

February 22, 2023

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 4:00 PM.

The meeting was called to order by Council President Lotano and opened with the salute to the Flag.

Council President Lotano 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 6, 2023**, the Press of Atlantic City and the Star Ledger and also forwarded to the Toms River Times, Toms River Patch and WOBM News on Thursday **January 5, 2023**, 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 3, 2023**. The meeting dates have also been posted on the Township web page.

Roll Call:

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

APPROVAL OF MINUTES

A motion was made by Council Member Geoghegan, seconded by Council Member Lamb, and carried with Council Members Ciccozzi, Geoghegan, Kopp, Lamb, Quinlisk, Rodrick, and with, Council President Lotano voting yes, to approve the Minutes of the **Regular Meeting of February 8, 2023**. 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 Geoghegan, seconded by Council Member Quinlisk and carried with Council Members Ciccozzi, Geoghegan, Kopp, Lamb, Quinlisk, Rodrick, and with Council President Lotano voting yes, to make the following honoring proclamations a part of the Minutes.

Deputy Chief Delane introduced the following officers for the Class C Award, and Life Saving Award:

- a. Class C Award-**Officer Kristi Stebila**
- b. Life Saving Award
 - 1. **Officer Bridgette Badalis**
 - 2. **Officer John Carolan - Assistant Fire Chief Veth (East Dover FD)**
 - 3. **Officer Dominic Polio, Officer Robert King, Officer Damon Korpon, Officer Ryan Stack (Seaside Park PD)**

Deputy Chief introduced the following people for Civilian Award:

- c. Civilian Award - **Jordan Finkle, Dominic Dowd, Samantha**

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Chief Little introduced the new officers and the oath of office was administered by Mayor Hill.

- 1. **Officer Raymond Zuhowski #469**
- 2. **Officer Grayson Asprocolas #470**

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 477-70, SCHEDULE XII (STOP INTERSECTIONS) OF CHAPTER 477 (VEHICLES AND TRAFFIC) OF THE TOWNSHIP CODE, TO ESTABLISH A STOP INTERSECTION – LEXINGTON AVENUE AND MADISON AVENUE, WITH A STOP SIGN TO BE INSTALLED ON MADISON AVENUE

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 477-70, Schedule XII (Stop Intersections) of Chapter 477 (Vehicles and Traffic) of the Code of the Township of Toms River, New Jersey, is amended and supplemented to add the following:

INTERSECTION:

STOP SIGN INSTALLED ON:

Lexington Avenue and Madison Avenue	Madison Avenue
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2. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 477 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

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

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

A motion was made by Council Member Geoghegan, seconded by Council Member Quinlisk, 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 22, 2023 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 March 8, 2023 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 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 Sunday, February 26, 2023.

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

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, SUPPLEMENTING SECTION 477-61 (SCHEDULE III: NO STOPPING OR STANDING) OF CHAPTER 477 (VEHICLES AND TRAFFIC) OF THE TOWNSHIP CODE TO ESTABLISH NO STOPPING OR STANDING RESTRICTIONS ON WALCHEST DRIVE

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 477-61 (Schedule III: No Stopping or Standing) of Chapter 477 (Vehicles and Traffic) of the Code of the Township of Toms River, New Jersey is supplemented to add the following:

In accordance with the provision of Article IV, § 477-10, no person shall stop or stand a vehicle between the hours specified upon any of the following described streets or parts thereof:

NAME OF STREET:	Walchest Drive
SIDES:	Both
HOURS:	8:00 a.m. to 4:00 p.m. Monday through Friday
LOCATION:	Entire Length

2. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 477 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

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

4. This Ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law, and posting of appropriate signs.

A motion was made by Council Member Geoghegan, seconded by Council Member Quinlisk, 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 22, 2023 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 March 8, 2023 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 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 25, 2023.

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

Council Member Geoghegan 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 CHAPTER
335 (HOUSING AND RENTAL PROPERTY STANDARDS) OF THE TOWNSHIP CODE
TO ESTABLISH REGULATIONS GOVERNING LEAD PAINT INSPECTIONS FOR
RENTAL PROPERTIES IN ACCORDANCE WITH P.L. 2021, C.182**

WHEREAS, on July 22, 2022, P.L. 2021, c.182, went into effect, requiring periodic inspections for all non-exempt, pre-1978, rental dwellings to be inspected for lead-based paint hazards and to receive a lead-safe certification; and

WHEREAS, P.L. 2021, c.182, empowers municipalities to perform and charge a fee for these inspections; and

WHEREAS, this ordinance is designed to implement the requirements of P.L. 2021, c.182:

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

1. Chapter 335 (Housing and Rental Property Standards) of the Township Code is hereby amended and supplemented to established a new article VIII, entitled “Lead-based Paint Hazards,” to provide as follows:

Article VIII
Lead-based Paint Hazards

§335-51. Statutory authority.

This article is enacted pursuant to P.L. 2021, c. 182, and shall be interpreted and enforced to the same extent as that legislation, any amendments or supplements thereto, the companion regulations set forth at N.J.A.C. 5:28A-1.1 et seq., and other associated regulatory or judicial authority.

§335-52. Definitions.

For the purposes of this article, the following words and terms have the meanings set forth below, unless the context clearly indicates otherwise:

DCA — means the New Jersey Department of Community Affairs.

DOH — means the New Jersey Department of Health.

DUST WIPE SAMPLING — means a sample collected by wiping a representative surface and tested, in accordance with a method approved by the United States Department of Housing and Urban Development (“HUD”) and as conducted pursuant to N.J.A.C. 5:28-2.3

DWELLING — means a building containing a room or rooms, or suite, apartment, unit, or space, that is rented and occupied, or intended to be rented and occupied, for sleeping and dwelling purposes by one or more persons.

DWELLING UNIT — means a unit within a building that is rented and occupied, or intended to be rented and occupied, for sleeping and dwelling purposes by one or more persons.

