new area adjacent to Huddy Park – old motel). A copy of the Agreement is attached to this resolution as Schedule “A”, and made a part hereof.

2. Funds for this service in the amount not to exceed \$11,593.00, are available in Account No. 1-01- -R20-534, contingent upon availability of funds and adoption of the CY21 Municipal Budget.

3. Term of Agreement shall become effective February 1, 2021 and shall expire on September 30, 2021.

4. 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) Business Administrator
- c) Township Council
- d) Department of Public Works
- e) Division Manager, Parks, Buildings & Grounds
- f) Chief Financial Officer
- g) Department of Recreation
- h) U.S. Department of Agriculture Animal and Plant Health Inspection Service
Wildlife Services
Aaron Guikema, State Director
140-C Locust Grove Road
Pittstown, NJ 08867-4049
- i) Nicole Rein, Wildlife Biologist
USDA-APHIS –Wildlife Services
350 Corporate Boulevard
Robbinsville, NJ 08691

CERTIFICATION

THIS IS TO CERTIFY that the funds for the Cooperative Service Agreement with the United States Department of Agriculture Animal and Plant Health Inspection Service, Wildlife Services, in an amount not to exceed \$11,593.00, are available in Account No. 1-01- -R20-534, contingent upon availability of funds and adoption of the CY21 Municipal Budget.

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.

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: January 26, 2021

SCHEDULE “A”

“See Attachments”

**RESOLUTION APPOINTING MEMBERS OF THE ZONING BOARD OF
ADJUSTMENT**

JANUARY 26, 2021

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 persons be and they are hereby appointed as members of the Toms River Township Board of Adjustment retroactive to 01/01/2021:

Alternate Members

Anthony Colucci, Alt #2

12/31/2022

2. The Township Clerk shall send a certified copy of this resolution to each of the following:
 - a. Office of the Township Council
 - b. Office of the Mayor
 - c. Township Attorney
 - d. Board of Adjustment
 - e. Each appointee listed above, who shall present themselves before the Township Clerk and take the Oath of Office

**RESOLUTION APPOINTING MEMBER OF THE TOWNSHIP OF TOMS RIVER
MUNICIPAL ALLIANCE**

January 26, 2021

WHEREAS, the Mayor has recommended appointments to the Township of Toms River Municipal Alliance Committee and the Council has reviewed and consents to 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. The following persons are hereby appointed as members of the Township of Toms River Municipal Alliance for the year 2021;

Cara Dimeo

2. The Township Clerk shall send a certified copy of this resolution to each of the following:
 - a. Office of the Township Council
 - b. Office of the Mayor
 - c. Law Department
 - d. Police Department
 - e. Appointed Members c/o of Helen McGovern, Coordinator
 - f. Rebecca Alfaro, County Coordinator
Alcoholism & Drug Abuse Division

175 Sunset Avenue
PO Box 2191
Toms River, NJ 08754

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, ACCEPTING REPLACEMENT PERFORMANCE
GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS BLOCK 646, LOT 21 (NEW
LOT 21.01) (688 Clifton Avenue)**

January 26, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 646, New Lot 21.01.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00, which represents the performance guarantee amount.
- 2) Check in the amount of \$250.00, which represents the 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 Michael H. Vandiver, his successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Michael Vandiver
3917 Oak Drive
Clearlake, CA 95422

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A
MINOR SITE PLAN KNOWN AS WHITE CASTLE SYSTEM, LLC, BLOCK 636, LOT 2
(132 Route 37 East)**

January 26, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as White Castle Systems, Inc., Block 636, Lot 2.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #107277917 in the amount of \$27,000.00, which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$3,000.00, which represents the ten percent portion of the performance guarantee amount.

