

February 9, 2022

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, and 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 Saturday, **January 8, 2022**, the Press of Atlantic City and the Star Ledger and also forwarded to the Toms River Times, Toms River Patch and WOBN News on Monday, **January 31, 2022**, 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 Monday, **January 3, 2022**. The meeting dates have also been posted on the Township web page.

Roll Call:

.Council Member Ciccozzi	- Present
Council Member Kopp	- Present
Council Member Lamb	- Present
Council Member Quinlisk	- Present
Council Member Rodrick	- Present
Council Vice-President Lotano	- Present
Council President Geoghegan	- Present

APPROVAL OF MINUTES

A motion was made by Council Member Kopp, seconded by Council Member Lotano, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick, Council President Geoghegan voting yes, to approve the Minutes of the **Regular Meeting of January 26, 2022**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS - NONE

Michael Cruoglio, Deputy Township Clerk read the following Ordinance of which the title only was read in full:

A motion was made by Council Member Lotano, 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 SECTION
442-4Q AND SECTION 442-4S (COLLECTION) OF THE TOWNSHIP CODE TO
REGULATE PLACEMENT OF ROBOCANS AND PRECLUDE USE OF NON-
TOWNSHIP ISSUED ROBO CANS FOR SOLID WASTE AND RECYCLING
COLLECTION**

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 Lotano, seconded by Council Member Kopp and carried, the public hearing was closed.

Council Member Lotano 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 Ciccozzi	Yes
Council Member Kopp	Yes
Council Member Lamb	Yes
Council Member Quinlisk	Yes
Council Member Rodrick	Yes
Council Vice-President Lotano	Yes
Council President Geoghegan	Yes

Michael Cruoglio, Deputy Township Clerk read the following Ordinance of which the title only was read in full:

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, REPEALING SUBPARAGRAPHS (a) AND (b) of §313-15A(1) OF THE TOWNSHIP CODE TO ELIMINATE CERTAIN RESTRICTIONS ON APPEALS OF SUBSTANTIAL DAMAGE DETERMINATIONS, AND ESTABLISHING A FEE SCHEDULE FOR THE FILING OF APPEALS

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.

Council Member Lamb thanked the Mayor's office for this Ordinance.

Fran Jersey, Ortleigh Beach, asked if she should talk to FEMA or town for her appeal.

Kimberly Hayes, 3218 Scrimshaw Court, doesn't understand her assessment

Council President Geoghegan informed residents that Township Engineer Chankalian can meet with them regarding this Ordinance.

Michael Valateria, Rutherford Lane, trying to understand process and fees for appeals.

Kathy Fowler, 1980 Baltimore Avenue, Ortley Beach, questioned how information will be sent to residents.

Council Member Rodrick asked if letter will be sent to residents.

Council Member Lamb regarding process, we need to send mail out to residents.

Tony Chavello, Ortley Beach, asked if FEMA went to his house for inspections.

Sandy Wolf asked if the township has report of assessed damages.

Township Engineer Chankalian suggested to talk to appraiser.

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

Council Member Lotano 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 Ciccozzi	Yes
Council Member Kopp	Yes
Council Member Lamb	Yes
Council Member Quinlisk	Yes
Council Member Rodrick	Yes
Council Vice-President Lotano	Yes
Council President Geoghegan	Yes

Michael Cruoglio, Deputy Township Clerk read the following Ordinance of which the title only was read in full:

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

**ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, 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.

Chief Financial Officer Tutela explained the Ordinance to residents.

Council Member Lotano said this is normal accounting practice and vote yes.

Council Member Rodrick questioned the extra spending in this cap bank and residents can't afford spending more.

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

Council Member Kopp 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 Ciccozzi	Yes
Council Member Kopp	Yes
Council Member Lamb	Yes
Council Member Quinlisk	Yes
Council Member Rodrick	No
Council Vice-President Lotano	Yes
Council President Geoghegan	Yes

Michael Cruoglio, Deputy Township Clerk read the following Ordinance of which the title only was read in full:

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE VACATION OF PORTIONS OF SARNO AVENUE AND CIPRIANO AVENUE, AND THE ENTIRETY OF AN UNNAMED ROADWAY RUNNING BETWEEN SARNO AND CIPRIANO AVENUES WITHIN THE HOOPER CAUDINA REDEVELOPMENT PLAN AREA

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 Lotano, seconded by Council Member Kopp and carried, the public hearing was closed.

Council Member Kopp 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 Ciccozzi	Yes
Council Member Kopp	Yes
Council Member Lamb	Yes
Council Member Quinlisk	Yes
Council Member Rodrick	Yes
Council Vice-President Lotano	Yes
Council President Geoghegan	Yes

Michael Cruoglio, Deputy Township Clerk read the following Ordinance of which the title only was read in full:

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING FINANCIAL AGREEMENT WITH FDS TOMS RIVER URBAN RENEWAL, LLC AND AUTHORIZING ISSUANCE OF NON-RECOURSE REDEVELOPMENT AREA BONDS NOT TO EXCEED \$500,000 FOR PUBLIC IMPROVEMENTS ASSOCIATED WITH THE DEVELOPMENT OF THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS COMMUNITY BASED OUTPATIENT CLINIC WITHIN THE HOOPER-CAUDINA REDEVELOPMENT PLAN AREA

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.

Art Anderson, 12 Park Street, Special Redevelopment to Council on VA Project.

- Two payments will be made to the redeveloper of the site.
- Payment approved by County Finance Board today for improvements to roadways and improve traffic flow.

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

Council Member Kopp 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 Ciccozzi	Yes
Council Member Kopp	Yes
Council Member Lamb	Yes
Council Member Quinlisk	Yes
Council Member Rodrick	Yes
Council Vice-President Lotano	Yes
Council President Geoghegan	Yes

Michael Cruoglio, Deputy Township Clerk read the following Ordinance of which the title only was read in full:

A motion was made by Council Member Kopp, 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 CHAPTER
147 (SALARIES AND COMPENSATION) OF THE TOWNSHIP CODE TO
ESTABLISH THE SALARY RANGES FOR SUPERVISORY EMPLOYEES AND
CONFIDENTIAL EMPLOYEES**

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.

Township Administrator Amoruso said confidential salaries is done every year.

Council Member Lamb had issue with schedule F. Don't understand the word confidential and voted no.

Council Member Rodrick said seniors and residents cannot afford these increases. He also talk about ranges of confidential and cannot offered Mayor Hills increases.

Council President Geoghegan mentioned this is not Mayor Hill's spending spree—it is a range. We had employees leave because of a certain employee conduct.