INTERIM CONTROLS — means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs, or the term as it defined pursuant to 42 U.S.C. §4851b and the regulations adopted pursuant thereto.

LEAD ABATEMENT — means a set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards adopted pursuant to N.J.A.C. 5:17.

LEAD ABATEMENT CONTRACTOR — means a firm certified by DCA to perform remediation through lead abatement or interim control work pursuant to N.J.A.C. 5:17.

LEAD ABATEMENT WORKER — means an individual certified by the New Jersey Department of Health to p

LEAD-BASED HAZARD CONTROL METHODS — means interim control as defined above.

LEAD-BASED PAINT — means paint or other surface coating material that contains lead in excess of 1.0 milligrams per centimeter squared or in excess of 0.5 percent by weight, or such other level, as may be established by federal law.

LEAD-BASED PAINT HAZARD — means any condition that causes exposure to lead from lead-contaminated dust or lead-contaminated paint that is deteriorated or present on surfaces that would result in adverse human health effects.

LEAD EVALUATION CONTRACTOR — means a firm certified by DCA to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17. This includes the ability to perform dust-wipe sampling.

LEAD INSPECTOR/RISK ASSESSOR — means an individual certified by DOH to perform lead inspection and risk assessment work pursuant to N.J.A.C. 8:62. This includes the ability to perform dust wipe sampling.

LEAD-FREE CERTIFICATION — means the certification issued pursuant to N.J.A.C. 5:28A, which confirms that a periodic lead-based paint inspection was performed and that no lead-based paint hazards were found.

LEAD FREE — means that a dwelling has been certified to have no lead-based paint or has undergone lead abatement in accordance with N.J.A.C. 5:17.

LEAD SAFE — means that a dwelling has been found to have no outstanding lead-based paint hazards, but does not mean that the dwelling is certified as lead-free.

MULTIPLE DWELLING — means (1) any building or structure and any land appurtenant thereto and any portion thereof in which three or more dwelling units are occupied or intended to be occupied by three or more persons living independently of each other; (2) any group of 10 or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two dwelling units are occupied, or intended to be occupied, by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. Buildings or structures excluded pursuant to N.J.S.A. 55:13A-3(k) are not included in this definition.

PERIODIC LEAD-BASED PAINT INSPECTION — means the initial inspection of all applicable dwelling units at the earlier of two years from the effective date of P.L. 2021, c.182 (July 22, 2022), or tenant turnover, and thereafter the earlier of three years or upon tenant turnover, consistent with N.J.A.C. 5:28A-2.1, for the purposes of identifying lead-based paint hazards in dwellings subject to this article.

REMEDICATION — means interim controls or lead abatement work undertaken in conformance with this article and N.J.A.C. 5:28A to address lead-based paint hazards.

TENANT TURNOVER — means the time at which all existing occupants vacate a dwelling unit, and all new tenants move into the dwelling unit, or the time at which a new tenant enters a vacant dwelling unit.

VISUAL ASSESSMENT — means a visual examination for deteriorated paint or visible surface dust, debris, or residue, and as conducted pursuant to N.J.A.C. 5:28A-2.3 and this article.

§335-53. Required inspections.

- A. *Initial inspections.* At tenant turnover, or within two years of July 22, 2022 (the effective date of P.L. 2021, c. 182), whichever is sooner, every single-family, two-family, and multiple rental dwelling subject to this article located within the Township shall be inspected for lead-based paint hazards.
- B. *Periodic inspections.* After the initial inspection, all dwelling units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant turnover, whichever is earlier, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification for the dwelling unit. Periodic lead-based paint shall be counted from the most recent periodic lead-based paint inspection which resulted in a valid lead-safe certification.
- C. Dwelling owners or landlords may satisfy the requirements of this section by hiring a lead evaluation contractor certified to provide lead paint inspection services by the Department of Community Affairs (“DCA”).

§335-54. Method of inspection.

- A. *Visual Assessments.* Periodic lead-based paint inspections may be performed through visual assessment if, according to the central lead screening database maintained by DOH, or other data deemed appropriate by DOH, Toms River is a municipality in which less than three percent of children tested, six years of age or younger, have a blood lead level greater than or equal to five µg/dL.
 - (1) Pursuant to N.J.A.C. 5:28A-2.3(a)1, for visual assessments, dwellings must be examined in accordance with the guidelines and regulations promulgated by the United States Department of Housing and Urban Development (“HUD”) set forth at 42 U.S.C. §4851b for deteriorated paint or visible surface dust, debris, or residue on all painted building components, especially any walls, window, trim, and surfaces that experience friction or impact.
- B. *Dust Wipe Sampling.* Dust-wipe sampling is required if, according to the central lead screening database maintained by DOH, or other data deemed appropriate by DOH, Toms River becomes a municipality in

which three percent or more of children tested, six years of age or younger, have a blood lead level greater than or equal to five µg/dL, or if different, the level set forth at N.J.S.A. 52:27D-437.16.

- (1) Pursuant to N.J.A.C. 5:28A-2.3(b)1, dust wipe sampling must be performed by the collection of samples from the wiping of representative surfaces, including floors, interior windowsills, and other similar surfaces, and tested, in accordance with methods approved by HUD.
- (2) Pursuant to N.J.A.C. 5:28A-2.3(b)2, a visual assessment, conducted in accordance with subsection A, may be undertaken during the course of dust wipe sampling.

§335-55. Remediation; certification.

