

February 9, 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.

A moment of silence was held for the recent death of Donato D'Onofrio.

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
Council Member Lotano	- Present
Council Member Rodrick	- Present – conference call
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 Lotano, and carried with Council Members Huryk, Lotano, Kopp, Maruca, Rodrick, Turnbach and Council President Geoghegan voting yes, to approve the **Regular Meeting of January 26, 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 Turnbach, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes, to make the following honoring proclamations a part of the Minutes.

Township Administrator Amoruso did a retirement presentation for Department of Public Works Raymond Liquori and presented him with a clock.

Alison Carlisle, Township Clerk read the following Ordinance of which the title only was read in full:

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

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

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Geoghegan announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

On motion by Council Member Huryk, seconded by Council Member Turnbach and carried, the public hearing was closed.

Council Member Maruca offered the following ordinance and moved its adoption, Council Member Kopp seconded the motion:

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

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

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

Council Member Huryk	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	No
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

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

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 taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Geoghegan announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

On motion by Council Member Huryk, seconded by Council Member Turnbach and carried, the public hearing was closed.

Council Member Huryk offered the following ordinance and moved its adoption, Council Member Turnbach seconded the motion:

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

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.

2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press.

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

Council Member Huryk	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	No
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

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

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 taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Geoghegan announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

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

Council Member Maruca offered the following ordinance and moved its adoption, Council Member Kopp seconded the motion:

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

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.

2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press.

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

Council Member Huryk	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	No
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

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

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 taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Geoghegan announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

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

Council Member Maruca offered the following ordinance and moved its adoption, Council Member Kopp seconded the motion:

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

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

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

Council Member Huryk	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	No
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

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

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 taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Geoghegan announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

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

Council Member Maruca offered the following ordinance and moved its adoption, Council Member Kopp seconded the motion:

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

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.

2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press.

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

Council Member Huryk	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	Yes
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

A motion was made by Council Member Huryk, seconded by Council Member Turnbach

**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 taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Geoghegan announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

On motion by Council Member Huryk seconded by Council Member Turnbach and carried, the public hearing was closed.

Council Member Huryk offered the following ordinance and moved its adoption, Council Member Lotano seconded the motion:

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

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.

2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press.

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

Council Member Huryk	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	Abstained
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

A motion was made by Council Member Huryk, seconded by Council Member Lotano

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 taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Geoghegan announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

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

Council Member Huryk offered the following ordinance and moved its adoption, Council Member Lotano seconded the motion:

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

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

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

Council Member Huryk	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	No
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

A motion was made by Council Member Huryk, seconded by Council Member Turnbach.

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

Councilwoman Maruca explained this pricing will be compatible with neighbor municipalities.

On motion by Council Member Huryk seconded by Council Member Turnbach and carried, the public hearing was closed.

Council Member Huryk offered the following ordinance and moved its adoption, Council Member Turnbach seconded the motion:

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

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.

2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press.

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

Council Member Huryk	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	No
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

A motion was made by Council Member Huryk, seconded by Council Member Maruca.

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 taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Geoghegan announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

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

Council Member Huryk offered the following ordinance and moved its adoption, Council Member Maruca seconded the motion:

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

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.

2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press.

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

Council Member Huryk	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	No
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

A motion was made by Council Member Huryk, seconded by Council Member Turnbach.

**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 taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Geoghegan announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

On motion by Council Member Huryk seconded by Council Member Turnbach and carried, the public hearing was closed.

Council Member Huryk offered the following ordinance and moved its adoption, Council Member Turnbach seconded the motion:

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

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.

2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press.

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

Council Member Huryk	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	No
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

A motion was made by Council Member Maruca, seconded by Council Member Huryk

**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**

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Geoghegan announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

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

Council Member Maruca offered the following ordinance and moved its adoption, Council Member Huryk seconded the motion:

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

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.

2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press.

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

Council Member Huryk	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	No
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

Clerk Carlisle read 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 VARIOUS
SECTIONS OF CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS) TO
REVISE THE REGULATIONS GOVERNING ARTISAN DISTILLERIES AND NANO
BREWERIES IN DOWNTOWN TOMS RIVER.**

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 348-2.3 (Definitions) to amend the definitions of Artisan Distillery and Nano Brewery as follows:

ARTISAN DISTILLERY – An establishment licensed by the Alcoholic Beverage Commission, also known as a “craft distillery” that produces small quantities of beverage-grade spirit alcohol in single batches.

NANO BREWERY – A small microbrewery licensed by the Alcoholic Beverage Commission (see definition of Microbrewery).

