

March 7, 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 6:01 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
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 Lamb, seconded by Council Member Kopp, 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 22, 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 - NONE

Michael Cruoglio, 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 Geoghegan, and carried that an Ordinance entitled:

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

Council Member Kopp offered the following ordinance and moved its adoption, Council Member Geoghegan 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 Geoghegan	Yes
Council President Lotano	Yes

Michael Cruoglio, 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 Quinlisk, and carried that an Ordinance entitled:

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

Council Member Kopp offered the following ordinance and moved its adoption, Council Member Geoghegan 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 Geoghegan	Yes
Council President Lotano	Yes

Michael Cruoglio, 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 Geoghegan and carried that an Ordinance entitled:

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

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 Lotano 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 questioned how township personnel will handle these changes.

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

Council Member Kopp offered the following ordinance and moved its adoption, Council Member Quinlisk 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	Yes
Council Vice-President Geoghegan	Yes
Council President Lotano	Yes

Michael Cruoglio, 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 Quinlisk, and carried that an Ordinance entitled:

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 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 Lotano announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith.

Britta Forsberg (Save Barnegat Bay) support this Ordinance

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

Council Member Kopp offered the following ordinance and moved its adoption, Council Member Quinlisk 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	Abstained
Council Vice-President Geoghegan	Yes
Council President Lotano	Yes

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A BEACH REPLENISHMENT INTERGOVERNMENTAL AGREEMENT BETWEEN THE

**COUNTY OF OCEAN AND TOWNSHIP OF TOMS RIVER FOR THE NEW JERSEY
HURRICANE AND STORM REDUCTION PROJECT**

MARCH 7, 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. The Mayor is authorized to execute and the Township Clerk to attest to a Beach Replenishment Intergovernmental Agreement between the County of Ocean and the Township of Toms River for the New Jersey Hurricane and Storm Reduction Project. A copy of the Beach Replenishment Intergovernmental Agreement between the County of Ocean and Township of Toms River is attached hereto as Schedule "A", and made a part of this resolution.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Township Engineer
- f) County Engineer
- g) County of Ocean
Clerk of the Board
Attn: Michelle Gunther
- h) County of Ocean
Department of Finance
Attn: Julie N. Tarrant, Comptroller/CFO
PO Box 2191
Toms River, NJ 08754

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, IN SUPPORT OF CALLING FOR AN
IMMEDIATE MORATORIUM ON OFF SHORE WIND ENERGY DEVELOPMENT
PENDING A THOROUGH INVESTIGATION BY INDEPENDENT SCIENTISTS AND
AGENCIES INTO THE UNPRECEDENTED DEATH OF WHALES**

MARCH 7, 2023

WHEREAS, an unusually high number of dead whales have appeared in the recent months on the coasts of New Jersey, New York and beyond; and

WHEREAS, the Federal Government has recently sold leases for off shore industrial construction projects of wind farms on the ocean floor off of the New Jersey and New York coast line, and ongoing pre-construction activities have already been undertaken which include the utilization of underwater noise generating devices used to survey and to characterize the sea bed areas, and other potentially disorienting, and/or noise generating pre-construction activities are already in progress, or are currently scheduled for implementation; and

WHEREAS, the critically endangered North Atlantic Right Whale, as well as Humpback Whales, both frequent, in migratory paths and otherwise, the very area where ocean waters are currently being surveyed, and contemplated to be used for the

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industrial construction of wind farms, in the location of one of the most hurricane and storm prone sites of the world; and

WHEREAS, the Township Council of the Township of Toms River remains supportive of research into the development of the most efficient, cost effective, and least polluting producers of energy production, and including but not limited to potential sources of “clean energy”; and

WHEREAS, the Township Council of the Township of Toms River is calling for the immediate suspension of all pre-construction and construction activities associated with off shore wind farm development activities, until a comprehensive and, scientifically independent and thorough investigation has been conducted by scientific experts, as well as by all Federal and State Agencies, at the very least, to gain assurances that the pre-construction and construction activities are not contributing factors to the aforementioned recent deaths of whales; and

WHEREAS, a growing number of Federal, State and Local Officials have expressed a request for a moratorium in moving forward with pre-construction and construction activities associated with off shore wind projects, off the coasts of New Jersey and New York, until exhaustive, independent and thorough scientific research has been conducted with all reports then disseminated, as to the impacts that all such construction activities and projects could cause upon the marine environment, species of whales, and all marine life, and the fishing industry.