- A. If an inspection determines that a lead-based paint hazard exists, then the owner of the dwelling unit must remediate the lead-based paint hazard by using abatement or lead-based paint hazard control methods, approved in accordance with the provisions of the Lead Hazard Control Assistance Act, N.J.S.A. 52:27D-437.1 et seq. A follow-up inspection is required to certify that the hazard has been properly remediated.
 - (1) If hazard controls are employed, the follow-up inspection must be conducted using dust-wipe sampling. If the follow-up inspection shows that the hazard is no longer present, the unit must be certified as lead-safe pursuant to the lead-safe certification requirements set forth in N.J.A.C. 5:28A-2.4.
 - (2) If abatement is utilized, and a lead abatement clearance certificate has been issued in accordance with N.J.A.C. 5:17, then the lead-free certificate issued at the final clearance inspection shall exempt the dwelling from future periodic lead-based paint inspections.
 - (3) To the extent dust-wipe sampling is required as part of the remediation process, the owner must have such testing performed by a licensed contractor.
- B. If an inspection determines that no lead-based paint hazard exists, or following remediation of a lead-based paint hazard, the Township shall certify the dwelling unit as lead-safe on a form prescribed by DCA. This certification shall be valid for two years. If the inspection was conducted by a lead evaluation contractor, the contractor must provide a copy of the lead-safe certificate to the owner and the Township.
- C. If a lead hazard is identified in an inspection of one of the dwelling units in a building consisting of two- or three- dwelling units, then the remainder of the building's dwelling units shall be inspected for lead hazards, except for dwelling units that have been certified to be free of lead-based paint. These additional inspections are subject to fees.

- D. If an inspection determines that a lead-based paint hazard exists, then the Township or its designee shall notify the Commissioner of DCA.

§335-56. Exemptions.

The following dwelling units in a single-family, two-family, or multiple rental dwelling are not subject to inspection and evaluation for the presence of lead-based paint hazards:

- A. Dwelling units that have been certified to be free of lead-based paint pursuant to N.J.A.C. 5:17.
- B. Dwelling units constructed during or after 1978.
- C. Single-family and two-family seasonal rental dwellings rented for less than six months in duration each year by tenants that do not have consecutive lease renewals.
- D. Multiple rental dwelling units constructed prior to 1978 that have been registered with the DCA for at least 10 years and have no outstanding paint violations from the most recent cyclical inspection performed on the dwelling pursuant to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq. and N.J.A.C. 5:10.
- (1) All multiple dwelling units constructed prior to 1978 that have been registered with the DCA for at least 10 years and that have a current certificate of inspection issued by DCA.
- (2) All multiple dwelling units constructed prior to 1978 that have been registered with DCA for at least 10 years with open inspections that have no violations for paint.
- E. Dwelling units in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed under the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq.
- F. Dwellings that have a valid lead-safe certification issued in accordance with this article and N.J.A.C. 5:28A. Lead-safe certifications are valid for two years from the date of issuance pursuant to N.J.A.C. 5:28A-2.4.

§335-57. Enforcement.

- A. The Division of Code Enforcement is charged with enforcing the provisions of this article. In carrying out this function, the Division may consult with all appropriate federal, state, county, and local agencies concerning the criteria for the inspection and identification of areas and conditions involving a high risk of lead poisoning in such dwellings, methods of detection of lead in such dwellings, and standards for the repair of such dwellings concerning lead paint.

- B. Compliance with this chapter is a precondition to obtaining a rental certificate of occupancy pursuant to Article II of Chapter 335.

§335-58. Fees.

- A. In cases where visual inspections are sufficient pursuant to §335-54A, the inspection fees are as follows:
 - (1) *Inspections conducted as part of the rental certification process under Article II of Chapter 335:* \$40, plus an additional \$20 per unit inspected for deposit into the Lead Hazard Control Assistance Fund established pursuant to N.J.S.A. 52:27D-437.4. The \$20 surcharge does not apply where the unit owner demonstrates that the DCA has already assessed such a surcharge pursuant to N.J.S.A. 52:27D-437.10.
 - (2) *Other inspections:* \$150, plus an additional \$20 per unit inspected for deposit into the Lead Hazard Control Assistance Fund established pursuant to N.J.S.A. 52:27D-437.4. The \$20 surcharge does not apply where the unit owner demonstrates that the DCA has already assessed such a surcharge pursuant to N.J.S.A. 52:27D-437.10
- B. Inspection fees charged for dwellings units in a common interest community are the responsibility of the unit owners, not homeowners' associations, unless the dwellings are association-owned.
- C. Fees collected must be dedicated to cover the costs of implementing and enforcing this article and must not be used for any other purpose.

§335-59. Recordkeeping.

- A. The Division of Code Enforcement shall maintain a record of all dwellings subject to this article, including all current information on inspection schedules, inspection results, and tenant turnover.
- B. The Division of Code Enforcement shall also maintain a record of all lead-safe certifications issued pursuant to this article and all lead-free certifications issued pursuant to N.J.A.C. 5:17.
- C. Any time a lead evaluation contractor performs the inspection, the lead evaluation contractor must provide to the Division of Code Enforcement copies of any lead-safe certifications issued.
- D. Owners of dwellings subject to this chapter shall comply with the recordkeeping requirements imposed pursuant to N.J.A.C. 5:28A-3.1.

§335-60. Investigations; violations and penalties.

- A. The Division of Code Enforcement is authorized to conduct investigations and issue penalties to enforce a property owner's failure to comply with this article.

- B. Offending owners have 30 days to cure any violation by conducting the required inspection or initiating any required remediation efforts.
 - C. If the dwelling owner has not cured the violation or initiated remediation efforts within 30 days, the owner shall be subject to a penalty of \$1000 per week until the required inspection has been conducted or the remediation efforts have been initiated.
 - D. For the purposes of this provision, remediation efforts are deemed to have been initiated when the owner has hired a lead abatement contractor or other qualified party to perform lead hazard control methods.
 - E. Failure to conduct the required inspection, or remediate a lead-based paint hazard, shall constitute a violation of the International Property Maintenance Code adopted pursuant to Article I of Chapter 335, and any unpaid penalties imposed for such violations may be assessed as liens against the subject property pursuant to §335-20.
- 2. All other parts of Chapter 335 remain in full force and effect.
 - 3. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.
 - 4. If any part of this ordinance is invalidated for any reason by competent authority, that part is severed and the remaining provisions shall remain in full force and effect.
 - 5. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.