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

Council Member Kopp 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 Ciccozzi	Yes
Council Member Kopp	Yes
Council Member Lamb	No
Council Member Quinlisk	Yes
Council Member Rodrick	No
Council Vice-President Lotano	Yes
Council President Geoghegan	Yes

Council Member Lotano 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 VARIOUS SECTIONS OF CHAPTER 50 (DEPARTMENT OF LAW ENFORCEMENT) TO REVISE CERTAIN REQUIREMENTS PERTAINING TO DEPARTMENTAL TESTING AND PROMOTIONS

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

1. The following subparagraphs of §50-11C(2)(c) of the Township Code are hereby amended and supplemented to provide as follows:

-
- [2] Each candidate will participate in a scored, command staff presentation process. The command staff presentation shall amount to 20% of the candidate's final score.
- [3] No less than 90 days prior to the written test, the Department will publicize the criteria to be scored, the mechanism to be used in scoring, and the members of the panel to be chosen by the Chief of Police for the command staff presentation, which will remain consistent throughout the process.
-
- [18] The results of the command staff presentation will be published in DMS no less than 60 days prior to the administration of the written test and shall identify each candidate by name and badge number. Scores will be in descending order with the highest score listed first. Examples:

- Jones, J. #007 Score: 8.4
- Smith, W. #008 Score: 8.0

2. The following subparagraphs of §50-11C(2)(d) of the Township Code are hereby amended and supplemented to provide as follows:

-
- [5] At least 90 days prior to the written exam, the Chief of Police or his/her designee shall provide a written announcement of the reading list or syllabus of possible source materials utilized in developing the test in order for candidates to prepare for the written examination. Eligible candidates who are scheduled to

work during the written examination will be excused from duty to take the examination.

....

- [7] The multiple-choice questions score shall amount to 30% of the minimum total score. The candidate must obtain a minimum passing score of 70% to move on to the other phases of the promotional process.

....

3. The following subparagraph of §50-11C(2)(e) of the Township Code are hereby amended and supplemented to provide as follows:

....

- [2] The written assessment exercise score shall amount to 40% of the candidate's total score.

....

4. Section 50-11C(3) is hereby amended and supplemented to provide as follows:

Lieutenant. No exam for the position of Lieutenant shall occur unless notification is provided by the Township 90 days in advance of the written test, specifying the criteria for the promotion, as well as the weight of each criterion. All eligible candidates intending to participate in the promotion testing process shall submit an administrative report within 15 days of the test notification.

5. The following subparagraphs of §50-11C(3)(c) of the Township Code are hereby amended and supplemented to provide as follows:

- [2] Each candidate will participate in a scored, command staff presentation process. The command staff presentation shall amount to 20% of the candidate's final score.

- [3] No less than 90 days prior to the written test, the Department will publicize the criteria to be scored, the mechanism to be used in scoring, and the members of the panel to be chosen by the Chief of Police for the command staff presentation, which will remain consistent throughout the process.

....

- [18] The results of the command staff presentation will be published in DMS no less than 60 days prior to the administration of the written test and shall identify each candidate by name and badge number. Scores will be in descending order with the highest score listed first. Examples:

- Jones, J. #007 Score: 8.4
- Smith, W. #008 Score: 8.0

6. The following subparagraphs of §50-11C(3)(d) of the Township Code are hereby amended and supplemented to provide as follows:

- [1] At least 90 days before the written examination, the Chief of Police or his/her designee shall announce the date, time, and location of the written examination.

....

[5] Ninety days prior to the written exam, the Chief of Police or his/her designee shall provide a written announcement of the reading list or syllabus of possible source materials utilized in developing the test in order for candidates to prepare for the written examination. Eligible candidates who are scheduled to work during the written examination will be excused from duty to take the examination.

....

[7] The multiple-choice questions score shall amount to 25% of the minimum total score. The candidate must obtain a minimum passing score of 70% to move on to the other phases of the promotional process.

7. The following subparagraph of §50-11C(3)(e) of the Township Code are hereby amended and supplemented to provide as follows:

....

[3] The oral assessment score shall amount to 15% of the candidate's final score.

8. Section 50-10B(2) is hereby amended to correct a typographical error and state as follows: "first aid/EMS squads."

9. Section 50-15B(1) is hereby amended and supplemented to provide as follows:

(1) One year of continuous service as a Captain in the Toms River Police Department, inclusive of the probationary period.

10. 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 50 remain in full force and effect.

11. 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.

12. 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 Lotano, seconded by Council Member Kopp and carried, with Council Members Ciccozzi, Kopp, Lotano, Quinlisk, and Council President Geoghegan voting yes, and with Lamb and 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 February 9, 2022 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, 2022 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.

MICHAEL CRUOGLIO
TOWNSHIP DEPUTY 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 Saturday, February 12, 2022.

Ordinance was adopted on first reading with Council Members Ciccozzi, Kopp, Lotano, Quinlisk, and Council President Geoghegan voting yes, and with Council Members Lamb and Rodrick abstaining.

Council Member Lamb is blindsided by additional Deputy Clerk.

Council Member Rodrick said we never had two deputy clerks.

Council President Geoghegan said this is the code and we are moving up a part-timer.

Council Member Lotano 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 §14-6A
(DEPUTY MUNICIPAL CLERKS) OF THE TOWNSHIP CODE TO PROVIDE FOR AN
ADDITIONAL FULL-TIME DEPUTY MUNICIPAL CLERK**

WHEREAS, §14-6A of the Township Code currently provides for two Deputy Municipal Clerks, one full-time and one-part time; and

WHEREAS, the Township Council has determined that, given the volume of work in a municipality the size of Toms River, prudent management dictates that the Township Council have the flexibility to provide for a second full-time Deputy Municipal Clerk to maintain the efficient operation of the Township Clerk's Office, in the event of a disruption; and

WHEREAS, the purpose of this ordinance is to provide the Township Council with the option of making the second Deputy Municipal Clerk a full-time as circumstances warrant:

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

1. Subsection A (Deputy Municipal Clerks) of Section 6 (Subordinate Officers and Employees) of Chapter 14 (Office of the Municipal Clerk) is hereby amended and supplemented to provide as follows:

A. Deputy Municipal Clerk. The office of Deputy Municipal Clerk is hereby created. There shall be two Deputy Municipal Clerks, whom shall be appointed by the Township Council by a majority vote thereof. One of the positions shall be full-time position at a salaried rate of compensation set in accordance with the prevailing salary ordinance. The second position may be full-time (at the salary rate set by ordinance) or part-time (working no more than 19.5 hours per week), as determined by the Township Council. During the absence, disability, or incapacity of the Municipal Clerk, the Deputy Municipal Clerks shall have all the powers and duties of the Municipal Clerk and shall perform the functions and duties of that office.

2. 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 14 remain in full force and effect.

3. 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.

4. 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 Lotano, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lotano, Quinlisk, and Council President Geoghegan voting yes, and with Council Members Lamb and 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 February 9, 2022 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, 2022 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.