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 supports a growing number of Federal, State and Local Officials calling for an immediate moratorium on all pre-construction and construction activities associated with off shore wind farm development, until a comprehensive, thorough, independent and scientific investigation has been undertaken and completed by appropriate scientists, as well as by any and all Federal and State Agencies having jurisdiction, so as to ensure that any and all of the above referenced activities are not materially contributing factors, as to the numerous recent whale deaths, and other such negative impacts upon the marine environment.

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

- a) Township Attorney
- b) Business Administrator
- c) Certified Financial Officer
- d) Governor Phil Murphy
- e) Senate President Scutari
- f) Assembly Speaker Coughlin
- g) Senator Menendez
- h) Senator Booker
- i) Congressman Van Drew
- j) Congressman Smith
- k) Senator Connors
- l) Senator Holzapfel
- m) Senator Singer
- n) Assemblyman Rumpf
- o) Assemblywoman Gove
- p) Assemblyman Catalano
- q) Assemblyman McGuckin
- r) Assemblyman Clifton
- s) Assemblyman Kean
- t) Assemblyman Thompson
- u) Assemblyman Sauickie
- v) NJDEP Commissioner Shawn M. LaTourette
- w) 9th District Legislators
- x) 10th District Legislators

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY OPPOSING THE STATE OF NEW JERSEY PROPOSED 2023-2024 SCHOOL FUNDING CUT FOR THE TOMS RIVER REGIONAL SCHOOLS BOARD OF EDUCATION

MARCH 7, 2023

WHEREAS, the Toms River Regional Schools Board of Education is the seventh largest school district in the State of New Jersey, and the least state-funded of the 13 largest districts, despite having near equal enrollment; and

WHEREAS, the Toms River Regional Schools Board of Education is a regional school district comprised of four municipalities, Toms River, South Toms River, Pine Beach, and Beachwood; and

WHEREAS, over 14,700 students attend Toms River Regional Schools; and

WHEREAS, 56% of Toms River students are either ESL, free/reduced lunch, or special education; and over 39% are minorities; and

WHEREAS, over the last six years, the State of New Jersey has decreased state funding over \$97,000,000 for the Toms River Regional Schools; and

WHEREAS, the Toms River Regional Schools Board of Education provides its students with exceptional opportunities and education despite that its total funding is already significantly below adequacy; and

WHEREAS, in the State it is anticipated 2023-2024 budget proposes to cut an additional \$14,421,851 from Toms River Regional Schools; and

WHEREAS, this draconian cut equates to a 31.77% decrease in state funding from last year's state funding; and

WHEREAS, if the funds are not restored, the Toms River Regional Schools Board of Education will not be able provide its students with a constitutionally-mandated thorough and efficient education; and

WHEREAS, the proposed 31.77% cut is neither feasible nor sustainable; and

WHEREAS, the proposed cut is also grossly – and unconstitutionally – inequitable, since several other large districts receive drastically more state funding despite having a virtually equal number of students; and

WHEREAS, if the State of New Jersey does not increase the funding for the Toms River Regional Schools Board of Education for 2023-2024, the District will not be able to provide their students with a thorough and efficient education; and

WHEREAS, Toms River students will be directly and significantly negatively impacted by the proposed state funding cuts; and

WHEREAS, Toms River students deserve and are entitled to a thorough and efficient education;

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 the Township Council categorically opposes to the 2023-2024 proposed state funding levels for Toms River Regional Schools; and

BE IT FURTHER RESOLVED, that the Township Council implores Governor Philip Murphy, Acting Commissioner of Education Angelica Allen-McMillan, Ed.D., members of the New Jersey Senate and the New Jersey Assembly to fully restore Toms River Regionals Schools Board of Education funding to the 2022-2023 level; and

BE IT FURTHER RESOLVED, that the Township Council requests that Governor Murphy and Acting Commissioner Allen-McMillan meet with the Toms River Regional Schools Administration to develop fair and equitable state funding for the 2023-2024 school year; and