A motion was made by Council Member Geoghegan, seconded by Council Member Ciccozzi 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 22, 2023 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 March 8, 2023 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 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 Sunday, February 26, 2023.

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

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING §348-10.30 (LI LIGHT INDUSTRIAL ZONE) AND §348-10.31 (I INDUSTRIAL ZONE) OF THE TOWNSHIP CODE TO PROHIBIT CONSERVATION AND ENVIRONMENTAL USES OR RESTRICTIONS IN THE LIGHT INDUSTRIAL AND INDUSTRIAL ZONES

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

1. Section 348-10.30 (LI Light Industrial Zone) is hereby amended and supplemented to add the following subsection:

F. Prohibited uses.

(1) Conservation and/or environmental uses or restrictions.

2. Section 348-10.31 (I Industrial Zone) is hereby amended and supplemented to add the following subsection:

F. Prohibited uses.

(1) Conservation and/or environmental uses or restrictions.

3. Section 348-2.3 (Terms defined) is hereby amended and supplemented to add the following term and definition:

CONSERVATION/ENVIRONMENTAL USES/RESTRICTIONS

The unilateral placement or recording of a deed restriction or conservation easement by a property owner which is not part of an approved plan for development approved by the Township Planning Board or Zoning Board of Adjustment.

3. 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.

4. 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.

5. 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 Geoghegan, seconded by Council Member Ciccozzi that the foregoing Ordinance be adopted on first reading with publication notice as follows:

NOTICE

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MICHAEL CRUOGLIO
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 Saturday, February 25, 2023.

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

CONSENT AGENDA

Township 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, **P**, which was done separately.

RESOLUTION

February 22, 2023

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

February 22, 2023 13

<u>Name</u>	<u>Type of License</u>	<u>Taxi Company</u>
03-23 Hardil Singh	Taxi Driver	7 Star Taxi
04-23 Baljinder Singh	Taxi Driver	Ocean Taxi LLC
06-23 Carol Smith	Taxi Driver	Absolutely the Best Taxi
08-23 Navjot Singh	Taxi Driver	Ocean Taxi
09-23 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.

RESOLUTION

FEBURARY 22, 2023

**WHEREAS, the following application for
Massage business licenses have been made under the
Provisions of Ordinance numbers 1606 and 1682:**

MASSAGE BUSINESS

- | | |
|--------------|--|
| 05-23 | Blue Moon Therapy
1242 Route 166
Toms River, NJ 08753 |
| 06-23 | K&M Acupressure /Massage Spa
213 Route 37 East
Toms River, NJ 08753 |
| 07-23 | New Aroma Spa
1545 Route 9
Toms River, NJ 08753 |
| 08-23 | Y&Y Massage & Spa
542 Fischer Blvd
Toms River, NJ 08753 |

**WHEAREAS, said applicants have complied with all the
requirements of Ordinance numbers 1606 and 1682, Chapter 357,
of the "Code of the Township of Toms River, New Jersey," with
respect to licensing; and**

**WHEREAS, the appropriate licensing fee has been paid
To the Township of Toms River;**

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

- 1. The Township Clerk is hereby authorized to issue the licenses
Listed in the preamble hereof.**
- 2. A certified copy of this resolution shall be provided by the Office of the
Township Clerk to each of the following:**
 - a. Attorney**
 - b. Chief of Police**
 - c. Code Enforcement**
 - d. Applicants listed above**

**RESOLUTION AUTHORIZING THE PERSON-TOPERSON TRANSFER
OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE
1507-33-014-004 FROM OCEAN VENTURES LIQUOR I LLC TO
TEXAS ROADHOUSE HOLDINGS LLC**

February 22, 2023

WHEREAS, an application has been filed for **PERSON-TO-PERSON
TRANSFER** for Plenary Retail Consumption License Number **1507-33-
014-004**, heretofore issued to Ocean Ventures Liquor I LLC; and

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

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

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

1. It hereby does authorize the **Person-To-Person Transfer**
of Plenary Retail Consumption Liquor License Number 1507-33-014-
004 from **Ocean Ventures Liquor I LLC, to Texas Roadhouse
Holdings LLC.**

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

- a) Police Department
- b) Chief Financial Officer
- c) Township Attorney
- d) NJ Division of Taxation
PO Box 999
Trenton, NJ 08646-099
- e) Texas Roadhouse Holdings LLC
6040 Dutchmans Lane
Louisville, KY 40205

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SECOND AND FINAL ONE (1) YEAR CONTRACT EXTENSION WITH GRANTURK EQUIPMENT CO., INC., FOR THE SUPPLY OF LABRIE REPAIR PARTS FOR THE DEPARTMENT OF PUBLIC WORKS, COMMENCING APRIL 11, 2023 THROUGH APRIL 10, 2024

FEBRUARY 22, 2023

WHEREAS, resolution of the Township Council dated April 14, 2020, authorized the award of an open-ended contract for the Supply of Labrie Repair Parts for the Department of Public Works, to Granturk Equipment Co., Inc., One Schuylkill Pkwy., Bldg. B, Bridgeport, PA, 19405, commencing April 11, 2020 through April 10, 2022; and

WHEREAS, resolution of the Township Council dated March 23, 2022, authorized the first one (1) year open-ended contract extension for the Supply of Labrie Repair Parts for the Department of Public Works, to Granturk Equipment Co., Inc., commencing April 11, 2022 through April 10, 2023; and

WHEREAS, the terms of this contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15 which allows for this contract to be extended for no more than one (1) two-year, or two (2) one-year extensions upon expiration of the original contract term; and

WHEREAS, the Purchasing Division has determined that it is in the best interest of the Township to extend this contract for the second and final one (1) year contract extension term, commencing April 11, 2023 through April 10, 2024;

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

1. It hereby authorizes the second and final one (1) year contract extension of the open-ended contract with Granturk Equipment Co., Inc., for the Supply of Labrie Repair Parts, commencing April 11, 2023 through April 10, 2024.