2. Paragraphs (18) and (19) of subsection A (Permitted Uses) of section 10.22 (VB Village Business Zone) of Chapter 348 (Land Use and Development Regulations) are hereby amended and supplemented to provide as follows:

(18) Nano brewery.

(19) Artisan distilleries.

3. Paragraphs 1(b) and (c) of subsection A (Permitted Uses) of section 10.22.1 (VOB Village Office-Business Zone) of Chapter 348 (Land Use and Development Regulations) are hereby amended and supplemented to provide as follows:

(b) Nano brewery.

(c) Artisan distilleries.

4. Paragraphs (22) and (23) of subsection A (Permitted Uses) of section 10.23 (VS Village Seaport Zone) of Chapter 348 (Land Use and Development Regulations) are hereby amended and supplemented to provide as follows:

(22) Nano brewery.

(23) Artisan distilleries.

5. All ordinances or parts of ordinances that are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 348 remain in full force and effect.

6. 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.

7. 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 Turnbach and carried, with Council Members Huryk, Turnbach, Lotano, Kopp, Maruca, Rodrick, 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 February 9, 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 23, 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, February 12, 2021.

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

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 Maruca, seconded by Council Member Huryk, and carried with Council Members Maruca, Huryk, Kopp, Lotano, Turnbach, Rodrick and Council President Geoghegan voting yes, to approve all the following items listed on the Consent Agenda, except item **N and O**, which were done separately.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE BUSINESS ADMINISTRATOR TO EXECUTE A MUNICIPAL RECYCLING TONNAGE REPORT FORM FOR 2020 FOR SUBMISSION TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY

FEBRUARY 9, 2021

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed;

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

1. It hereby authorizes the Business Administrator to execute the Municipal Recycling Tonnage Reporting Form for 2020, for submission to the Department of Environmental Protection and Energy.

2. It also authorizes the appropriate Township officials to execute any future related documentation in connection with this Municipal Tonnage Reporting Form.

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) Township Attorney
- d) Chief Financial Officer
- e) Public Works Department
- f) Business Administrator
- g) N.J. Department of Environmental Protection
Division of Solid & Hazardous Waste

Bureau of Recycling and Planning
401 East State Street
P.O. Box 402
Trenton, N.J. 08625-0402
h) Ocean County Solid Waste Management Dept.
129 Hooper Avenue
Toms River, N.J. 08754
Attn: Recycling Coordinator

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING THE CONTRACT AWARDED TO T&M ASSOCIATES ON JULY 23, 2019, IN THE AMOUNT OF \$43,918.00, FOR ASSISTING THE TOWNSHIP ENGINEERING DIVISION IN THE DESIGN REPAIRS TO THE WINDING RIVER PARK BRIDGE, INCREASING THE CONTRACT AN ADDITIONAL AMOUNT OF \$1,500.00, FOR THE CONSTRUCTION ADMINISTRATION PHASE OF THE WINDING RIVER PARK PEDESTRIAN BRIDGE REPAIRS PROJECT DUE TO MATERIAL CHANGES AND PANDEMIC-RELATED TIME DELAYS, FOR A TOTAL REVISED CONTRACT AMOUNT NOT TO EXCEED \$45,418.00

FEBRUARY 9, 2021

WHEREAS, on July 23, 2019, the Township of Toms River Council awarded a contract to T&M Associates in the amount of \$43,918.00, to Assist the Township Engineering Division in the Design of Repairs to the Winding River Park Bridge; and

WHEREAS, the funds for this contract in the total maximum amount not to exceed \$43,918.00 are in Account No. PSF-052; and

WHEREAS, T&M Associates has requested to increase by an additional \$1,500.00 the Construction Administration Phase of the Winding River Park Pedestrian Bridge Repairs Project due to material changes and pandemic-related time delays, to complete the construction services necessary to close out this project;

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 Council reaffirms that the selection process in awarding the original contract was conducted as a Fair and Open Process pursuant to the provisions of *N.J.S.A. 19:44-20.4 et seq.*

2. The contract awarded to T&M Associates by resolution dated July 23, 2019, for the Winding River Park Pedestrian Bridge Repairs Project is hereby amended to add an additional \$1,500.00 due to material changes and pandemic-related delays, so as to complete the construction services necessary to close out this project. Funds in the amount of \$1,500.00 are available in Account No. PSF-052. All funds are contingent upon the availability of funds and the execution of an amended contract. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

3. All remaining provisions of the July 23, 2019 Resolution not amended, modified or otherwise affected by this Resolution, shall remain in full force and effect.