3) Check in the amount of \$1,630.00, which represents the 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 White Castle System, Inc., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. White Castle System, Inc.
555 Edgar Waldo Way
Columbus, OH 43215

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND
ACCEPTING MAINTENANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS
BRK, LLC – LESTER GLENN AUTO, BLOCK 644, LOT 40
(101 Route 37 East)**

January 26, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 644, Lot 40.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount of \$970.00, which represents the 10% Maintenance Guarantee, currently on account in #X-19- -601-851, is accepted and will remain on account to represent the Maintenance Cash Bond;

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

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

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

- 1) Previously posted Cash Bond in the amount of \$8,730.00, originally accepted on Resolution 'L' dated January 14, 2020, in account # 1-14- -902-101, is hereby released with applicable interest, if any;
- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer

- c. Township Attorney
- d. BRK, LLC
PO Box 908
Toms River, NJ 08754

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS – TOMS RIVER VW, BLOCK 646, LOT 15.01 (636 Clifton Avenue)

January 26, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 646, Lot 15.01.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount of \$12,970.00, which represents the 10% Maintenance Guarantee, currently on account in #X-19- -600-153, is accepted and will remain on account to represent the Maintenance Cash Bond;

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

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

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

- 1) Previously received Cash Bond, received from a previously posted Letter of Credit originally accepted by Resolution 'I' dated July 11, 2017, in the amount of \$5,108.00 in account #X-19-00-600-153, is hereby released;
- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is Hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Mr. Kenneth Schwartz
640 Clifton Avenue Associates, LLC
24 Clay Street
Red Bank, NJ 07701

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS – TOMS RIVER VW, BLOCK 646, LOT 38.01 (640 Clifton Avenue)

January 26, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 646, Lot 38.01.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount of \$1.960/00, which represents the 10% Maintenance Guarantee, currently on account in #X-19- -600-154, is accepted and will remain on account to represent the Maintenance Cash Bond;

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

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

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

- 1) Previously received Cash Bond, received from a previously posted Letter of Credit originally accepted by Resolution ‘J’ dated July 11, 2017, in the amount of \$6,668.00 in account #X-19-00-600-154, is hereby released;
- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is Hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Mr. Kenneth Schwartz
640 Clifton Avenue Associates, LLC
24 Clay Street
Red Bank, NJ 07701

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, RELEASING SAFETY AND STABILIZATION
GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS, BLOCK 608, LOT 2.02
(Hooper Avenue and Bay Avenue)**

January 26, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 608, Lot 2.02.

WHEREAS, the Township Engineer finds that all required performance bonds have been posted; and

WHEREAS, the Township Engineer has recommended the release of the Preliminary Site Stabilization Guarantees;

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

- 1) Previously posted Cash Bond in the amount of \$10,000.00, originally accepted on Resolution ‘V’ dated November 12, 2019, on account # 0-14- -902-101, is hereby released with applicable interest if any;

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

- a. Township Engineer
- b. Chief Financial Officer

- c. Township Attorney
- d. K-Land Corp., No. 7
433 River Road
Highland Park, NJ 08904

**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
BLOCK 657, LOTS 16, 17, AND 18
(Hyers Street and Legion Court)**

January 26, 2021

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 (Hyers Street and Legion Court), that all improvements presently under a maintenance bond have been maintained in accordance with Township standards.

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

- 1) Maintenance Cash Bond in the amount of \$26,191.00, currently on deposit in account #1-14- -902-101, is hereby released with application interest, if any. Cash Bond was originally accepted by Resolution 'N' on April 26, 2016. Cash Bond was then assigned to Legion Square Village, LLC by Resolution 'J' on August 23, 2016. Maintenance Bond was accept by Resolution 'Z' on November 27, 2018.