2. This will be an open-ended contract extension with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The extension of this contract is subject to all the terms and conditions of the original contract award.

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) Certified Financial Officer
- c) Township Attorney
- d) Department of Public Works
- e) Granturk Equipment Co., Inc.
One Schuylkill Pkwy., Bldg. B
Bridgeport, PA 19405

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SECOND AND FINAL ONE (1) YEAR CONTRACT EXTENSION WITH DETACHABLE CONTAINER &

**COMPACTOR CORP. D/B/A DETCON, FOR THE SUPPLY OF LOADMASTER
REPAIR PARTS, COMMENCING APRIL 11, 2023 THROUGH APRIL 10, 2024**

FEBRUARY 22, 2023

WHEREAS, resolution of the Township Council dated June 23, 2020, authorized the award of an open-ended contract for the Supply of Loadmaster Repair Parts to Detachable Container & Compactor Corp. D/B/A Detcon, 5039 Industrial Rd #1, Farmingdale, NJ, 07727, commencing April 11, 2020 through April 10, 2022; and

WHEREAS, resolution of the Township Council dated March 23, 2022, authorized the award of the first one (1) year contract extension for the Supply of Loadmaster Repair Parts to Detachable Container & Compactor Corp. D/B/A Detcon, 5039 Industrial Rd #1, Farmingdale, NJ, 07727, commencing April 11, 2022 through April 10, 2023; and

WHEREAS, the terms of the original contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15, which allows for this contract to be extended for no more than one (1) two-year, or two (2) one-year extensions upon the expiration of the original contract term; and

WHEREAS, the Department of Purchasing has determined it is in the best interest of the Township of Toms River to extend this contract for the second and final one (1) year term, commencing April 11, 2023 through April 10, 2024; 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 authorizes the second and final one (1) year contract extension of the existing contract with Detachable Container & Compactor Corp. D/B/A Detcon, for the Supply of Loadmaster Repair Parts for an additional one (1) year term, commencing April 11, 2023 through April 10, 2024, under the same terms and conditions as the original contract.

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

3. The extension of this contract shall be subject to all terms and conditions of the original contract.

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) Certified Financial Officer
- c) Township Attorney
- d) Department of Public Works
- e) Detachable Container & Compactor Corp. D/B/A Detcon
5039 Industrial Rd. #1
Farmingdale, NJ 07727

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SECOND AND FINAL
ONE (1) YEAR EXTENSION OF AN OPEN-ENDED CONTRACT WITH SAF-GARD
SAFETY SHOE CO., FOR THE SUPPLY OF WORK SHOES AND WORK BOOTS
FOR VARIOUS DEPARTMENTS**

FEBRUARY 22, 2023

WHEREAS, resolution of the Township Council dated March 23, 2021 authorized the award of contract to Saf-Gard Safety Shoe Co. for the Supply of Work Shoes and Work Boots for various department commencing March 10, 2021 through March 9, 2022; and

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

WHEREAS, resolution of the Township Council dated January 26, 2022, authorized the first extension of the open-ended contract with Saf-Gard Safety Shoe Co. for the Supply of Work Shoes and Work Boots for various departments, commencing March 10, 2023 through March 9, 2024; and

WHEREAS, the Department of Purchasing is requesting authorization to extend the contract with Saf-Gard Safety Shoe Co. for the second and final extension of the original contract, for an additional one (1) year period, commencing March 10, 2023 through March 9, 2024, under the same terms and conditions as the original 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 authorizes the second and final one (1) year extension of the open-ended contract with Saf-Gard Safety Shoe Co., for the Supply of Work Shoes and Work Boots for various departments.

2. This will be an open-ended contract extension with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The extension of this contract is subject to all the terms and conditions of the original contract.

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Department of Public Works
- e) Saf-Gard Safety Shoe Co.
2701 Patterson Street
Greensboro, NC 27407

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY , REJECTING THE SOLE BID RECEIVED FROM NIELSEN FORD OF MORRISTOWN, INC. FOR ONE (1) 2023 FORD F-150 POLICE RESPONDER 4WD VEHICLE, WITH THE OPTION TO PURCHASE ONE (1) ADDITIONAL VEHICLE OVER THE NEXT 12 MONTHS FOR THE DEPARTMENT OF POLICE

FEBRUARY 22, 2023

WHEREAS, the Division of Purchasing is requesting authorization to reject the bid for One (1) Ford F-150 Police Responder 4WD Vehicle, with the Option to Purchase One (1) Additional Vehicle Over the next 12 months; and

WHEREAS, no bids were received at the initial bid opening on January 10, 2023; and

WHEREAS, only one (1) bid was received at the rebid opening on January 31, 2023 from the following vendor:

Nielsen Ford of Morristown, Inc.
170 Ridgedale Avenue
Morristown, NJ 07960 L-Feb 22, 2023-12

WHEREAS, the bids has been reviewed by the Purchasing Division and the Police Department, and they have recommended that the bids be rejected for exceeding budgetary estimates, and it would be in the best interest of the Township to reject the bid pursuant to N.J.S.A. 40A:11-13.2(a); and

WHEREAS, the Police Department has decided to abandon 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. It is in the best interest of the Township to reject the above-mentioned bids received, pursuant to N.J.S.A. 40A:11-13.2(a).

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Police Department
- e) Nielsen Ford of Morristown, Inc.
170 Ridgedale Avenue
Morristown, NJ 07960

RESOLUTION IMPOSING CHARGES INCURRED UNDER SECTION 111 OF THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE AS A LIEN ON REAL PROPERTY, AND DIRECTING THE TAX COLLECTOR TO COLLECT THESE COSTS, AND IMPOSE INTEREST ON UNPAID COSTS, IN THE SAME MANNER AS PROVIDED FOR IN THE COLLECTION OF REAL ESTATE TAXES IN THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY

FEBRUARY 22, 2023

WHEREAS, the Township of Toms River adopted the 2006 International Property Maintenance Code (the "Code") as part of Chapter 335 (Housing and Rental Property Standards) of the Township Code; and

WHEREAS, Section 111 of the Code provides that costs incurred by the Township in remediating conditions on properties in violation of the Code are to be assessed and levied upon lands, and bear interest at the same rate as real property taxes, and be collected and enforced in the same manner as provided for the collection of real property taxes; and

WHEREAS, the Housing and Property Maintenance Supervisor, has filed a Certification of Costs incurred by the Township, which costs are outlined on Schedule "A", attached to and made part of this resolution;

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

1) The Township Council determines the Certification of Costs as set forth as Schedule "A" to be accurate.