MICHAEL CRUOGLIO
TOWNSHIP DEPUTY 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 Saturday, February 12, 2022.

Ordinance was adopted on first reading with Council Members Ciccozzi, Kopp, Lotano, Quinlisk, and Council President Geoghegan voting yes, and with Council Members Lamb and Rodrick voting no.

Council Member Kopp 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, REPEALING §477-166B OF THE TOWNSHIP CODE TO ELIMINATE THE PARKING PROHIBITIONS ON COUNTRY VIEW DRIVE IN THE PENNY LAYNE CONDOMINIUM DEVELOPMENT

WHEREAS, §477-166B of the Township Code prohibits stopping or standing a vehicle on Country View Drive in the Penny Layne Condominium Development; and

WHEREAS, the Penny Layne Condominium Association, Inc., has requested that this prohibition be repealed so that the Association can allow parallel parking on Country View Drive in order to expand the available parking within the development; and

WHEREAS, this request has been reviewed by the Township Engineer, the Bureau of Fire Prevention, and the Land Use Committee, none of which have registered any objections to the proposal:

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

1. Section 477-166B of the Township Code is hereby repealed and re-designated as “Reserved.”
2. 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 477 remain in full force and effect.
3. 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.
4. 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 Kopp, seconded by Council Member Lotano and carried, with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, 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

February 9, 2022 12

Township of Toms River, in the County of Ocean, New Jersey, held on February 9, 2022 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,, 2022 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.

MICHAEL CRUOGLIO
TOWNSHIP DEPUTY 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 Saturday, February 12, 2022.

Ordinance was adopted on first reading with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick, and with Council President Geoghegan voting yes.

Council Member Lotano 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 §325-19
(BATHING AND ALCOHOLIC BEVERAGES) OF THE TOWNSHIP CODE TO
PERMIT LIMITED SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON
THE MUNICIPAL GOLF COURSE**

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

1. Section 325-19 (Bathing and alcoholic beverages) of the Township Code is hereby amended and supplemented to provide as follows:

§325-19. Bathing and alcoholic beverages.

- A. No person shall swim, bathe, wade, or swim in any course waters.
- B. Alcoholic beverages may be sold by the Township's approved concessionaire at the halfway house or other designated location on the golf course. Alcoholic beverages purchased at these designated locations may be consumed on the course. No other alcoholic beverages are permitted.

2. 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 325 remain in full force and effect.

3. 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.

4. 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 Lotano, seconded by Council Member Kopp and carried, with Council Members Ciccozzi, Kopp, Lotano, Quinlisk, Rodrick, and Council President Geoghegan voting yes, and with Council Member Lamb 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 February 9, 2022 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, 2022 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.

MICHAEL CRUOGLIO
TOWNSHIP DEPUTY 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 Saturday, February 12, 2022.

Ordinance was adopted on first reading with Council Members Ciccozzi, Kopp, Lotano, Quinlisk, Rodrick, and with Council President Geoghegan voting yes, and with Council Member Lamb abstaining.

Council Member Rodrick thanked Mark C. Villinger, Supervising Planner Natural Land Trust.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, SUPPORTING THE ACQUISITION OF PROPERTIES DESIGNATED AS BLOCK 411, Lot 7.01 (1554 RIDGEWAY ROAD), AND BLOCK 411, LOT 7.02 (1538 RIDGEWAY ROAD), IN THE TOWNSHIP OF TOMS RIVER BY THE OCEAN COUNTY NATURAL LANDS PROGRAM FOR OPEN SPACE PRESERVATION

February 9, 2022 14

FEBRUARY 9, 2022

WHEREAS, the Ocean County Natural Lands Trust Fund Advisory Committee (“Committee”) has approved the acquisition of Block 411, Lot 7.01 (1554 Ridgeway Road), and Block 411, Lot 7.02 (1538 Ridgeway Road), for open space preservation; and

WHEREAS, the Committee has requested a resolution of support from the Township for these proposed acquisitions, based on which the Committee will recommend that the Board of Chosen Freeholders authorize the purchase through the Ocean County Natural Lands Program; and

WHEREAS, the Mayor and the Township Council believe that the preservation of these parcels as open space is critical to the local environment and quality of life:

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

1. The Township Council hereby expresses its strong support for the acquisition of Block 411, Lot 7.01 (1554 Ridgeway Road), and Block 411, Lot 7.02 (1538 Ridgeway Road), by the Ocean County Natural Lands Program for open space preservation.

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

- a. Mayor Maurice B. Hill, Jr.
- b. Business Administrator
- c. Township Planner
- d. Township Engineer
- e. Township Attorney
- f. Ocean County Board of Commissioners
- g. Ocean County Planning Board
Natural Lands Program
c/o Mark C. Villinger, Supervising Planner
P.O. Box 2191
Toms River, New Jersey 08754-2191

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

RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, SUPPORTING SENATE BILL NO. 1200, AND OPPOSING ANY FURTHER EXECUTIVE ORDERS BY GOVERNOR MURPHY EXTENDING THE PUBLIC HEALTH EMERGENCY

FEBRUARY 9, 2022

WHEREAS, on March 9, 2020, Governor Murphy declared a Public Health Emergency relating to the COVID 19 pandemic; and

WHEREAS, the Governor’s temporary emergency powers at the outset served the purpose of handling the COVID 19 pandemic at the time when the virus was new to the residents of New Jersey; and

WHEREAS, Governor Murphy renewed this Pubic Health Emergency every 30 days thereafter until June of 2021; and

WHEREAS, on June 4, 2021, Governor Murphy signed legislation and an Executive Order ending the Public Health Emergency; and

WHEREAS, at that time, the New Jersey Legislature granted Governor Murphy the authority to continue certain emergency powers with respect to 14 Executive Orders only until January 11, 2022; and

WHEREAS, the Legislature allowed Governor Murphy to request an extension of these powers for up to 90 days after January 11, 2022; and

WHEREAS, Governor Murphy made a request to the New Jersey Legislature for the 90-day extension of these emergency powers; and

WHEREAS, the New Jersey Legislature refused to extend these emergency powers; and

WHEREAS, Governor Murphy ignored the Legislature's refusal to extend his remaining emergency powers and announced on January 12, 2022, that he was reinstating a statewide Public Health Emergency, thereby allowing himself the ability to continue statewide mandates without the proper checks and balances afforded to New Jersey residents by virtue of the New Jersey Constitution; and

WHEREAS, since January 12, 2022, the New Jersey Legislature has failed to overrule or contest this declaration of emergency powers, despite New Jersey's high vaccination rate; and

WHEREAS, after almost two years since Governor Murphy's Public Health Emergency Declaration, local governments, businesses and the public at large have adjusted to the pandemic and have learned how to take appropriate actions to protect themselves and constituents against COVID 19; and