BE IT FURTHER RESOLVED that the Township Council demands that the inequitable and unconstitutional funding formula known as “S2” be scrapped and revised, and replaced with a fair and equitable formula developed and implemented through a transparent process; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Township Administrator
- d) Certified Financial Officer
- e) Township Attorney
- f) Borough of South Toms River
- g) Borough of Pine Beach
- h) Borough of Beachwood
- i) Governor Phil Murphy
- J) Acting Commissioner Allen-McMillan
- k) Toms River Regional Schools Board of Education
- l) 9th District Legislators
- m) 10th District Legislators
- n) 30th District Legislators

Introduction of Toms River Business Improvement District Budget

A motion was made by Council Member Geoghegan, seconded by Council Member Quinlisk, and carried with Council Members Ciccozzi, Geoghegan, Kopp, Quinlisk, Rodrick, and Council President Lotano voting yes, and with Council Member Lamb voting no, **to introduce 2023 Business Improvement District Budget.**

TOMS RIVER BUSINESS IMPROVEMENT DISTRICT BUDGET INTRODUCTION

March 7, 2023

WHEREAS, the Toms River Township Business Improvement Budget is stated, below, and

WHEREAS, the public hearing shall be held on April 26, 2023.

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

1. It hereby introduces the Toms River Business Improvement District Budget for 2023 as:

S01 Ratables	\$173,969,300
S02 Ratables	\$ 61,812,100

Total 2022 Revenue to be raised by taxation

S01 Budget	\$257,400.00
S02 Budget	\$ 28,600.00

S01 Proposed 2022 Tax Rate	\$0.148
S02 Proposed 2022 Tax Rate	\$0.047

2. Public hearing of the Budget shall be held at the Toms River Township Council Meeting to be held:
Wednesday, April 26, 2023 at 6:00 p.m.
Toms River Municipal Building
33 Washington Street
Toms River, NJ 08753
L. Manuel Hirshblond Meeting Room
At which time the public shall be heard and at which time the Township Council shall consider said Budget for final adoption.
Formal action may be taken.

3. 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) Township Attorney
- c) Township Auditor
- d) Tax Assessor
- e) Tax Collector
- f) Division of Local Government Services
101 S. Broad Street
P. O. Box 803
Trenton, NJ 08625-0803
- g) Ocean County Board of Taxation
118 Washington Street
Toms River, New Jersey 08753
- h). Toms River Business Improvement District
Toms River Business Development Corporation
53 Main Street
Toms River, NJ 08753

4. The Municipal Clerk shall advertise this resolution, in its entirety, as public notice of its introduction and as public notice of the hearing.

I, Michael Cruoglio, Municipal Clerk of the Township of Toms River, in the County of Ocean, hereby certify that this is a true and exact copy of a resolution approved by The Township Council at their regular meeting on March 7, 2023

Michael C. Cruoglio, RMC
Municipal Clerk

Council President Lotano introduced Mairin Bellack, who gave presentation on Toms River BID and their annual budget.

Marek Bellack concluded her presentation and asked if there were any questions.

No comments from the public, the **public portion was closed.**

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 Geoghegan, 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, Q, and S**, which were done separately.

RESOLUTION

MARCH 8, 2023

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

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
<i>CORELOGIC</i>	<i>135</i>	<i>2.02</i>	<i>-C1105 2023/1</i>	<i>\$155.27</i>
<i>CORELOGIC</i>	<i>170</i>	<i>1.07</i>	<i>2023/1</i>	<i>\$3,415.23</i>
<i>CORELOGIC</i>	<i>235</i>	<i>5.12</i>	<i>2023/1</i>	<i>\$1,762.25</i>
<i>CORELOGIC</i>	<i>235.06</i>	<i>1</i>	<i>2023/1</i>	<i>\$1,188.45</i>
<i>CORELOGIC</i>	<i>235.30</i>	<i>7</i>	<i>2023/1</i>	<i>\$2,816.84</i>
<i>CORELOGIC</i>	<i>389</i>	<i>33.15</i>	<i>2023/1</i>	<i>\$4,056.98</i>
<i>CORELOGIC</i>	<i>394.19</i>	<i>12</i>	<i>2023/1</i>	<i>\$1,982.84</i>
<i>CORELOGIC</i>	<i>414</i>	<i>4</i>	<i>-C1600</i>	<i>\$1,449.53</i>