4. A notice of this allocation shall be published once within 10 days of the date of this Resolution, in the Asbury Park Press.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Business Administrator
- d) Township Attorney
- e) Engineering Dept.

f) T & M Associates
1144 Hooper Avenue, Suite 202
Toms River, NJ 08753

CERTIFICATION

THIS IS TO CERTIFY that the funds for the amended professional service contract with T&M Associates in the additional amount of \$1,500.00 are available in Account No. PSF-052, at the following rates:

Principal Engineer	\$148.00/hour
Project Manager (PE)	\$128.00/hour
Design Engineer (EIT)	\$107.00/hour
Design Engineer	\$ 97.00/hour
Professional Land Surveyor (PLS) (As a principal or partner)	\$133.00/hour
Professional Land Surveyor (PLS) (As an associate)	\$112.00/hour
Senior Designer	\$ 77.00/hour
Computer Technician	\$ 77.00/hour
Engineering Technician	\$ 77.00/hour
Survey Technician	\$ 66.00/hour
Senior CADD Operator	\$ 77.00/hour
CADD Operator	\$ 61.00/hour
Field Survey Crew	\$138.00/hour
Senior Inspector	\$ 87.00/hour
Inspector Level 1	\$ 51.00/hour
Inspector Level 2	\$ 71.00/hour
Secretary/Clerical	\$ 33.00/hour
Delivery	\$ 33.00/hour
Prints	\$ 0.25/sq.ft.
Mylars	\$ 1.53/sq.ft.
Cloths	\$ 2.10/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost,

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: February 9, 2021

AMENDED AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT dated the 10TH day of FEBRUARY, 2021

BETWEEN: TOWNSHIP OF TOMS RIVER,
a municipal corporation of the State of New Jersey,
Town Hall

Toms River, New Jersey 08753,
(hereinafter referred to as "TOWNSHIP"),

AND: T&M ASSOCIATES
1144 Hooper Avenue
Suite 202

Toms River, New Jersey 08753

(hereinafter referred to as "ENGINEERS")

WHEREAS, the Township Council awarded contracts by way of resolution to various business entities for professional services provided in the 2018 calendar year; and

WHEREAS, resolution of the Township Council dated January 3, 2019, authorized an extension of certain professional service contracts to March 31, 2018, at the same rates approved in 2018, subject to the availability of funds and the adoption of the 2019 budget; and

WHEREAS, resolution of the Township Council dated February 26, 2019, authorized an extension of certain professional service contracts to March 26, 2019, at the same rates approved in 2018, subject to the availability of funds and the adoption of the 2019 budget; and

WHEREAS, resolution of the Township Council dated March 26, 2019, authorized an extension of certain professional service contracts to April 23, 2019, at the same rates approved in 2018, subject to the availability of funds and the adoption of the 2019 budget; and

WHEREAS, resolution of the Township Council of the Township of Toms River dated May 14, 2019, authorized the firm of T&M Associates, be placed on an approved list for the calendar year 2019, commencing retroactive to April 24, 2019 up to and including December 31, 2019, for inspection and general engineering services, at the following rates:

Principal Engineer	\$148.00/hour
Project Manager (PE)	\$128.00/hour
Design Engineer (EIT)	\$107.00/hour
Design Engineer	\$ 97.00/hour
Professional Land Surveyor (PLS) (As a principal or partner)	\$133.00/hour
Professional Land Surveyor (PLS) (As an associate)	\$112.00/hour
Senior Designer	\$ 77.00/hour
Computer Technician	\$ 77.00/hour
Engineering Technician	\$ 77.00/hour
Survey Technician	\$ 66.00/hour
Senior CADD Operator	\$ 77.00/hour
CADD Operator	\$ 61.00/hour
Field Survey Crew	\$138.00/hour
Senior Inspector	\$ 87.00/hour
Inspector Level 1	\$ 51.00/hour
Inspector Level 2	\$ 71.00/hour
Secretary/Clerical	\$ 33.00/hour
Delivery	\$ 33.00/hour
Prints	\$ 0.25/sq.ft.
Mylars	\$ 1.53/sq.ft.
Cloths	\$ 2.10/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost,

subject to the execution of a contract, the availability of funds, and the adoption of the CY19 budget, for the period commencing retroactive to April 24, 2019 up to and including December 31, 2019; and

WHEREAS, the Township requires professional engineering services to assist the Township Engineering Division in the Design of the Repairs to the Winding River Park Bridge Project; and

WHEREAS, resolution of the Township Council dated July 23, 2019, authorized award of contract to T&M Associates to Assist the Township Engineering Division in the Design of the Repairs to the Winding River Park Bridge Project, in the total contract amount not to exceed \$43,918.00, in accordance with their Revised Proposal No. TRVROH16002, dated July 15, 2019; and

WHEREAS, T&M Associates has requested a contract amendment for an additional \$1,500.00 to complete the construction services necessary to close out the winding River Park Pedestrian Bridge Repairs project;