WHEREAS, Governor Murphy promised on January 12, 2022, in declaring a new State of Emergency, that he would not impose any new universal mandates; and

WHEREAS, just days later, Governor Murphy imposed a universal vaccine mandate for health care workers and correctional officers, in contradiction to his promise; and

WHEREAS, Governor Murphy imposed no mandate on inmates in the same facilities; and

WHEREAS, Governor Murphy also imposed the requirement for discipline of employees up to and including termination for failing to comply with his mandates, regardless of personal preference; and

WHEREAS, health decisions are best managed locally, and county and local governments should have the ability to select options which are best suited for the local conditions faced by each jurisdiction, after considering all of the relevant factors; and

WHEREAS, the residents of Toms River deserve a system of checks and balances as guaranteed by both the United States and New Jersey Constitutions; and

WHEREAS, to date, Governor Murphy has issued over 200 Executive Orders relating to the pandemic; and

WHEREAS, the Township Council of the Township of Toms River, in the County of Ocean agrees that it is well past time to return to the regular order of government in the State of New Jersey;

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 of Toms River hereby opposes Governor Murphy's declaration of a new Public Health Emergency and his recent imposition of a vaccine mandate for health care workers and correctional officers.

2. The Township of Toms River strongly urges the Legislature to act forthwith to repeal the Public Health Emergency and to restore the constitutional balance of power guaranteed by the United States and New Jersey

Constitutions, so that the Township can protect employees and continue to serve the residents of the Township of Toms River.

3. The Township urges the Legislature to enact Senate Bill No. 1200 to place limits on and prevent the above of the Governor's emergency powers.

4. A certified copy of this resolution 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 Administrator
- d) Township Clerk
- e) Governor Phil Murphy
- f) Township Attorney
- g) 9th District Legislature
- h) 10th District Legislature
- i) 30th District Legislature
- j) New Jersey League of Municipalities
- k) Ocean County Board of Commissioners
- l) Senator Declan O'Scanlon
- m) Senator Vin Gopal
- n) Senator James Beach, Chairman, Senate State Government, Wagering, Tourism and Historic Preservation Committee
- o) Assembly Speaker Craig Coughlin
- p) All Ocean County Mayors

Council Member Geoghegan implementing doctrine of necessity due to council conflicts for all members to vote.

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

RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY DESIGNATING THE TOMS RIVER REGIONAL SCHOOL DISTRICT, TOWNSHIP VOLUNTEER FIRST AID SQUADS, TOWNSHIP VOLUNTEER FIRE COMPANIES, AND TOWNSHIP-AFFILIATED YOUTH SPORTS LEAGUES AS SUBRECIPIENTS OF AMERICAN RESCUE PLAN ACT ("ARPA") FUNDING

FEBRUARY 9, 2022

WHEREAS, the Township is a recipient of funds from the United States Treasury under the American Rescue Plan Act of 2021 ("ARPA") Coronavirus State and Local Fiscal Recovery ("SLFRF") funds for uses consistent with those enumerated in the legislation; and

WHEREAS, this legislation provides resources for local governments to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers; and

WHEREAS, federal guidelines permit recipients to use ARPA funds to provide financial assistance to certain qualifying public and private, tax-exempt, non-profit institutions and organizations that experienced negative or disproportionate economic impacts from the pandemic, which resulted in the elimination or reduction in vital programs and services; and

WHEREAS, the Mayor and Township Council have determined that it is in the public interest to use ARPA funding to assist the Toms River Regional School District, first responders, and certain Township-affiliated youth recreational organizations to mitigate the negative economic impact of the pandemic and preserve or restore vital programs and services, consistent with federal guidelines:

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

1. In accordance with federal guidelines, the following institutions and organizations are hereby designated as subrecipients of ARPA funding received by the Township:

- a. Toms River Regional School District
- b. Silverton First Aid Squad
- c. Pleasant Plains First Aid Squad
- d. East Dover First Aid Squad
- e. Toms River First Aid Squad
- f. Toms River Fire Company #1
- g. Toms River Fire Company #2
- h. Silverton Volunteer Fire Company
- i. East Dover Volunteer Fire Company
- j. Pleasant Plains Volunteer Fire Company
- k. Toms River Independent Club
- l. Toms River Futbol Club
- m. Toms River Girls Softball
- n. Toms River East Little League
- o. Toms River Little League
- p. Toms River Basketball Association
- q. Jersey Elite Conference
- r. Toms River Warriors Football and Cheer
- s. Toms River Hockey Club
- t.

2. Funding is contingent upon the above-designated organizations individually satisfying all qualifications and requirements to receive federal funds.

3. Funding amounts are further contingent upon the availability of funds after all municipal budgetary needs are satisfied and will be determined on a case-by-case basis in accordance with an approved spending plan that comports with federal guidelines.

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

- a. Mayor Maurice B. Hill, Jr.
- b. Business Administrator
- c. Chief Financial Officer
- d. Township Attorney

- e. All above-designated organizations

CONSENT AGENDA

Township Deputy Clerk Cruoglio 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 Lotano, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick, and Council President Geoghegan voting yes, to approve all the following items listed on the Consent Agenda except item **B, C, E, F, I, O, and Q**, which were done separately.

R E S O L U T I O N

FEBRUARY 9, 2022

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

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

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

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

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

NAME	BLOCK	LOT	Qual/Year	Amount
<i>Jennifer R. Jacobus, ESQ ATTY</i>	<i>411</i>	<i>16.02</i>	<i>2020/4</i>	<i>\$11,507.32</i>
			<i>2021/4</i>	<i>\$21,578.07</i>
			<i>TOTAL:</i>	<i>\$33,085.39</i>
<i>Spiotti & Associates</i>	<i>507.46</i>	<i>6</i>	<i>2020/4</i>	<i>\$896.71</i>
			<i>TOTAL:</i>	<i>\$33,982.10</i>

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

Approved as to content:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A NEW JERSEY DEPARTMENT OF TRANSPORTATION JURISDICTIONAL AGREEMENT #4923 FOR THE HIGHWAY MAINTENANCE AND CONTROL OF THE ROUTE 37 AND WASHINGTON STREET INTERSECTION IN THE TOWNSHIP OF TOMS RIVER

FEBRUARY 9, 2022

WHEREAS, the State of New Jersey Department of Transportation has requested that an agreement be entered between the Township of Toms River and the State of New Jersey, which would allocate the jurisdictional responsibilities for the highway maintenance and control of the Route 37 and Washington Street Intersection within the Township of Toms River; and

WHEREAS, a map outlining the jurisdictional limit has been reviewed and approved by the Township of Toms River;

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

1. Mayor, Maurice B. Hill, Jr., and the Township Deputy Municipal Clerk, Michael Cruoglio, are hereby authorized to enter into and execute an agreement between the Township of Toms River and the State of New Jersey, attached hereto as Schedule "A".