			<i>2023/1</i>	
<i>CORELOGIC</i>	<i>414</i>	<i>7</i>	<i>-C2030</i> <i>2023/1</i>	<i>\$1,439.93</i>
<i>CORELOGIC</i>	<i>507.34</i>	<i>11</i>	<i>2023/1</i>	<i>\$1,235.90</i>
<i>CORELOGIC</i>	<i>654.03</i>	<i>44</i>	<i>2023/1</i>	<i>\$1,292.82</i>
<i>CORELOGIC</i>	<i>686</i>	<i>194</i>	<i>2023/1</i>	<i>\$134.47</i>
<i>CORELOGIC</i>	<i>724.01</i>	<i>269</i>	<i>2023/1</i>	<i>\$456.06</i>
<i>CORELOGIC</i>	<i>727</i>	<i>4</i>	<i>2023/1</i>	<i>\$674.93</i>
<i>CORELOGIC</i>	<i>1002</i>	<i>39</i>	<i>2023/1</i>	<i>\$3,292.52</i>
<i>CORELOGIC</i>	<i>1076.06</i>	<i>2</i>	<i>2023/1</i>	<i>\$2,973.33</i>
<i>CORELOGIC</i>	<i>1085.15</i>	<i>12</i>	<i>2023/1</i>	<i>\$1,275.54</i>
<i>TOTAL:</i>				<i>\$29,602.89</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:

R E S O L U T I O N

MARCH 7, 2023

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

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
<i>CORELOGIC COMMERCIAL TAX</i>	<i>571.70</i>	<i>1</i>	<i>B04</i>	<i>\$498.00</i>
<i>SVS</i>			<i>2023/1</i>	
<i>CORELOGIC COMMERCIAL TAX</i>	<i>842</i>	<i>27</i>	<i>2023/1</i>	<i>\$1,260.10</i>
<i>SVS</i>				
<i>TOTALS:</i>				<i>\$1,758.10</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

MARCH 7, 2023

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

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
<i>WOOLEY, RACHAEL</i>	<i>796.03</i>	<i>70</i>	<i>2023/1</i>	<i>\$783.60</i>
<i>PETERSEN, ROBERT & ROSEMARY</i>	<i>412.06</i>	<i>36</i>	<i>2023/1</i>	<i>\$428.81</i>

<i>1772 LAKEWOOD ROAD LLC</i>	<i>389</i>	<i>32</i>	<i>2023/1</i>	<i>\$3,002.40</i>
TOTAL:				\$4,214.81

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 AWARD OF CONTRACT TO DISH WIRELESS, FOR THE 2023 TOWER & GROUND SPACE LEASE AT THE COMMUNICATIONS MONOPOLE TOWER LOCATED AT 1672 CHURCH ROAD, TOMS RIVER, NJ, FOR THE LEASE AMOUNT PER MONTH OF \$2,500.00 FOR MAXIMUM OF NINE (9) ANTENNAS AND SIXTEEN (16) APPURTANCES, PAYABLE TO THE TOWNSHIP OF TOMS RIVER

MARCH 7, 2023

WHEREAS, bids were invited on February 22, 2023 for the 2023 Tower & Ground Space Lease at the Communications Monopole Tower located at 1672 Church Road, Toms River, NJ; and

WHEREAS, only one (1) bid was received, as follows:

DISH Wireless
9601 S. Meridian Blvd.
Englewood, CO 80112

WHEREAS, the bid has been reviewed by the Purchasing Division and the Engineering Division, and it is their recommendation to award the contract to DISH Wireless, who meets all of the bid specifications, as follows:

Lease Amount per Month: \$2,500.00

Maximum of nine (9) Antennas and sixteen (16) Appurtenances

Payable to 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, as follows:

1. It hereby awards the contract for the 2023 Tower & Ground Space Lease located at the Communications Monopole Tower, 1672 Church Road, Toms River, NJ, To DISH Wireless, as sole bidder meeting all of the bid specifications, as follows:

Lease Amount per Month: \$2,500.00

Maximum of nine (9) Antennas and sixteen (16) Appurtenances

Payable to the Township of Toms River

2. The initial contract term shall be for five (5) years from the date of award by resolution of the Township Council. This contract may be extended for no more than four (4) additional five (5) year renewal options, after the expiration of the original contract period, contingent upon the approval of the governing body by resolution with the agreement of the Contractor. Contract extensions shall be subject to the availability and appropriation of funds for each year the contract is extended. All terms and conditions of the contract shall remain the same. Any price change authorized on contract extensions shall be pursuant to N.J.S.A. 40A:11-15.

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 Division
 - e) Public Works
 - f) DISH Wireless
- 9601 S. Meridian Blvd.
Englewood, CO 80112

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE DIVISION OF PURCHASING TO ENTER INTO AN OPEN-ENDED CONTRACT WITH THE HUNGRY PUPPY, FOR THE PURCHASE OF DOG AND CAT FOOD

MARCH 7, 2023

WHEREAS, the Division of Purchasing is requesting authorization to purchase Dog and Cat Food for a period of six (6) months, and re-solicit for items which received no pricing; and

WHEREAS, quotes were requested from six (6) vendors, and only one (1) response was received on February 17, 2023; and

WHEREAS, the Division of Purchasing, Animal Shelter, and the Police Department have reviewed the quote received from the following vendor:

The Hungry Puppy
1288 Highway 33
Farmingdale, NJ 07727
Contact: Frank
Phone: 732-938-7245
frank@thehungrypuppy.com
Vendor ID: THEU010

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 Division of Purchasing Division to enter into an open-ended contract with The Hungry Puppy for the purchase of Dog and Cat Food.

2. The Hungry Puppy 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 forms are on file in the Municipal Clerk's Office.

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

4. Term of contract shall be effective from March 1, 2023 through August 31, 2023.

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

- a) Township Attorney
- b) Certified Financial Officer
- c) Purchasing Division
- d) Police Department
- e) Animal Shelter
- f) The Hungry Puppy
1288 Highway 33
Farmingdale, NJ 07727

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, REJECTING THE SOLE BID RECEIVED FOR THE 2023 SUPPLY OF STIHL AND HONDA REPAIR PARTS AND EQUIPMENT RE-BID, AND ABANDONING THE PROJECT PURSUANT TO N.J.S.A. 40A:11-13.2(a), AND AUTHORIZING TO UTILIZE THE STATE AUTHORIZED COOPERATIVE, ESCNJ, FOR STIHL AND HONDA REPAIR PARTS AND EQUIPMENT PURSUANT TO N.J.S.A. 40A:11-13.2(f)

MARCH 7, 2023

WHEREAS, bids were invited for the Supply of Stihl and Honda Repair Parts and Equipment Re-bid; and

WHEREAS, one (1) non-responsive bid was received at the initial bid opening on January 24, 2023 and subsequently rejected and approved for re-bid at the Council Meeting on February 8, 2023; and

WHEREAS, one (1) bid was received at the re-bid opening on February 23, 2023 from the following vendor:

Ferguson Waterworks
507 Oak Glenn Road
Howell, NJ 07731

WHEREAS, the sole bid has been reviewed by the Purchasing Division, Department of Public Works and Bey Lea Golf Course, and they have recommended to abandon the project pursuant to N.J.S.A. 40A:11-13.2(a) and utilize the State Authorized Cooperative ESCNJ, for Stihl Honda Repair Parts and Equipment pursuant to N.J.S.A. 40A:11-13.2(f);

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 bid received, pursuant to N.J.S.A. 40A:11-13.2(a), and utilize the State Authorized Cooperative, ESCNJ, for Stihl Honda Repair Parts and Equipment pursuant to N.J.S.A. 40A:11-13.2(f).