WHEREAS, pursuant to law, the parties hereto wish to enter into an Amended Agreement for professional services;

NOW, THEREFORE, the parties hereunder do agree as follows:

1. Engineers are hereby retained to Assist the Township Engineering Division in the Design of Repairs to the Winding River Park Bridge Project, with an increase in the contract amount of \$1,500.00 for a new total contract not to exceed \$45,418.00, in accordance with T&M's Contract Amendment Request #1 dated December 10, 2020 (attached to this Agreement as Schedule "A"), subject to the execution of this amended contract, for the services which will be provided for this project.
2. Term of Contract: Commencing July 24, 2019 until completion of the project.
3. The Township may terminate this Agreement with or without cause upon thirty (30) days' prior written notice to "Engineers".
4. Mandatory Equal Employment Opportunity Language, Exhibit A, is attached hereto, and made a part of this Agreement.
5. A shall submit either (1) a photocopy of a valid letter that the vendor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of issuance, or (2) a photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:217-1.1 et seq., of (3) a photocopy of an Initial Employee Information Report (Form AA-302) provided by the Division of Public Contracts Equal Employment Opportunity Compliance and distributed to the Township of Toms River to be completed by the vendor in accordance with N.J.A.C. 17:27-1.1 et seq., prior to any payments being made under this contract.
6. The Township of Toms River and Engineers for themselves, their heirs, executors, administrators, successors or assigns, hereby agree to the full performance of the covenants herein contained.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

ATTEST

TOWNSHIP OF TOMS RIVER

ALISON CARLISLE
TOWNSHIP CLERK

By: _____
MAURICE B. HILL, JR.
MAYOR

WITNESS:

T&M ASSOCIATES

_____ By:_____

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE RESCISSION OF ITEM #179 FOR FIRST AID SUPPLIES AWARDED TO PERFORMANCE HEALTH SUPPLIES, INC. BY RESOLUTION DATED AUGUST 25, 2020, AND AWARDING ITEM #179 TO HENRY SCHEIN, INC., AS THE SECOND LOWEST RESPONSIVE, RESPONSIBLE BIDDER

FEBRUARY 9, 2021

WHEREAS, bids were awarded on August 25, 2020 for the Supply of First Aid Supplies; and

WHEREAS, the bids were reviewed by the Purchasing Division, which recommended that a contract be awarded to Performance Health Supplies, Inc. D/B/A Medco Supply, 25 Northpoint Parkway, Amherst, NY, 14228, for Item Numbers 7, 28a, 28b, 58, 68, 96, 120, 128, 175 and 179; and

WHEREAS, the Purchasing Division requests authorization to rescind Item #179 Lubricant – Sterile 2.7 gr, awarded to Performance Health Supplies, Inc. D/B/A Medco Supply, due to an error on its bid submission;

WHEREAS, the Purchasing Division recommends that Item #179 be awarded to the second lowest responsive, responsible bidder, Henry Schein, Inc., 135 Duryea Rd., Melville, NY, 11747, which has agreed to hold its bid price for the term of the contract;

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

1. It hereby rescinds the award of the contract for Supply of First Aid Supplies for Item #179 Lubricant – Sterile 2.7 gr, awarded to Performance Health Supplies, Inc. D/B/A Medco Supply, by resolution dated August 25, 2020, due to an error on its bid submission.
2. Item #179 is hereby awarded to the second lowest responsive, responsible bidder, Henry Schein, Inc., 135 Duryea Rd., Melville, NY, 11747, which has agreed to hold its bid price for the term of the contract.
3. All other terms and conditions of the resolution dated August 25, 2020, shall remain unchanged, and in full force and effect.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) All Departments
- e) Performance Health Supplies, Inc.
D/B/A Medco Supply
25 Northpoint Parkway
Amherst, NY 14228
- f) Henry Schein Inc.
135 Duryea Road
Melville, NY 11747

CERTIFICATION

THIS IS TO CERTIFY that the funds for rescinded Item #179 originally awarded by resolution dated August 25, 2020, to Performance Health Supplies, Inc. D/B/A Medco Supply, and now awarded to Henry Schein, Inc., as the second lowest responsive, responsible bidder, are contingent upon the availability of funds in the appropriate municipal budget year.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: February 9, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION AND THE
ENGINEERING DIVISION TO ADVERTISE AND RECEIVE BIDS FOR VARIOUS
DRAINAGE IMPROVEMENTS AT ORTLEY AND NORTH BEACH**

FEBRUARY 9, 2021

WHEREAS, the Township of Toms River requires bids for the following items/project:

**TO ADVERTISE AND RECEIVE BIDS FOR
VARIOUS DRAINAGE IMPROVEMENTS AT
ORTLEY AND NORTH BEACH**

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 and the Engineering Division are hereby authorized to prepare bid specifications for the above-mentioned items/project.