2. A copy of the fully executed agreement shall remain on file in the Office of 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) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Engineering Division
- g) New Jersey Department of Transportation
Attn: Charles Henry
PO Box 600
Trenton, NJ 08625-0600
- h) AmerCom Corp.
Joanna Guarda, P.E.
Project Engineer
1259 Route 46E, Building #2
Parsippany, NJ 07054

SCHEDULE "A" – SEE ATTACHMENTS

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 LESTER GLENN, BLOCK 506.02, LOT 20 AND 21 (1193/1199 Route 37 West)

February 9, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Lester Glenn, Block 506.02, Lot 20 & 21.

February 9, 2022 20

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 \$70,150.00 currently on deposit in account #2-14-902-101 is hereby released with applicable interest;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Lester Glenn Buick, INC
386 Route 37
PO Box 908
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE RETENTION OF JOHN J. NOVAK, ESQ., AS POOL CONFLICT MUNICIPAL PUBLIC DEFENDER FOR CY22, AS MARK SCHNEIDER, ESQ. IS UNABLE TO ACT AS CONFLICT PUBLIC DEFENDER FOR THE TOWNSHIP OF TOMS RIVER

FEBRUARY 9, 2022

WHEREAS, resolution of the Township Council dated January 26, 2022, appointed Mark A. Schneider, Esq. as Pool Conflict Municipal Public Defender commencing January 27, 2022 up to and including December 31, 2022 at \$350.00 per court session, not to exceed \$5,000.00 for CY22 contingent upon the execution of a contract, the availability of funds and the adoption of the CY22 budget; and

WHEREAS, the Township has been notified that Mark A. Schneider, Esq. is unable to provide these services;

WHEREAS, as the funds for Conflict Municipal Public Defender are below the bid threshold, this position can be awarded without public bidding;

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

1. It hereby rescinds the award of contract to Mark A. Schneider, Esq., as Pool Conflict Municipal Public Defender as he is unable to provide these services.

2. It hereby appoints John J. Novak, Esq., of John J. Novak Law Offices, PC, 201 Hooper Avenue, Suite #2, Toms River, NJ, 08753, as Pool Conflict Municipal Public Defender commencing January 27, 2022 up to and including December 31, 2022, at \$350.00 per court session, not to exceed \$5,000.00, contingent upon the execution of a contract, the availability of funds and the adoption of the CY22 budget.

3. Because the amount of this contract is below the bid threshold, it can be awarded without public bidding.

4. This appointment is subject to John J. Novak, Esq. executing a contract, attached hereto as Schedule "A", and approved herein.

5. This will be an open-ended contract with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget year. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

6. 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) Chief Financial Officer
- d) Township Attorney
- e) John J. Novak, Esq.
201 Hooper Avenue, Suite #2
Toms River, NJ 08753

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to John J. Novak, Esq., as Pool Conflict Municipal Public Defender, at \$350.00 per court session, in the total maximum amount not to exceed \$5,000.00, are contingent upon the availability of funds in the appropriate municipal budget.

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

JUDITH TUTELA
CHIEF FINANCIAL OFFICER

Dated: February 9, 2022

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 BUILDING USE AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE CHURCH OF THE PENETECOST U.S.A., INC. - TOMS RIVER ASSEMBLY FOR THE USE OF THE CLAYTON SERVICE CENTER A BUILDING LOCATED ON THE PREMISES OF THE FORMER BOY SCOUTS PROPERTY LOCATED AT 1518 RIDGEWAY ROAD, TOMS RIVER, NEW JERSEY

FEBRUARY 9, 2022

WHEREAS, the Township of Toms River acquired the subject property, including the Clayton Service Center from the Boy Scouts for property located at 1518 Ridgeway Road, Toms River, New Jersey on December 17, 2021; and

WHEREAS, The Church of the Pentecost U.S.A., Inc. – Toms River, has expressed an interest in continuing to use the Clayton Service Center for its weekly religious services;

NOW, THEREFORE, BE IT RESOLVED BY 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 an agreement between the Township of Toms River and The Church of the Pentecost U.S.A., Inc. – Toms River Assembly, for the use of two (2) conference rooms in the Clayton Service Center, a building located on the premises of the former Boy Scouts property located at 1518 Ridgeway Road, Toms River, New Jersey, as worship space for weekly religious services.

2. A copy of the agreement as Schedule "A" referenced herein shall be kept on file and made available for public inspection in the Municipal Clerk's office during normal business hours.

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) Business Administrator
- c) Township Attorney
- d) Township Clerk
- e) Chief Financial Officer
- f) Chief Mitchell Little
- g) Recreation Dept.
- h) The Church of the Pentecost U.S.A., Inc. – Toms River Assembly

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE ADDITION OF ONE (1) SNOW PLOWING CONTRACTOR, R. LAWSON & CO., TO THE LIST OF CONTRACTORS FOR SNOW REMOVAL SERVICES APPROVED BY RESOLUTION DATED OCTOBER 27, 2020, AND FURTHER BY RESOLUTION DATED DECEMBER 22, 2020, FOR A TWO (2) YEAR TERM COMMENCING OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2022

FEBRUARY 9, 2022

WHEREAS, resolution of the Township Council dated October 27, 2020 authorized the award of negotiated contracts for Snow Plowing Services commencing October 1, 2020 through September 30, 2022; and

WHEREAS, resolution of the Township Council dated December 22, 2020, authorized the addition of three (3) snow plowing contractors, Priced Rite Towing and Auto Repair, Inc., Gythion Construction, LLC and HTJ Lawncare and Landscaping, LLC, for Snow Plowing Services for a two (2) year term, commencing October 1, 2020 through September 30, 2022; and

WHEREAS, the Township Council hereby authorizes the addition of One (1) snow plowing contractor, R. Lawson & Co., to be added to the previously approved list of snow plowing contractors for Snow Plowing Services, for the balance of the term through September 30, 2022;

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 contractor is hereby added to the list of contractors for snow removal services commencing February 10, 2022 through September 30, 2022, previously approved by resolutions dated October 27, 2020 and December 22, 2020:

R. Lawson & Co.
812 Donegal Ct.
Toms River, NJ 08753

2. The contract awarded hereby shall be open-ended. The contract shall include the following hourly rates for equipment and operator:

Graders, articulating loaders, rubber tire loaders (644, 744, 844 & 944, 1.75 to 5 cu. yd. bucket):	\$ 225.00
Small Articulating Loaders:	\$ 190.00

February 9, 2022 23

Tandem Axle Trucks with Contractor's Own Plow:	\$ 175.00
Tandem Axle Trucks with Township's Snow Plow and Full-Size Backhoe:	\$ 170.00
Single Axle Dump Trucks with 5 cu. yd. or Larger. Bodies with Contractor's Own Snow Plow, minimum 26,000 GVW or larger:	\$ 135.00
Mason Dumps (under 5 cu. yd.), Small Rack and Utility Body Trucks with Contractor's own Snow Plow, 4x4, 1/2, 3/4, and 1 Ton Pick-ups with Contractor's Own Snow Plow:	\$ 120.00
Skid Loader/Bobcat:	\$ 105.00

3. This contract shall be open-ended with funds being encumbered each time services are required, contingent upon the availability of funds in the applicable municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. All snow plowing services are contingent upon execution of a contract with the Township of Toms River. All terms and conditions of the original specifications and contract will apply.