Township Clerk shall send a certified copy hereof the 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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE
GUARANTEES FOR A MINOR SITE PLAN KNOWN AS WHITE CASTLE SYSTEM,
LLC, BLOCK 636, LOT 2 (132 Route 37 East)**

January 26, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as White Castle Systems, Inc., Block 636, Lot 2.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #107277917 in the amount of \$27,000.00, which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$3,000.00, which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$1,630.00, which represents the 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 White Castle System, Inc., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. White Castle System, Inc.
555 Edgar Waldo Way
Columbus, OH 43215

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE FINAL CLOSE OUT CHANGE ORDER (NET REDUCTION \$5,000.00), RELEASE OF PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND, RELEASE OF RETAINAGE AND FINAL PAYMENT FOR IMPROVEMENTS TO THE TOMS RIVER EAST LITTLE LEAGUE FIELDS – REBID, TO THE LANDTEK GROUP, INC., FOR A NEW OVERALL TOTAL CONTRACT PRICE OF \$55,650.00

JANUARY 26, 2021

WHEREAS, resolution of the Township Council dated September 8, 2020, authorized an award of a contract to The LandTek Group Inc., as the lowest responsive, responsible bidder meeting all the bid specifications, for the improvements to the Toms River East Little League Fields - Rebid, in the total contract price not to exceed \$60,650.00, for the base bid only; and

WHEREAS, the September 8, 2020 resolution authorizes Change Order 1 to the contract, for a decrease in the contract of \$5,000.00, resulting in a reduced overall total contract price in the amount of \$55,650.00, for the base bid only; and

WHEREAS, the Department of Engineering has determined that it is in the best interest of the Township to approve Change Order 1 and reduce this contract by \$5,000.00, resulting in a decreased overall total contract price of \$55,650.00, for the base bid only;

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. Change Order No. 1 – with The LandTek Group, Inc., to wit:

DESCRIPTION OF CHANGE:

Authorize Change Order No. 1 for reduction in overall total contract price of this contract.

<u>ADDITIONAL</u>	<u>REDUCTION</u>	
Total Reduction This C.O.	X	\$5,000.00
Total Extras This C.O.	X	X
Total Supplementary This C.O.	X	X
Total This C.O.	X	\$5,000.00
Previous Change Orders	X	X

Total Change Orders to Date	X	\$5,000.00
Net Change in Contract	X	(\$5,000.00)
ORIGINAL CONTRACT BID PRICE		\$60,650.00
NEW OVERALL CONTRACT PRICE		\$55,650.00

be and the same is hereby ratified and confirmed.

2. The funds in the amount of \$28,381.50 are available in Account No. 20-02851. The award of this contract is subject to all terms and conditions of the bid specifications. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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) Engineering Division
- d) The LandTek Group, Inc.
105 Sweeneydale Avenue
Bay Shore, NY 11706

CERTIFICATION

THIS IS TO CERTIFY that the funds for the final payment to The LandTek Group, Inc., in the amount of \$28,381.50, are available Account No. 20-02851.

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.

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: Jan 26, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION AND
ENGINEERING DIVISION TO ADVERTISE AND RECEIVE BIDS FOR THE 2021 (FY2020)
TOWNSHIP WIDE PAVING PROGRAM**

JANUARY 26, 2021

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

THE 2021 (FY2020) TOWNSHIP WIDE PAVING PROGRAM

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

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

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Engineering Division
- e) Division of Parks, Buildings & Grounds

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT TO HUNTER
JERSEY PETERBILT, AS SOLE BIDDER MEETING ALL THE BID SPECIFICATIONS, FOR THE
PURCHASE OF TWO (2) AUTOMATED REFUSE COLLECTION SYSTEMS CAB & CHASSIS,
NEW OR UNUSED 2021 MODEL (OR NEWER), WITH THE OPTION TO PURCHASE UP TO
ONE (1) ADDITIONAL UNIT OVER THE NEXT TWELVE (12) MONTHS, FOR THE
DEPARTMENT OF PUBLIC WORKS, IN THE TOTAL CONTRACT AMOUNT NOT TO
EXCEED \$602,584.00**

JANUARY 26, 2021

WHEREAS, bids were invited for the Purchase of Two (2) Automated Refuse Collection Systems Cab and Chassis, New or Unused 2021 Model (or newer), with the option to purchase up to one (1) additional unit over the next twelve months, for the Department of Public Works; and

WHEREAS, one bid was received on December 8, 2020, from the following vendor:

Hunter Jersey Peterbilt
524 Monmouth Rd
Clarksburg, NJ 08510

	<u>Price Per Each</u>	<u>Price for Two</u>
AUTOMATED REFUSE COLLECTION SYSTEMS CAB & CHASSIS NEW AND UNUSED 2021 MODEL 66,000 LB GVW MINIMUM (OR EQUAL):	\$301,292.00	\$602,584.00
MAKE CAB / CHASSIS BID:	Peterbilt	
MODEL BID:	520	
YEAR BID:	2021 or newer	
DELIVERY DATE:	300 days ARO	
SERVICE FACILITY LOCATION:	524 Monmouth Rd, Clarksburg, NJ 08510	

WHEREAS, the bid has been reviewed by the Division of Purchasing and Department of Public Works, and it is their recommendation that a contract be awarded to Hunter Jersey Peterbilt, as the sole bidder meeting all of the bid specifications, for Two (2) Automated Refuse Collection Systems Cab and Chassis, New or Unused 2021 Model (or newer), with the option to purchase up to one (1) additional unit over the next twelve months, for the Department of Public Works;

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

1. It hereby awards a contract for the Purchase of Two (2) Automated Refuse Collection Systems Cab and Chassis, New or Unused 2021 Model (or newer), with the option to purchase up to one (1) additional unit over the next twelve months, for the Department of Public Works, to Hunter Jersey Peterbilt, as the sole bidder meeting all of the bid specifications, for a total contract amount not to exceed \$602,584.00, as follows:

Hunter Jersey Peterbilt
524 Monmouth Rd
Clarksburg, NJ 08510

	<u>Price Per Each</u>	<u>Price for Two</u>
AUTOMATED REFUSE COLLECTION SYSTEMS CAB & CHASSIS NEW AND UNUSED 2021 MODEL 66,000 LB GVW MINIMUM (OR EQUAL):	\$301,292.00	\$602,584.00
MAKE CAB / CHASSIS BID:	Peterbilt	
MODEL BID:	520	
YEAR BID:	2021 or newer	
DELIVERY DATE:	300 days ARO	
SERVICE FACILITY LOCATION:	524 Monmouth Rd, Clarksburg, NJ 08510	

2. Funds in the amount of \$602,584.00 are available in Account No. X-04-46-732-004. 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.

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) Public Works
- e) Hunter Jersey Peterbilt
524 Monmouth Rd
PO Box 729
Clarksburg, NJ 08510

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Hunter Jersey Peterbilt, for a total contract amount not to exceed \$602,584.00, are available in Account No. X-04-46-732-004.

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.

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: January 26, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SUBMISSION OF A GRANT
APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL
EMERGENCY MANAGEMENT AGENCY FOR A FY2020 FEMA ASSISTANCE TO
FIREFIGHTER GRANT**

JANUARY 26, 2021

WHEREAS, the Federal Emergency Management Agency (FEMA) is accepting applications for the Assistance to Firefighter Grant (AFG); and

WHEREAS, this program is available to municipalities with full time Fire Departments and volunteer firefighter organizations: and

WHEREAS, the primary goal of the Assistant to Firefighter Grant Program is to meet the firefighting and emergency response needs of fire departments and non-affiliated emergency medical service organizations; and

WHEREAS, this grant program requires a cost share; and

WHEREAS, Toms River Township is eligible to apply for this grant program; and

WHEREAS, Toms River Township carefully considers grant programs that assist the Township in achieving projects and programs that are priorities for the community; and

NOW, THEREFORE, BE IT RESOLVED that the governing body of Toms River Township formally approves that grant application for the above stated project, as follows:

1. The Mayor and Clerk are hereby authorized to submit a grant application to the Federal Emergency Management Agency on behalf of Toms River Township.;

2. The Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Toms River Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Fire Prevention
- g) Township Grant Coordinator
- h) Joint Boards of Fire Commissioners,
District No. 1 and District No. 2
- i) James Rutala
Rutala Associates
717 River Drive
Linwood, NJ 08221