2. The Purchasing Division and the Engineering Division are hereby authorized to advertise and receive bids for the above mentioned 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) Engineering Division
- c) Chief Financial Officer
- d) Township Attorney

**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 DEMOLITION OF
VARIOUS STRUCTURES AT CAMP ALBACONDO**

FEBRUARY 9, 2021

WHEREAS, the Township of Toms River requires bids for the following items/project:

DEMOLITION OF VARIOUS STRUCTURES AT

CAM ALBACONDO

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 and the Engineering Division are hereby authorized to prepare bid specifications for the above-mentioned project.
2. The Purchasing Division and the Engineering Division are hereby authorized to advertise and receive bids for the above-mentioned 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

RESOLUTION
February 9, 2021

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

<u>Taxi Company</u>	<u>License #, Year, Car Description, Vin#</u>			
1. Ocean Taxi 5 Walnut Street Toms River, NJ 08753	702-21 703-21	2011 2005	Toyota Toyota	05026 63869
2. A Outstanding Taxi 179 Attison Ave S. Toms River, NJ 08757	101-21	2008	Chrysler	24772
3. Alex Lartey 802 Man Street 3-8 Toms River, NJ 08753	490-21	2007	Mercury	00079
4. AA Always Available LLC 16 Pulaski Blvd Toms River, NJ 08757	711-21	2006	Chrysler	18009
5. EZ Taxi Service LLC 160 James Street 23-1 Toms River, NJ 08753	522-21	2016	Toyota	43550
6. AA-1 Taxi PO Box 3054 Toms River, NJ 08754	390-21	1998	Lincoln	12969
7. DKR Cab 504 Lafayette Ave Toms River, NJ 08753	736-21	2016	Toyota	34320
9. 7 Star Taxi	423-21	2006	Toyota	65358

2210 Royal Oaks Dr
S. Toms River, NJ 08753

10. Comfort Ride LLC 450-21 2007 Toyota 43900
544 Route 9 South
Beachwood, NJ 08722
11. Absolutely the Best Taxi 311-21 1996 Lincoln 19932
55 Charlotteville Dr.
South Toms River, NJ 08757

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

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

1. That the Clerk of this Township is hereby authorized and directed to issue the TAXI LICENSE to the applicants listed above, in accordance with Chapter 457 (Taxicab and Taxicab Drivers) the "Code of the Township of Toms River".
2. The applicant is required to conform to all provisions of Chapter 457 (Taxi cabs and Taxi Drivers)
3. The Township Clerk shall send a certified copy of Resolution to the:

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

RESOLUTION

February 9, 2021

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

<u>Name</u>	<u>Type of License</u>	<u>Taxi Company</u>
17-21 Jasbir Singh	Taxi Driver	Comfort Ride LLC

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

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

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

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

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND
ACCEPTING MAINTENANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS
BDRC, LLC – BLOCK 1039, LOTS 578, 579 AND 580
(102 Fielder Avenue)**

February 9, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 1039, Lots 578, 579 and 580.

WHEREAS, Maintenance Bonds have been posted as follows

- 1) Maintenance Cash Bond in the amount of \$819.00, which represents the 10% Maintenance Guarantee, currently on account in #1-14- -902-101, is accepted and will remain on account to represent the Maintenance Cash Bond;
- 2)

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 \$7,371.00, originally accepted on Resolution 'W' dated March 26, 2019, 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. BDRC, LLC
139 North Main Street
Lambertville, NJ 08530

**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 ROSE GARDEN
NURSING AND REHABILITATION CENTER, BLOCK 393, LOTS 3 AND 4
(1587 Old Freehold Road)**

February 9, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 393, Lots 3 and 4, 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 AND STATE OF NEW JERSEY, as follows:

- 1) Maintenance Cash Bond, in the amount of \$1,340.00, accepted by Resolution 'V' on September 8, 2015, and currently on deposit in account #1-14- -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. Dover Associates, LLC
40 Vreeland Avenue, Suite 107
Totowa, NJ 07512

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

February 9, 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, the Township Engineer has recommended the release of the additional Performance 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, accepted by Resolution 'P' dated October 9, 2012, in the amount of \$12,970.00 in account #1-14- -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. 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 FOR A
MAJOR SITE PLAN KNOWN AS WHITE CASTLE, BLOCK 636, LOT 2
(Route 37 East)**

February 9, 2021

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

WHEREAS, the Township Engineer finds that all required performance bonds for the 2020 Minor Site Plan have been posted; and

WHEREAS, the Township Engineer has recommended the release of the Performance Guarantees posted June 13, 2017.