4. A complete list of snow plowing contractors with the Township of Toms River as of this resolution, is as follows:

- a) Accurate Towing
- b) All-Tech Assembly
- c) American Coring and Supply, Inc.
- d) Best Paving, Inc.
- e) Chapman Construction Services
- f) Chappelle Mechanical, Inc.
- g) Dover Excavating
- h) Erbe Builders, Inc.
- i) Felton Trucking, Inc.
- j) Forte Excavating, LLC
- k) Guzzi Masonry & Paving
- l) Handyman & Remodeling LLC
- m) H&D Rosetto, Inc.
- n) Hydro-Science Group Corp.
- o) John Jenusz
- p) Matt Monagas Decorative Stone, LLC
- q) Midlantic Construction
- r) Nicholas Pools, Inc.
- s) Poseidon Pools
- t) Precision Auto Motorcycle and Marine Service
- u) TSF Contracting
- v) Priced Rite Towing and Auto Repair, Inc.
- w) Gythion Construction, LLC
- x) HTJ Lawncare and Landscaping, LLC
- y) R. Lawson & Co.

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

- a) Chief Financial Officer
- b) Purchasing Division
- c) Public Works Department
- d) Township Attorney
- e) R. Lawson & Co.
812 Donegal Ct.
Toms River, NJ 08753

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded for snow plowing services, shall be open-ended, contingent upon the availability of funds in the appropriate municipal budget.

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

JUDITH TUTELA
CHIEF FINANCIAL OFFICER

Dated: February 9, 2022

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE
GUARANTEES FOR A MAJOR SUBDIVISION KNOWN AS BLOCK 412.41, Lot 43
AND 44
(Monroe Avenue)**

February 9, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision, known as Block 412.41, Lot 43 & 44.

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 Bond # CT021019M in the amount of \$47,940.00 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. Jankim Properties, LLC
501 Manchester Avenue
Toms River, NJ 08755

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE
GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS BLOCK 410.03, LOT
38.01
(Dugan Lane & Isabella Court)**

February 9, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision Plan known as Block 410.03, Lot 38.01.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00 which represents the Safety and Stabilization guarantee.
- 2) Check in the amount of \$500.00 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 Naftali Waldman, 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. Naftali Waldman
12 Stamford Hill Road
Lakewood, NJ 08701

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS BLOCK 394, LOT 103.01 (1770 Hooper Avenue)

February 9, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as, Block 394, Lot 103.01.

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 \$500.00 currently on deposit in account # 2-14- -902-101 is hereby released with applicable interest;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Hooper Partners, LLC
811 Woodland Drive
Lakewood NJ 08701

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS CHASE BANK, BLOCK 506.03, LOT 28.04

February 9, 2022 26

(1095 Route 37 West)

February 9, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Chase Bank, Block 506.03, Lot 28.04.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount \$4,650.00 on account X-19-601-834 which represents the 10% Maintenance Guarantee, 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 acceptance of Maintenance Guarantees;

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) Previously posted Surety Bond # 2284903 in the amount of \$41,850.00 is hereby released;
- 2) Previously posted Stabilization Bond #2284904 in the amount of \$5,000.00 is hereby released;
Township Clerk shall send a certified copy hereof the each of the following:

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Core State Construction
3039 Premiere Parkway, Suite 700
Duluth, GA 30097

Art Anderson questioned whether there is always a contract.

A motion was made by Council Member Kopp, seconded by Council Member Lotano, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick, and with Council President Geoghegan voting yes, to approve the following Resolution.

RESOLUTON OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE EXECUTION OF A TRI-PARTITE CONTRACT AMONG THE TOWNSHIP OF TOMS RIVER, LAKE RIDGE HOMEONWERS ASSOCIATION, INC., AND TURF MASTERS, INC., FOR REIMBURSEMENT OF SNOW-REMOVAL EXPENSES PURSUANT TO THE MUNICIPAL SERVICES ACT, N.J.S.A. 40:67-23.1 to -23.8.

FEBRUARY 9, 2022

WHEREAS, the Municipal Services Act (“MSA”), N.J.S.A. 40:67-23.1 to -23.8, requires municipalities to reimburse qualified private communities for the cost of removing snow and ice from their roads and streets if municipalities do not directly provide that service; and

WHEREAS, the Lake Ridge Homeowners Association (“Lake Ridge”) is a qualified private community entitled to reimbursement for snow-removal expenses under the MSA; and

WHEREAS, the MSA requires that the terms, conditions, and rates of reimbursement be established annually by written agreement; and

WHEREAS, in August 2012 the Township Council approved by resolution a tri-partite reimbursement agreement among the Township, Lake Ridge, and Turf Masters, Inc. (“Turf Masters”), whereby Lake Ridge would continue to employ and oversee Turf Masters as its chosen snow-removal contractor, and the Township would satisfy its statutory reimbursement obligation by paying Turf Masters directly for the costs of removing snow and ice from the community’s roads and streets at the same rates it employs private contractors to clear Township roads and streets, which Turf Masters has agreed to accept; and

WHEREAS, that parties have agreed to continue that arrangement through 2013 and have negotiated new agreement to that effect, attached as Schedule A to this resolution:

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

1. The Township Council hereby authorizes the Mayor to execute and the Township Clerk to attest to the contract, attached as Schedule “A” to this resolution, to reimburse Lake Ridge for allowable snow-removal expenses on the terms and conditions stated therein, in accordance with the MSA.

2. A fully-executed copy of this contract shall remain on file in the Office of Township Clerk.

3. The Township Clerk shall provide certified copies of this resolution along with a fully-executed version of the attached contract to the following parties:

- a. Business Administrator
- b. Chief Financial Officer
- c. Director of Public Works
- d. Township Attorney
- e. Community Manager
Lake Ridge Homeowners Association, Inc.
2251 Lake Ridge Blvd.
Toms River, NJ 08755
- f. Turf Masters, Inc.
604 Magnolia Street
Bayville, New Jersey, 08721

Council Member Rodrick questioned the person on board with no qualification.

Council Member Lotano said it was an unexpected vacancy we filled.