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE OFFICE OF THE OCEAN COUNTY PROSECUTOR FOR POLICE SERVICES – FOR THE PROSECUTOR'S PROGRAM - 2021, FORMERLY KNOWN AS FATAL ACCIDENT SUPPORT TEAM (F.A.S.T.)
JANUARY 26, 2021**

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 a Shared Services Agreement between the Township of Toms River and the Office of the Ocean County Prosecutor for the Prosecutor's Program - 2021, formerly known as the Fatal Accident Support Team (F.A.S.T.), for the term commencing retroactive to January 1, 2021 and terminating December 31, 2021. A copy of this Agreement will be kept on file in the Office of the Township Clerk upon execution.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council

- c) Business Administrator
- d) Township Attorney
- e) Township Grant Coordinator
- f) Police Department, Attn: Chief Mitchell Little
- g) Chief Financial Officer
- h) Ocean County Board of Freeholders
P.O. Box 2191
Toms River, N.J. 08754-2191
- i) Ocean County Prosecutor's Office
Attn: Detective Michael Proto
Major Crime/Vehicular Homicide Unit
119 Hooper Avenue
P.O. Box 2191
Toms River, N.J. 08754-2191

Cathy Crisafulli, 426 Terrace, Ortley Beach, re-appointing Anthony Colucci.

A motion was made by Council Member Huryk, seconded by Council Member Maruca, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Maruca voting yes, to approve the following Resolution.

RESOLUTION APPOINTING A MEMBER OF THE ZONING BOARD OF ADJUSTMENT

JANUARY 26, 2021

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 persons be and they are hereby appointed as members of the Toms River Township Board of Adjustment retroactive to 01/01/2021:

Alternate Members

Anthony Colucci, Alt #2	12/31/2022
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2. The Township Clerk shall send a certified copy of this resolution to each of the following:
 - a. Office of the Township Council
 - b. Office of the Mayor
 - c. Township Attorney
 - d. Board of Adjustment
 - e. Each appointee listed above, who shall present themselves before the Township Clerk and take the Oath of Office

Council Member Huryk asked Township Planner Chankalian to explained the definition of performance and maintenance guarantee to clarify for public.

A motion was made by Council Member Huryk, seconded by Council Member Maruca, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Maruca voting yes, and with Council Member Rodrick voting no, 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 TOMS RIVER COMMERCE PARK, BLOCK 389, LOTS 3 AND 4 (1700/1728 Lakewood Road)

January 26, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan as Toms River Commerce Park, Block 389, Lots 3 and 4

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond # CM100927 in the amount of \$1,230,992.10, which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$136,776.90, which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$56,212.69, which represents the 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 Toms River Commerce Park, its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Toms River Commerce Park
60 Broad Street #3503B
New York, NY 10004

A motion was made by Council Member Huryk, seconded by Council Member Maruca, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Maruca voting yes, and with Council Member Rodrick voting no, to approve the following Resolution.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT TO GRANTURK EQUIPMENT CO., INC., AS SOLE BIDDER MEETING ALL THE BID SPECIFICATIONS, FOR THE PURCHASE OF TWO (2) NEW AND UNUSED 2021 (OR NEWER) REAR-LOADING REFUSE COLLECTION BODY WITH CAB & CHASSIS, 64,740 LB GVW MINIMUM, WITH CART TIPPERS, WITH THE OPTION TO PURCHASE UP TO ONE (1) ADDITIONAL UNIT OVER THE NEXT TWELVE (12) MONTHS WITH OPTIONAL CART TIPPERS, FOR THE DEPARTMENT OF PUBLIC WORKS, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$455,116.00

JANUARY 26, 2021

WHEREAS, bids were invited for the Purchase of Two (2) New and Unused 2021 (or newer) Rear-Loading Refuse Collection Body with Cab & Chassis, 64,740 LB GVW Minimum, With Cart Tippers, with the option to purchase up to one (1) additional unit over the next twelve (12) months with optional cart tippers, for the Department of Public Works; and