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

- 1) Previously posted Surety Bond #106670294 in the amount of \$55,350.00, originally accepted by Resolution 'P' on June 13, 2017, is hereby released.
- 2) Previously posted Cash Bond in the amount of \$6,150.00, originally accepted on Resolution 'P' dated June 13, 2017, on account #1-14- -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. White Castle System, Inc.
555 W. Goodale Street
Columbus, OH 43215

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE BOND FOR SAFETY
AND STABILIZATION GUARANTEES FOR A MINOR SITE PLAN KNOWN AS SAND
DOLLAR APARTMENTS, BLOCK 1000, LOT 276.02
(104 Third Avenue)**

February 9, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 1000, Lot 276.02.

WHEREAS, the Township Engineer has recommended the release of the Preliminary Performance Bond for 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 \$5,000.00, originally accepted on Resolution 'V' dated December 11, 2018, on account # 1-14- -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. Sand Dollar Apartments, LLC
104 Third Avenue
Ortley Beach, NJ 08751

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES FOR A
MINOR SUBDIVISION KNOWN AS BLOCK 646, LOT 21
(99 Cedar Grove Road)**

February 9, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 608, Lot 2.02.

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

WHEREAS, the Township Engineer has recommended the release of the Performance 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 Letter of Credit #1041-100 in the amount of \$4,500.00, in account #X-18- -101-502, originally accepted by Resolution 'O' dated August 27, 2019, is hereby released.
- 2) Previously posted Cash Bond in the amount of \$500.00, originally accepted by Resolution 'O' dated August 27, 2019, on account #X-19- -601-839, is hereby released.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Steven Bendel
1202 Central Avenue
Lakewood, NJ 08701

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 Geoghegan 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 THE PURCHASE OF ONE
(1) NEW/UNUSED REPLACEMENT BRUSH BANDIT 250XP CHIPPER FOR THE
DIVISION OF PARKS, BUILDINGS AND GROUNDS, FROM MODERN GROUP, LTD,
UTILIZING ESCNJ COOPERATIVE CONTRACT, #18/19-25, IN THE TOTAL
CONTRACT AMOUNT NOT TO EXCEED \$77,166.00**

FEBRUARY 9, 2021

WHEREAS, the Township of Toms River is a member of the Educational Services Commission of New Jersey #18/19-25, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, pursuant to bids received, a contract was awarded to Modern Group, LTD, by the Educational Services Commission of New Jersey, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, the Purchasing Division is requesting authorization to purchase One (1) New/Unused Replacement Brush Bandit 250 XP Chipper for the Division of Parks, Buildings and Grounds, utilizing Educational Services Commission of New Jersey, Contract #18/19-25, in the total contract amount not to exceed \$77,166.00, from the following vendor:

Modern Group, LTD
75 New Street
Edison, NJ 08837
ESCNJ 18/19-25

	<u>Part #</u>	<u>Description</u>	<u>Price</u>
Chipper	Model-250xp	12' Disc Style Crush Bandit	\$ 29,575.00
Engine	900-RC1539-121	Cat C4	\$ 33,425.00
Control	700-60000-07	Murphy PV380	\$ 7,715.00
Clutch	700-1000-13	NACD over center Clutch	\$ 1,375.00
Infeed	981-5000-18	High Hsp option <150 6 belt drive	\$ 825.00
	981-5000-07	29"X64" Infeed	\$ 325.00
	911-5001-36	V2 Hydraulic Bump Bar	\$ 1,750.00
	980-5000-32	Dual Rear Main Stabilizers	\$ 230.00
	911-5000-83	Clear Infeed Curtain	\$ 225.00
	905-5000-59	Hydraulic Last Chance Cables	\$ 565.00
	915-5000-48	Paint Last Chance Bar - Yellow	\$ 245.00
	905-5000-35	Install Vinyl Grips	\$ 15.00
	905-5001-1	Bolt On Shut Off Switch	\$ 625.00
Axle	981-5000-02	Single 10,000 Torflex Axle w Electric Brakes	\$ 1,025.00
Tires	911-5000-49	235/75R 17.5	\$ 215.00
Fender	980-1002-66	12" HD Bolt on Fenders	\$ 90.00
Hitch	990-100274	2 1/2" Wallace Forged Pintle Hitch	\$ -
Tires	900-5908-81	Spare Tire w/ Aluminum Rim	\$ 825.00
Bearings	990-100112	Debri Resistant Bearing	\$ 195.00
Discharge	980-5000-93	12" Hydraulic Discharge	\$ 1,550.00
Wear Kit	500-0000-34	250 Wear Kit Knife	\$ 610.00
Chocks & Holders	980-10002	Bolt On Chock Holders	\$ 130.00