2) The Tax Collector is authorized and directed to collect the costs listed on the Certification of Costs. The amount shown on the Certification of Costs shall be charged, become, and form part of the real estate taxes next to be assessed and levied upon such property, and shall bear interest at the same rate as real property taxes, and shall be collected and enforced in the same manner as provided for in the collection of real property taxes.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Business Administrator
- c) Certified Financial Officer
- d) Township Attorney
- e) Tax Collector
- f) Division of Parks, Buildings and Grounds
- g) Code Enforcement
- h) Department of Public Works
- i) Stephanick, James C.
527 Woodview Road
Toms River, NJ 08755
- j) Finkelstein, Aaron
12 Tamarind Road
Lakewood, NJ 08701
- k) Miranda, Bernadette
741 Mehar Ct.
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE FIRST ONE (1) YEAR CONTRACT EXTENSION FOR THE SUPPLY OF TORO (OEM) PARTS AND ACCESSORIES WITH TURF EQUIPMENT AND SUPPLY INC.

FEBRUARY 22, 2023

WHEREAS, resolution of the Township Council dated February 23, 2021 awarded a contract for Toro (OEM) Repair Parts and Accessories to Turf Equipment and Supply Inc., 8015 Dorsey Run Road Jessup, MD, 20794, as the sole bidder meeting all the bid specifications, for Items 1, 2, 4 and 5, effective March 7, 2021 through March 6, 2023; and

WHEREAS, the terms of the original contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15 which allows this contract to be extended no more than one (1) two-year, or two (2) one-year extensions upon expiration of the original contract term; and

WHEREAS, the Division of Purchasing has determined that it is in the best interest of the Township to extend this contract with Turf Equipment and Supply Inc., pursuant to the Local Public Contracts Law, for an additional one (1) year term commencing March 7, 2023 through March 6, 2024, under the same terms and conditions and conditions as the original 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 authorizes the first one (1) year contract extension with Turf Equipment and Supply Inc. for the Supply of Toro (OEM) Repair Parts and Accessories, commencing March 7, 2023 through March 6, 2024 under the same terms and conditions as the original contract.

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

3. The extension of this contract is subject to all the terms and conditions of the original contract award:

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) Certified Financial Officer
- c) Township Attorney
- d) Division of Parks, Buildings & Grounds
- e) Bey Lea Golf Course
- f) Turf Equipment and Supply Inc.
8015 Dorsey Run Road
Jessup, MD 20794

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING TO REPAIR THE EXISTING TENNIS COURT AND INSTALL PICKLEBALL COURTS AT BEY LEA FOR THE DEPARTMENT OF RECREATION, FROM SPORTS & TENNIS CONSTRUCTION LLC, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$27,800.00

FEBRUARY 22, 2023

WHEREAS, the Purchasing Division has requested the Township to authorize to Repair the Existing Tennis Court and Install Pickleball Courts at Bey Lea for the Department of Recreation, from Sports & Tennis Construction LLC, in the total contract amount not to exceed \$27,800.00; and

WHEREAS, Sports & Tennis Construction LLC, 23 Yellowbrook Road, Freehold, NJ, 07728, has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure Form, which certifies that the firm has not made any contributions in contravention of New Jersey's Pay to Play Law, N.J.S.A . 19:44A-20.4 et seq., which documents are on file in the Municipal Clerk's Office; and

WHEREAS, this contract is exempt from public bidding because the total aggregate amount is below the statutory threshold, and the requisite quotes were received; and

WHEREAS, the Township Council has determined that it is the best interest of the Township of Toms River to authorize this purchase:

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

1. It hereby authorizes to Repair the Existing Tennis Court and Install Pickleball Courts at Bey Lea for the Department of Recreation, from Sports & Tennis Construction LLC, in the total contract amount not to exceed \$27,800.00.

2. Funds for this purchase in the amount not to exceed \$27,800.00 are available in Account No. X-99- -907-806.

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

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

- a) Division of Purchasing
- b) Certified Financial Officer
- c) Township Attorney
- d) Township Council
- e) Department of Recreation
- f) Sports & Tennis Construction LLC
23 Yellowbrook Road
Freehold, NJ 07728

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING TO UTILIZE STATE CONTRACT 20-TELE-00933 (WHICH EXPIRES FEBRUARY 26, 2024), FROM DRAEGER INC., TO PURCHASE NEW JERSEY ALCOTEST 9510 EVIDENTIAL BREATH TEST SYSTEM FOR THE POLICE DEPARTMENT, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$19,305.00

FEBRUARY 22, 2023

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

1. In accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State contract are hereby approved.

2. State Contract No. 20-TELE-00933 (which expires February 26, 2024), for the Purchase of New Jersey Alcotest 9510 Evidential Breath Test System for the Police Department, from Draeger Inc., 3135 Quarry Road, Telford, PA, 18969, in a total contract amount not to exceed \$19,305.00, as follows:

Quantity	Part Number	Item	Price	Extended Price
1	4412301	New Jersey Alcotest® 9510 Evidential Breath Test System Includes:-Alcotest 9510 New Jersey (8327998)-Cable channel cover -Monochrome laser printer-Cable, USB A-B connection 2.0-Dry Gas Enclosure Complete-New Jersey-Keyboard, mini-USB-connection-Cable, network ethernet, cat5, RJ45-10'-Power cord, 9510 3 conductor line-Mouthpiece Classic w/valve (25 pcs.)-Organizer stand, 9510-Surge Power Protector, 6' cable-system peripherals (gateway, scanner, signature pad, cradle)-Includes standard one year Manufacturer's Warranty	\$15,300.00	\$15,300.00
1	MQ91434	EBT Ten-Year Extended Service Agreement	\$3,100.00	\$3,100.00
2	4401036	105L 0.10% Dry Gas	\$200.00	\$400.00
10	6805703	Mouthpieces w/ NRV (25 per bag)	\$12.50	\$125.00
1	NA10675	Uninterruptible Power Supply	\$380.00	\$380.00

TOTAL				\$19,305.00
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3. Funds in the amount of \$19,305.00 are available in Account No. X-04- -233-003.