A motion was made by Council Member Kopp, seconded by Council Member Lotano, and carried with Council Members Ciccozzi, Kopp, Lotano, Quinlisk, and Council President Geoghegan voting yes, and Council Member Lamb voting no, and with Council Member Rodrick abstaining, to approve the following Resolution.

RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, APPOINTING ROBERT BIANCHINI AS A REGULAR MEMBER TO THE ZONING BOARD OF ADJUSTMENT

FEBRUARY 9, 2022

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

1. Pursuant to the Township Code of the Township of Toms River, the Robert Bianchini is hereby appointed as a regular member to the Zoning Board of Adjustment to fill an unexpired term ending December 31, 2024.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Deputy Municipal Clerk
- f) Chief Financial Officer
- g) Zoning Board of Adjustment
- h) Robert Bianchini

Council Member Lamb questioned the following Resolution.

A motion was made by Council Member Lotano, seconded by Council Member Rodrick, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick, and with Council President Geoghegan voting yes, to approve the following Resolution.

RESOLUTION

February 9, 2022

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>
01-22 Chris Marashlian	Taxi Driver	AA Always s Available
02-22 Carmine Sauchelli	Taxi Driver	Carmine's Taxi
04-22 Navjot Singh	Taxi Driver	Ocean Taxi
05-22 Jaswinder Lal	Taxi Driver	DKR Cab
06-22 Jasbir Singh	Taxi Driver	Comfort Ride LLC
07-22 Balkar Mola	Taxi Driver	EZ Taxi
08-22 Baljinder Singh	Taxi Driver	Ocean Taxi
09-22 Hardil Singh	Taxi Driver	7 Star Taxi
10-22 Linda Lanphere	Taxi Driver	AA Always Available

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

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

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

d. Law Dept.

Council Member Lamb questioned the following Resolution.

A motion was made by Council Member Lotano, seconded by Council Member Rodrick, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick, and with Council President Geoghegan voting yes, to approve the following Resolution.

RESOLUTION February 9, 2022

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 49 Wranglebrook Rd Toms River, NJ 08753	702-22 703-22	2011 2005	Toyota Toyota	05026 63869
2. Alex Lartey 802 Man Street 3-8 Toms River, NJ 08753	490-22	2005	Mercury	23651
3. AA Always Available LLC 16 Pulaski Blvd Toms River, NJ 08757	711-22	2010	Lincoln	50597
4. EZ Taxi Service LLC 160 James Street 23-1 Toms River, NJ 08753	522-22	2016	Toyota	43550
5. DKR Cab 504 Lafayette Ave Toms River, NJ 08753	736-22	2016	Toyota	34320
6. 7 Star Taxi 2210 Royal Oaks Dr Toms River, NJ 08753	423-22	2011	Toyota	49953
7. Comfort Ride LLC 17 Walnut Street Apt 26C Toms River, NJ 08753	450-22	2007	Toyota	43900
8. Absolutely the Best Taxi 55 Charlotteville Dr. South Toms River, NJ 08757	311-21	2007	Mercury	03944
9. Carmine's Taxi 1414 Circle Dr. Forked River, NJ 08731	300-22	2017	Toyota	7866

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

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

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

Council Member Lamb questioned the following Resolution.

Council Member Rodrick remember the leaky windows and came back multiple times for more dollars.

A motion was made by Council Member Kopp, seconded by Council Member Lotano, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, 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 CHANGE ORDER NO. 1 – TOMS RIVER TOWNHALL IMPROVEMENTS - TO CMG GROUP INC., FOR VARIOUS CONDITIONS SUCH AS ROT, STAIR CONCRETE ADJUSTMENTS, ROTTEN GUTTER AND RAKE CHANGES, AS WELL AS ADDITIONAL WORK FOR AN EXTRA GATE FOR PARADE PURPOSES, ACOUSTIC CEILINGS IN THE LMH ROOM, AND LEAK REPAIRS FROM PREVIOUS WINDOW ISSUES, IN THE ADDITIONAL TOTAL AMOUNT NOT TO EXCEED \$97,145.35, FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED \$1,543,145.35

FEBRUARY 9, 2022

WHEREAS, resolution of the Township Council dated July 13, 2021, authorized an award of contract to CMG Group Inc., for improvements to the Toms River Municipal Building, in the total contract amount not to exceed \$1,446,000.00; and

WHEREAS, the Division of Engineering requests a Change Order No. 1 – Toms River Townhall Improvements - for various conditions such as rot, stair concrete adjustments, rotten gutter and rake changes, as well as additional work for an extra gate for parade purposes, acoustic ceilings in the LMH room, and leak repairs from previous window issues, in the additional amount of \$97,145.35; 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. Change Order No. 1 - for various conditions such as rot, stair concrete adjustments, rotten gutter and rake changes, as well as additional work for an extra gate for parade purposes, acoustic ceilings in the LMH room, and leak repairs from previous window issues, to wit:

DESCRIPTION OF CHANGE:

Toms River Townhall Improvements - various conditions such as rot, stair concrete adjustments, rotten gutter and rake changes, as well as additional work for an extra gate for parade purposes, acoustic ceilings in the LMH room, and leak repairs from previous window issues

NET ADDITION: \$97,145.35

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	(\$83,323.35)
Total Extras This C.O.	\$180,468.70	X
Total Supplementary This C.O.	X	X
Total This C.O.	\$180,468.70	(\$83,323.35)
Previous Change Orders	X	X
Total Change Orders to Date	X	X
Net Change in Contract	\$ 97,145.35	X
ORIGINAL CONTRACT BID PRICE		\$1,446,000.00
NEW CONTRACT PRICE		\$1,543,145.35

be and the same is hereby ratified and confirmed.

2. Funds in the amount of \$97,145.35 are available in Account No. X-04- -219-001. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing Division
- e) CMG Group Inc.
8 Deercrest Drive
Holmdel, NJ 07733

CERTIFICATION

THIS IS TO CERTIFY that the funds for Change Order No. 1 with CMG Group Inc. in the amount of \$97,145.35, are available in Account No. X-04- -219-001.

The actual encumbrance of the funds will be based upon the approval of fully executed purchase orders by the Chief Financial Officer. The purchase orders will encumber the funds for the above account at that time.

JUDITH TUTELA
CHIEF FINANCIAL OFFICER

Dated: February 9, 2022

Council Members Lamb and Rodrick both questioned the following Resolution.

Township Attorney McGuckin answered the following Resolution.

Township Engineer Chankalian said it is a multi-family units.