	980-5001-2	Rubber Chocks	\$	90.00
Cone holder	908-5000-49	Pole Style Cone Holder Bolt On	\$	230.00
DMW	911-5001-1	Document Machine Weight	\$	95.00
Filter Kit	900-6945-60	Extra Oil, Fuel, and Air for Caterpillar Tier 4 Engines	\$	250.00
Hydraulic Tank	915-6000-43	Gate Vale Hydraulic Tank	\$	130.00
Knife and parts	900-9901-18	Extra Dual Edge Knife (4) (@ \$46.25 each	\$	185.00
Lights	980-1002-22	Strobe Kit	\$	425.00
Manuals	900-8900-83	Operating and Parts Manual	\$	45.00
Misc Options	911-5000-16	4x61/2" Inspection Window	\$	125.00
Non-skid Coating	905-5000-3	Non-Skid Coating	\$	175.00
Mud Flap	905-5000-1	Mud Flaps	\$	95.00
Tongue	914-5000-08	Telescoping Tongue	\$	545.00
Tongue Jack	955-5000-0	Hydraulic Tongue Jack	\$	1,725.00
Wiring	905-5001-15	7 Prong	\$	45.00
	980-5001-65	Brake	\$	45.00
		Subtotal:	\$	85,740.00
		ESCNJ 10 % Discount	\$	-
			\$	8,574.00
		TOTAL:	\$	77,166.00

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

1. It hereby authorizes the purchase of One (1) New/Unused Replacement Brush Bandit 250 XP Chipper for the Division of Parks, Buildings and Grounds, from Modern Group, LTD, as stated above, in the total contract amount not to exceed \$77,166.00, utilizing Educational Services Commission of New Jersey, Contract #18/19-25.

2. Funds in the amount of \$77,166.00 are available in Account No. X-04-46-732-005.

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Division of Parks, Buildings and Grounds
- e) Modern Group, LTD
75 New Street

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with Modern Group, LTD, in the total contract amount not to exceed \$77,166.00, are available in Account No. X-04-46-732-005.

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: February 9, 2021

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 Geoghegan 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 THE AWARD OF A CONTRACT FOR THE PURCHASE OF ONE (1) 2021 FREIGHTLINER M2 106 CAB AND CHASSIS (GRAPPLE TRUCK) FOR THE DEPARTMENT OF PUBLIC WORKS, (TO REPLACE TRUCK #163), TO ROBERT H. HOOVER & SONS, INC., AS THE SOLE BIDDER WHO MEETS ALL OF THE BID SPECIFICATIONS, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$164,954.00

FEBRUARY 9, 2021

WHEREAS, bids were invited on December 17, 2020 for the purchase of one (1) 2021 Freightliner M2 106 Cab and Chassis (Grapple Truck), to replace Truck #163, for the Department of Public Works; and

WHEREAS, one bid was received as follows:

Robert H. Hoover & Sons, Inc.
149 Gold Mine Rd
Flanders, NJ 07836

ONE (1) 2020 or Newer Freightliner M2 106 or Approved Equal Cab and Chassis 33,000 lbs GVW Capacity with "KBF-20H-HJ" Series Loader (Tandem Pump) and Truck mounted Knuckle Boom Loader with Trash Body: \$164,954.00

Make Cab/Chassis Bid: FREIGHTLINER
Model Bid: M2-106
Year Bid: 2021
GRAND TOTAL BID: **\$164,954.00**
Delivery Date: 30 DAYS ARO

Prompt Payment Discount for payment made within fifteen (15) days of delivery and acceptance by the Township of Toms River Department of Public Works: 0%

WHEREAS, the bid has been reviewed by the Division of Purchasing and the Department of Public Works, and they have recommended that the award of contract be made to Robert H. Hoover & Sons, Inc., as the sole bidder meeting all the bid specifications; and

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

1. It hereby awards a contract to Robert H. Hoover & Sons, Inc., as the sole bidder who meets all of the bid specifications, for the purchase of one (1) 2021 Freightliner M2 106 Cab and Chassis (Grapple Truck), which replaces Truck #163, for the Department of Public works, for a total contract price not to exceed \$164,954.00, as follows:

Robert H. Hoover & Sons, Inc.
149 Gold Mine Rd
Flanders, NJ 07836

ONE (1) 2020 or Newer Freightliner M2 106 or Approved Equal
Cab and Chassis 33,000 lbs GVW Capacity with "KBF-20H-HJ"
Series Loader (Tandem Pump) and Truck mounted Knuckle
Boom Loader with Trash Body: \$164,954.00

Make Cab/Chassis Bid: FREIGHTLINER
Model Bid: M2-106
Year Bid: 2021
GRAND TOTAL BID: **\$164,954.00**
Delivery Date: 30 DAYS ARO
Prompt Payment Discount for payment made within fifteen (15)
days of delivery and acceptance by the Township of Toms River
Department of Public Works: 0%