Contract with:

Draeger Inc.
3135 Quarry Road
Telford, PA 18969

State Contract No. 20-TELE-00933

Amount: \$19,305.00

Account No. X-04- -233-003 \$ 19,305.00

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

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) Certified Financial Officer
- c) Township Attorney
- d) Police Department
- e) Draeger Inc.
3135 Quarry Road
Telford, PA 18969

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING TO REJECT ALL BIDS FOR THE 2023 DPW SLAB REPLACEMENT PURSUANT TO N.J.S.A. 40A:11-13.2(D), AND TO REVISE THE SPECIFICATIONS AND REBID THE PROJECT

FEBRUARY 22, 2023

WHEREAS, bids were invited for the 2023 DPW Slab Replacement; and

WHEREAS, thirteen (13) bids were received at the bid opening on February 9, 2023, from the following vendors:

AJR Masonry LLC
719 Old Shore Road
Forked River, NJ 08731

A-Tech Concrete
11 Taylor Road
Edison, NJ 08817

Black Rock Enterprises LLC
1316 Englishtown Road
Old Bridge, NJ 08857

Catel, Inc.
PO Box 943
Jackson, NJ 08527

CMS Construction Inc
521 North Ave.
Plainfield, NJ 07060

Dutchman Contracting LLC
278 N. Ridge Rd.
Reinholds, PA 17569

George Koustas Painting & Construction
70 Beechwood Ave.
West Long Branch, NJ 07764

JAK Diamond Construction
35 Beaverson Blvd., Suite 12C
Brick, NJ 08723

LandTek Construction LLC
386 State Route 79
Morganville, NJ 07751

S&G Paving, Inc
224C Forsgate Drive
Jamesburg, NJ 08831

Seacoast Construction
15 Addington Ct.
East Brunswick, NJ 08816

Suffolk Recycling Corp.
242 Dover Road
South Toms River, NJ 08757

T. Fiotakis Construction LLC
197 Central Ave.
Edison, NJ 08817

WHEREAS, the bids have been reviewed by the Purchasing Division and the Engineering Department, and they have determined that all bids should be rejected pursuant to N.J.S.A. 40A:11-13.2(d), to revise the specifications and then rebid the 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. It hereby rejects all bids for the 2023 DPW Slab Replacement pursuant to N.J.S.A. 40A:11-13.2(d), to revise the specifications and then rebid the project.

2. The appropriate Township Officials are hereby authorized to rebid for this purchase.

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Engineering Department
- e) All aforementioned bidders

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING TO REJECT ALL BIDS FOR 2023 SPECIAL DUTY MANAGEMENT AND SCHEDULING SERVICES, PURSUANT TO N.J.S.A. 40A:11-13.2(D), TO REVISE THE SPECIFICATIONS AND REBID THE PROJECT

FEBRUARY 22, 2023

WHEREAS, bids were invited for 2023 Special Duty Management and Scheduling Services; and

WHEREAS, three (3) bids were received at the bid opening on February 2, 2023, from the following vendors:

Extra Duty Solutions
1 Waterview Drive, Suite 101
Shelton, CT 06484

Off Duty Management
1906 Avenue D, #200
Katy, TX 77493

Visual Computer Solutions
4400 US Hwy. 9 South
Freehold, NJ 07728

WHEREAS, the bids have been reviewed by the Purchasing Division and the Toms River Police Department, and they have determined that all bids should be rejected pursuant to N.J.S.A. 40A:11-13.2(d), to revise the specifications for Special Duty Management and Scheduling Services and rebid the 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. It hereby rejects all bids for Special Duty Management and Scheduling Services pursuant to N.J.S.A. 40A:11-13.2(d) to revise the specifications and rebid the project.

2. The appropriate Township Officials are hereby authorized to rebid for this purchase.

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Police Department
- e) Extra Duty Solutions
1 Waterview Drive, Suite 101
Shelton, CT 06484
- f) Off Duty Management
1906 Avenue D, #200
Katy, TX 77493
- g) Visual Computer Solutions
4400 US Hwy. 9 South
Freehold, NJ 07728

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MONUMENT BOND FOR A MAJOR SUBDIVISION KNOWN AS BLOCK 410, LOT 10 AND 11 (Church Road)

February 22, 2023

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision, known as Block 410, Lot 10 & 11.