WHEREAS, one bid was received on December 8, 2020, from the following vendor:

Granturk Equipment Co, Inc
One Schuylkill Pkwy, Bldg B

Bridgeport, PA 19405

	<u>Price Per Each</u>	<u>Price for Two</u>
REAR LOADING REFUSE COLLECTION BODY WITH CAB & CHASSIS NEW AND UNUSED 2021 MODEL 64,740 LB GVW MINIMUM (OR EQUAL)	\$211,642.00	\$423,284.00
MAKE CAB /CHASSIS BID:	Freightliner with Leach	
MODEL BID:	114SD 25 yard 2RIII	
YEAR BID:	2021	
DELIVERY DATE:	250 to 300 days ARO	
OPTIONAL CART TIPPERS	<u>\$15,916.00</u>	<u>\$31,832.00</u>
		<u>\$455,116.00 (total)</u>

WHEREAS, the bid has been reviewed by the Division of Purchasing and Department of Public Works, and it is their recommendation that a contract be awarded to Granturk Equipment Co., Inc., as the sole bidder meeting all of the bid specifications, for the purchase of Two (2) New and Unused 2021 (or newer) Rear-Loading Refuse Collection Body with Cab & Chassis, 64,740 LB GVW Minimum, With Cart Tippers, with the option to purchase up to one (1) additional unit over the next twelve (12) month with optional cart tippers;

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

1. It hereby awards a contract to Granturk Equipment Co. Inc., as the sole bidder meeting all of the bid specifications, for the Purchase of Two (2) New and Unused 2021 (or newer) Rear-Loading Refuse Collection Body with Cab & Chassis, 64,740 LB GVW Minimum, With Cart Tippers, with the option to purchase up to one (1) additional unit with optional cart tippers, over the next twelve (12) months, for the Department of Public Works, for a total contract amount not to exceed \$455,116.00, as follows:

Granturk Equipment Co, Inc
One Schuykill Pkwy, Bldg B
Bridgeport, PA 19405

	<u>Price Per Each</u>	<u>Price for Two</u>
REAR LOADING REFUSE COLLECTION BODY WITH CAB & CHASSIS NEW AND UNUSED 2021 MODEL 64,740 LB GVW MINIMUM (OR EQUAL)	\$211,642.00	\$423,284.00
MAKE CAB /CHASSIS BID:	Freightliner with Leach	
MODEL BID:	114SD 25 yard 2RIII	
YEAR BID:	2021	
DELIVERY DATE:	250 to 300 days ARO	
OPTIONAL CART TIPPERS	<u>\$15,916.00</u>	<u>\$31,832.00</u>
		<u>\$455,116.00 (total)</u>

2. Funds in the amount of \$455,116.00 are available in Account No. X-04-46-732-004. 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.

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) Public Works
- e) Granturk Equipment Co. Inc.
One Schuylkill Pkwy., Bldg. B
Bridgeport, PA 19405

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Granturk Equipment Co., Inc., for a total contract amount not to exceed \$455,116.00, are available in Account No. X-04-46-732-004.

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.

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: January 26, 2021

REPORTS - NONE

APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **January 22, 2021**, was approved on motion by Council Member Turnbach, seconded by Council Member Lotano, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

Council President Geoghegan - none

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

Purchase Order 21-00069, payable to Dasti McGuckin Attorneys at Law in the amount of \$7,762.50

Purchase Order 21-00071 payable to NJ MVC LEASE Program in the amount of \$3,741.00.

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

Purchase Order 20-06559, payable to Remington & Vernick Engineers in the amount of \$1,845.00.

Purchase Order 20-08504, payable to Rutgers University – Newark in the amount of \$3,700.00.

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

Purchase Order 21-00107, payable to Berkeley Township in the amount of \$5,584.00.

Purchase Order 20-06561, payable to Owen, Little & Associates in the amount of \$7,409.00.

Purchase Order 21-00210, payable to Borough of South Toms River in the amount of \$690.90.