2. Funds in the total contract price not to exceed \$164,954.00, are available in Account No. X-04-46-732-004. 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) Department of Public Works
- e) Robert H. Hoover & Sons, Inc.
149 Gold Mine Road
Flanders, NJ 07836

CERTIFICATION

THIS IS TO CERTIFY that the funds for purchase of One (1) 2021 Freightliner M2 106 Cab & Chassis (Grapple Truck), (replacing Truck #163), from Robert H. Hoover & Sons, Inc., for a total contract amount not to exceed \$164,954.00, 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: February 9, 2021

REPORTS

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

	2021	2020
Bey Lea Golf Course – January	\$(351.08)	\$1,247.64
Bey Lea Golf Course – YTD through January	\$(351.08)	\$1,247.64
Winding River Ice Rink – January	\$56,316.50	\$112,741.00
Winding River Ice Rink – YTD through January	\$56,316.50	\$112,741.00
Building Permits - January	\$216,311.00	\$426,513.00
Building Permits – YTD through January	\$216,311.00	\$426,513.00

APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **February 5, 2021**, was approved on motion by Council Member Turnbach, seconded by Council Member Huryk, and carried with Council Members Geoghegan, Huryk, Kopp, Lotano, Rodrick, Turnbach, and Council President Maruca 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 21-00226, payable to Chamber of Commerce in the amount of \$649.00.

Purchase Order 21-00436 payable to NJ MVC LEASE Program in the amount of \$4,515.00

Purchase Order 21-00121 payable to NJ MVC in the amount of \$150.00.

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

Purchase Order 20-00569 & 21-00156, payable to Remington & Vernick Engineers in the amount of \$22,284.80.

Purchase Order 21-00206, payable to Rutgers University in the amount of \$760.00.

Council Member Kopp – None

Council Member Lotano - None

Council Member Rodrick abstained on the whole Bills list.

Council Member Turnbach 21-00436, payable to Magistrate Salaries in the amount of \$6,937.41.

ELECTED OFFICIALS COMMENTS

Mayor Hill send his condolences to Donato D’Onofrio’s family; comments on increase in beach fee compared to other municipalities. He also thanked the Council and Commissioner of Ocean County with the purchase of Surf Club.

Councilman Rodrick comments on fee increases; we need to cut costs and not raise taxes.

Councilman Lotano; explained fee increase as to why they were necessary; Downs Ford sponsored event this summer; February 25 – 1930’s murder mystery at Mathis House, and Phil Citta Memorial event.

Councilman Kopp noted downtown bid events coming up; new applications coming in for Business incubator.

Councilwoman Maruca spoke regarding January 29 power outage and power lines down most of Ortley Beach and thanked the fire companies for acting swiftly to avoid any danger to the residents. Councilwoman Maruca asked Township Engineer Chankalian to give public an update on beaches and their amount of damage to dunes from the storm, and offered condolences to D’Onofrio family.

Councilwoman Huryk spoke regarding to continue to order and support small local restaurants; Exit 82 “Love is a Drag” – a drag show.

Councilman Turnbach spoke regarding future comments on lack of transitional housing, special thanks to Toms River Police Department, Ocean Sheriff Department, and Council; Ocean County Freeholders Quinn and Haines met with how we can address this issue for a year round center; Special thanks to Officer Polhemus for his extensive knowledge of the homeless, knows them personally and has relationships with these people – he stands out as making a difference.

Councilman Geoghegan spoke regarding teamwork.

PUBLIC COMMENTS

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

Sam Foster, Brick, agrees with Councilwoman Huryk on supporting local businesses; thanked Councilman Turnbach for bringing awareness to homeless issue, compliment public works department for well-planned roads sanded/salted.

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

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried to enter into a private Executive Session at 6:45 p.m.

A motion was made by Council Member Huryk, 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
Contract Negotiations

3. The following specific topics were announced.
 1. Executive Session Minutes: January 25, 2021 Regular Meeting
 2. Personnel Issues
 3. Downtown Redevelopment Project-discussion and report from special redevelopment counsel regarding redevelopment agreement
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	- Yes
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 9:00 P.M., a motion was made by Council Member Turnbach seconded by Council Member Maruca, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council Present Geoghegan voting yes, and with Council Member Rodrick absent – no longer on conference call.

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and Council Member Kopp abstaining, and with Council Member Rodrick 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 26, 2021 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 9:00 P. M., on motion with Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick absent.

KEVIN GEOGHEGAN, COUNCIL PRESIDENT

ALISON CARLISLE, TOWNSHIP CLERK