A motion was made by Council Member Kopp, seconded by Council Member Lotano, and carried with Council Members Ciccozzi, Kopp, Lotano, Quinlisk, and Council President Geoghegan voting yes, and with Council Members Lamb and Rodrick voting no, to approve the following Resolution.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING AS THE PROMENADE PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS BLOCK 410, LOT 25 – PHASE 1B (Lakewood Road)

February 9, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as The Promenade, Block 410, Lot 25.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #5951540 in the amount of \$154,026.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$17,114.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Surety Bond #5951541 in the amount of \$19,516.00 which represents the Safety & Stabilization Guarantee.
- 4) Check in the amount of \$43,971.38 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 Promenade Toms River., 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. Promenade Toms River, LLC
110 Hillside Blvd, Suite 1
Lakewood, NJ 08701

Council Member Rodrick questioned the following Resolution.

Council President Geoghegan and Township Administrator Amoruso answered the following Resolution.

A motion was made by Council Member Lotano, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick, and with Council President Geoghegan voting yes, to approve the following Resolution.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE DEPUTY TOWNSHIP CLERK TO ATTEST TO A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWNSHIP AND TEAMSTERS LOCAL 97 OF NEW JERSEY, ESTABLISHING THE TERMS OF A NEW FOUR-YEAR CONTRACT FOR CROSSING GUARDS EFFECTIVE JANUARY 1, 2022

FEBRUARY 9, 2022

WHEREAS, the collective negotiations agreement covering Crossing Guards between the Township and Teamsters Local 97 of New Jersey, as previously amended and extended, expires on December 31, 2021; and

WHEREAS, the parties have negotiated a successor agreement, the terms of which are set forth in Memorandum of Understanding attached as Schedule A to this resolution; and

WHEREAS, these agreed-upon terms shall be memorialized in a new four-year collective negotiations agreement effective on January 1, 2022; and

WHEREAS, the terms of this new agreement are mutually beneficial to both parties:

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

1. The Memorandum of Understanding covering Crossing Guards between the Township of Toms River and Teamsters Local 97 of New Jersey, attached as Schedule A to this resolution, is hereby approved.

2. The Mayor is hereby authorized to execute and the Deputy Township Clerk to attest to the attached Memorandum of Understanding.

3. This Memorandum of Understanding shall be formally memorialized in a new four-year collective negotiations agreement effective January 1, 2022. The Mayor is hereby authorized to execute and the Deputy Township Clerk to attest to that agreement.

4. A certified copy of this resolution and fully-executed copies of the attached Memorandum of Understanding and collective negotiations agreement approved hereby shall remain on file in the Office of Township Clerk.

5. The Township Clerk shall provide a certified copy of this resolution and the attached Memorandum of Understanding to the following parties:

- a. Mayor
- b. Business Administrator
- c. Director of Human Resources
- d. Township Attorney
- e. Chief Financial Officer
- f. Director of Public Works
- g. Pat Guaschino, Teamsters Local 97
485 Chestnut Street
Union, New Jersey 07083

SCHEDULE "A" - see attachments

REPORTS

A motion was made by Council Member Lotano, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk Rodrick, and with Council President Geoghegan voting yes, to approve the following Reports.

	2022	2021
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Bey Lea Golf Course – January	\$286.45	\$-351.08
Bey Lea Golf Course – YTD through January	\$286.45	\$-351.08
Winding River Ice Rink – January	\$121,546.99	\$56,316.50
Winding River Ice Rink – YTD through January	\$121,546.99	\$56,316.50
Building Permits - January	\$295,841.00	\$215,368.00
Building Permits – YTD through January	\$295,841.00	\$215,358.00

APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **February 4, 2022**, was approved on motion by Council Member Kopp, seconded by Council Member Lotano, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick, and with 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 Lotano - none

Council Member Ciccozzi - none

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

Purchase Order 22-00221, payable to Berkeley Township in the amount of \$682.00.

Purchase Order 22-00212, payable to Borough of South Toms River in the amount of \$1,090.70.

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

Purchase Order 22-00384, payable to Magistrate Salaries in the amount of \$6,937.41.

Council Member Quinlisk - none

Council Member Rodrick - none

ELECTED OFFICIALS COMMENTS

Council Member Lamb thanked the Fire Department for handling the bad fire in Ortley Beach and there were no injuries.

Council Member Quinlisk thanked Township Engineer Chankalian for substantial damage help.

Council Member Rodrick mentioned seniors are on fixed incomes, they are not driving \$70,000 Tahoe's like Mayor Hill. Mayor is giving out raises and remodeling Town Hall.

Council Member Lotano said Town Hall was falling apart; thanked TRMCDD for Bowl-a-thon for raising dollars for mobile sensory unit; thanked Board of Education for choosing a new superintendent.

Council Member Kopp thanked council for passing Executive Order 1200 Resolution.

Council Member Ciccozzi thanked the people attending, but doesn't like quarreling among the Council Members; Toms River is #429 on list of towns in state with highest taxes.

Mayor Hill took another step closer to VA clinic today. Attended groundbreaking at CMC. Thanked Department of Public Works for plowing during recent snowstorm. Congratulations to Mike Cite as new superintendent at Toms River School. Mayor Hill called out Council Member Rodrick for inaccuracies in letter to Holiday City, and called him a liar.

PUBLIC COMMENTS

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

Dana Tormalin, 102 Messenger Street, questioned ARPA funding for schools, etc.

Robert Tormalin, 109 Messenger Street, tired of people getting cut off by Council Member Rodrick.

Michael Saltawich, 61 Whitmore Drive, spoke regarding Ordinance passed by Council. Taxpayers will be affected by this Ordinance. Fees will be \$300. Council Member Rodrick said he voted no, and Council Member Lamb said it should be repeal.

Tony Ricco asked if tax abatements given for downtown apartments? Council Member Geoghegan this is part of revitalization plan.

Laurie Singer, 113 Garfield, request Council to move forward to allow Medical Marijuana Businesses in town. Request Council to put forth an Ordinance by March.

Todd Garris, Pinta Court, praised firefighters. Thanked Department of Public Works for plowing efforts.

Rich Brihn, 216 Minern Road, questioning VCS process.

Michelle Donan- 216 Minern Road, mentioned same issues as previous resident

Ken Beck quality of life issues. Route 37 and Tanager Drive, property is in disarray. Also asking to bring back Founders Day.

Art Anderson, 12 Park Street, questioned not being able to hear residents via mic. Also, is there a cap on building housing?

Elizabeth Puglisi, thankful to see new Council Members on dais. Questioning why we don't have homeless shelter in Toms River.

Council Member Lamb does not support taxpayer funded homeless shelters.

Council Member Ciccozzi agree with resident for homeless shelter but dollars isn't going to right places these days from Trenton.

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

No other business appearing, the meeting was **adjourned** at 9:12 P. M., on motion with Council Member Lotano, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick, and with Council President Geoghegan voting yes.

KEVIN GEOGHEGAN, COUNCIL PRESIDENT

MICHAEL CRUOGLIO, DEPUTY CLERK