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

Purchase Order 20-06563, payable to Brady & Kunz, Lotano Development Inc., in the amount of \$27.00.

Purchase Order 20-06561, payable to Owen, Little & Associates in the amount of \$271.00.

Council Member Rodrick – All purchase orders for Dasti McGuckin, Attorneys at Law.

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

Purchase Order 20-00485 & 21-00233, payable to Citta, Holzapfel, Zarbasky in the amount of \$7,900.00.

Purchase Order 21-00069, payable to Dasti McGuckin, Attorneys at Law in the amount of \$7,762.50.

Purchase Order 21-00071, payable to Magistrate Salaries in the amount of \$6,923.60.

ELECTED OFFICIALS COMMENTS

Councilman Rodrick spoke regarding fee increase. Suggest tighten spending.

Councilman Lotano addressed tax increase by Councilman Rodrick; new restaurant opening “Joe Bella’s”; Green Acres funding, and purchase of Surf Club.

Councilwoman Huryk spoke regarding Surf Club purchase; Just Believe, and Code Blue Program.

Councilman Kopp apologized for not being able to be here in person and he wished the retirees well. He also spoke on Door Dash donation to New Jersey Restaurant Association.

Councilman Turnbach spoke regarding Door Dash donation to New Jersey Restaurants, and wrote letters to Freeholders to consider a year round transitional Housing Center for the homeless. 20 out of 21 Counties have centers, Ocean County is only county without one.

Councilwoman Maruca spoke regarding Open Space; Surf Club property acquisition comments, goal to enhance Ortley Beach.

Councilman Geoghegan spoke on Surf Club purchase and support of Ortley Beach residence, and spoke regarding of tax rising.

Mayor Hill spoke of autistic man found in Cattus Island after being reported as missing, and congratulations to the first responders. He also congratulated the retirees from the Police Department.

PUBLIC COMMENTS

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

Pat Klaslo, Ortley Beach, thanked the Mayor and Council for the purchase of Surf Club.

Catherine Crisofulli, 426 Terrace Ortle, support blue acres resolution for purchase of Surf Club.

Art Anderson, 12 Park Street, wanted to know where he can find first reading ordinances; questioned council on vaccine appointments. Councilwoman Huryk explained vaccine procedures.

On motion by Council Member Maruca, seconded by Council Member Lotano and carried, the public hearing was **closed**.

A motion was made by Council Member Maruca, seconded by Council Member Turnbach, and carried to enter into a private Executive Session at 7:24 p.m.

A motion was made by Council Member Maruca, seconded by Council Member Turnbach, 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
Attorney Client Privilege
Contract Negotiations

3. The following specific topics were announced.
 1. Executive Session Minutes: January 12, 2021 Regular Meeting
 2. Personnel Issues
 3. Review of status of all real property acquisitions. (voluntary acquisitions and eminent domain actions)
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 Huryk	- Yes
Council Member Kopp	- Absent, (no longer on phone).
Council Member Lotano	- Yes
Council Member Rodrick	- Yes
Council Member Turnbach	- Yes
Council Vice-President Geoghegan	- Yes
Council President Maruca	- Yes

The Council **reconvened** the public portion at 7:48 P.M., a motion was made by Council Member Huryk, seconded by Council Member Maruca, and carried with Council Members, Huryk, Lotano, Maruca, Rodrick, Turnbach, and Council Present Geoghegan voting yes, with Councilman Kopp now absent, no longer on phone at this point.

A motion was made by Council Member Huryk, seconded by Council Member Maruca, and carried with Council Members Huryk, Lotano, Maruca, Turnbach, and with Council President Geoghegan voting yes, Councilman Rodrick abstaining and Councilman Kopp absent, 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:

January 12, 2021 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 7:49 P. M., on motion with Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Geoghegan, Huryk, Lotano, Maruca, Rodrick, Turnbach, Council President Geoghegan voting yes, and Councilman Kopp absent.

KEVIN GEOGHEGAN, COUNCIL PRESIDENT

ALISON CARLISLE, TOWNSHIP CLERK