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) Monument Cash Bond in the amount of \$4,100.00 currently on deposit in account # 3-14- -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. North Maple Associates, LLC
501 Manchester Drive
Toms River, NJ 08755

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZATION TO UTILIZE STATE CONTRACT NJ NASPO STATE CONTRACT MA176/ M4006/22-TELE-04580 FOR THE PURCHASE OF WIRELESS DEVICES AND SERVICES FROM T-MOBILE, FOR 24 MONTHS, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$32,640.00/MONTHLY RECURRING COST: \$1,360.00, AND AUTHORIZING THE

OPTION TO ADD ADDITIONAL PHONE AND DATA SERVICE THROUGHOUT THE TERM OF THE CONTRACT

FEBRUARY 22, 2023

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

1. In accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State contract are hereby approved.

2. State Contract NJ NASPO State Contract MA176/22-TELE-04580/M4006 for the Purchase of Wireless Devices and Services from T-Mobile, PO Box 742596, Cincinnati, OH, 45274, for 24 months, in a total contract amount not to exceed \$32,640.00, and monthly recurring cost: \$1,360.00 as follows:

		Monthly Recurring Cost After	
QTY	Plan Name	Discounts	Monthly Total
65	Samsung A23-Free	\$0.00	\$0.00
65	Charging Blocks – Free	\$0.00	\$0.00
65	Cases-Free	\$0.00	\$0.00
65	Unlimited Voice Data And Text	\$21.00	\$1,360.00
		Monthly Recurring Cost	\$ 1,360.00
		24 Month Charge	\$32,640.00

3. This is a 24 month contract. Funds are available in the following account numbers:

-		
-	3-01- -A04-555	\$42.00/month
-	X-13- -204-103	\$126.00/month
-	3-26- -B91-555	\$42.00/month
-	3-01- -K01-555	\$21.00/month
-	3-01- -C56-555	\$63.00/month
-	3-01- -A58-555	\$21.00/month
-	3-01- -L23-555	\$42.00/month
-	3-01- -F12-555	\$63.00/month
-	3-01- -A17-555	\$21.00/month
-	3-01- -C57-555	\$168.00/month
-	3-01- -C55-555	\$21.00/month
-	3-01- -L22-555	\$21.00/month
-	3-01- -A12-555	\$63.00/month
-	X-19- -600-029	\$21.00/month
-	3-01- -M52-555	\$42.00/month
-	3-01- -R20-555	\$84.00/month
-	3-01- -L30-555	\$21.00/month
-	3-01- -G78-555	\$21.00/month
-	X-99- -907-837	\$21.00/month
-	3-01- -A14-555	\$147.00/month
-	3-01- -W60-555	\$273.00/month
-	3-01- -A09-555	\$21.00/month

Contract with: T-Mobile USA, Inc.
PO Box 742596
Cincinnati, OH 45274

State Contract NJ NASPO State Contract MA176/22-TELE-04580/M4006 for the Purchase of Wireless Devices and Services from T-Mobile, PO Box 742596, Cincinnati, OH, 45274, for 24 months, in a total contract amount not to exceed \$32,640.00, and monthly recurring cost of \$1,360.00, with the option to add additional phone and data service throughout the term of the contract.

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

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) Certified Financial Officer
- c) Township Attorney
- d) T-Mobile USA, Inc.
PO Box 742596
Cincinnati, OH 45274

Council President Lotano explained the following resolution and the reason for it.

A motion was made by Council Member Geoghegan, seconded by Council Member Ciccozzi, and carried with Council Members Ciccozzi, Geoghegan, Kopp, Quinlisk, and Council President Lotano 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, APPOINTING MARIA MARUCA AS ACTING MUNICIPAL ALLIANCE COORDINATOR FOR FISCAL YEAR 2023

FEBRUARY 22, 2023

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

1. The Mayor has recommended and the Council consents to the appointment of **MARIA MARUCA** as Acting Municipal Alliance Coordinator for Fiscal Year 2023, expiring on December 31, 2023.
2. The Office of the Township Clerk shall send a certified copy of this resolution to each of the following:
 - a) Mayor Maurice B. Hill, Jr.
 - b) Township Council
 - c) Township Attorney
 - d) Municipal Alliance
 - e) Maria Maruca
Acting Municipal Alliance Coordinator

. REPORTS – NONE

APPROVAL OF BILLS

Council President Lotano asked for a report on the bills.

The Bill List, dated **February 16, 2023**, was approved on motion by Council Member Geoghegan, seconded by Council Member Ciccozzi, and carried with Council Members Ciccozzi, Geoghegan, Kopp, Lamb, Quinlisk, Rodrick, and with Council President Lotano voting yes. **The following respective exceptions to their votes were noted as abstentions to this vote:**

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

Purchase Order 23-00224 & 23-00224, payable to Imwoth LLC-Auto Shred NJ in the amount of \$214.50.

Purchase Order 22-05103, 22-07067, 23-00700 & 23-00701, payable to Krean's Auto Body Inc., in the amount of \$11,667.23.

Council Member Geoghegan – NONE

Council Member Ciccozzi – NONE

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

Purchase Order 23-00773, payable to Owen Little & Associates in the amount of \$17,600.00.

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

Purchase Order 23-00832, payable to Dasti, McGuckin Attorneys at Law in the amount of \$23,807.50.

Purchase Order 23-00812, payable to Magistrate Salaries in the amount of \$4,119.23.

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

Purchase Order 20-00569, 23-00610, & 23-00818, payable to Remington & Vernick Engineers in the amount of \$3,437.75.

Council Member Rodrick – NONE

ELECTED OFFICIALS COMMENTS

Council Members Kopp and Rodrick had no comments.

Council Member Lamb congratulated all the award recipients, and he thanked Congressman Smith for firefighters grant.

Council Member Quinlisk congratulated all the award recipients from tonight meeting.

Council Member Geoghegan congratulated the new officers and award recipients, and Fire District #2 Budget did not pass.

Council Member Ciccozzi spoke on Planning Board Applications and BASF Meeting.

Mayor Hill commended the new officers and thanked Congressman Smith for firefighter grant; spoke regarding ARPA helping local organizations. and upcoming BASF Meeting.

Council President Lotano commended the award recipients; and mentioned that the next council meeting is Tuesday, March 7.

PUBLIC COMMENTS

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

NONE

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

No other business appearing, the meeting was **adjourned** at 4:43 P. M., on motion with Council Member Geoghegan, seconded by Council Member Lamb, and carried with Council Members Ciccozzi, Geoghegan, Kopp, Lamb, Quinlisk, Rodrick, and Council President Lotano voting yes.

MATTHEW LOTANO, COUNCIL PRESIDENT

MICHAEL CRUOGLIO, TOWNSHIP CLERK