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

March 7, 2023 15

- c) Township Attorney
- d) Department of Public Works
- e) Bey Lea Golf Course
- f) Ferguson Waterworks
507 Oak Glenn Road
Howell, NJ 07731

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING TO DISPOSE OF ONE (1) POLICE VEHICLE NO LONGER NEEDED FOR PUBLIC USE, BY DONATION TO TOMS RIVER FIRE ACADEMY

MARCH 7, 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. It hereby authorizes to dispose of one (1) police vehicle no longer needed for public use, by donation to Toms River Fire Academy, 1780 Church Road, Toms River, NJ, 08753, pursuant to N.J.S.A. 40A:11-36(2), which states that the contracting unit need not advertise for bids for the disposition of personal property to other government entities.

2. The vehicle information is as follows:

2006 Ford Crown Vic VIN: 2FAFP71W76X165478

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

- a) Township Attorney
- b) Certified Financial Officer
- c) Purchasing Division
- d) Police Department
- e) Laurie Knemoller, Clerk's Office

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT TO CHRISTOPHER J. RAI, FOR POLICE DEPARTMENT DATA ANALYST SERVICES, IN THE TOTAL MAXIMUM AMOUNT NOT TO EXCEED A PRO-RATED CONTRACT AMOUNT OF \$30,450.00

MARCH 7, 2023

WHEREAS, Summary Report for Evaluation and Award of Data Analyst Services, prepared for Cassie Capparelli, Qualified Purchasing Agent; and

WHEREAS, proposals were received on February 22, 2023 for the Police Department Data Analyst Services; and

WHEREAS, only one (1) proposal was received from Christopher J. Raia; and

WHEREAS, Committee members scored the vendor as follows:

<u>Vendor</u>	<u>Total</u> /100 pts
Christopher J. Raia	97.33

WHEREAS, based on history with the Township and years of experience in the field, the vendor scored well across the board; and

WHEREAS, the review committee for this solicitation was Captain Mike Miller, Cpl. George Fernicola and Lt. Anthony Scali; and

WHEREAS, before reviewing any proposals, each person on the committee reviewed the Ownership Disclosure Document for the sole vendor and executed the statement certifying that there is no conflict of interest in accordance with the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq.; and

WHEREAS, the Committee unanimously chose Christopher J. Raia at a total pro-rated contract price not to exceed \$30,450.00;

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

1. The Division of Purchasing reviewed the proposal to determine that all paperwork was in order. The Committee unanimously agreed that the contract should be awarded to Christopher J. Raia for the Police Department Data Analyst services for a pro-rated contract amount not to exceed \$30,450.00, and funds are available in Account No. 3-01- -P45-534. The contract shall be in effect from March 1, 2023 through December 31, 2023.

2. The Township will have an option of renewing the agreement for two (2) additional one-year terms, pursuant to N.J.S.A.40A:11-15. All terms and conditions of the contract shall remain the same.

First optional extension – January 1 – December 31, 2024 with a contract amount not to exceed \$36,400.00.

Second optional extension – January 1 – December 31, 2025 with a contract amount not to exceed \$36,400.00

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) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Division of Purchasing
- d) Certified Financial Officer
- e) Township Attorney
- f) Police Department
- g) Christopher J. Raia
41 Patterson Road
Wilmot, NH 03287-0328

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF OPEN-ENDED CONTRACTS FOR THE SUPPLY OF MOTOR OILS, ANTIFREEZE, GREASES AND LUBRICANTS TO PETROCHOICE, SCA INDUSTRIES INC., ATLANTIC PETROLEUM & MINERAL RESOURCES, INC. AND PPC LUBRICANTS, AS THE LOWEST RESPONSIVE, RESPONSIBLE BIDDERS, MEETING ALL OF THE BID SPECIFICATIONS

MARCH 7, 2023

WHEREAS, the Division of Purchasing is requesting authorization to award contracts for the Supply of Motor Oils, Antifreeze, Greases and Lubricants; and

WHEREAS, bids were received on February 8, 2023 from the following vendors:

March 7, 2023 17

PPC Lubricants
305 Microdrive
Jonestown, PA 17038

Petrochoice
640 Freedom Business Center Drive
King of Prussia, PA 19406

SSCA Industries Inc.
202 White Road
Jackson, NJ 08527

Atlantic Petroleum & Mineral Resources, Inc.
1445 North Loop West Freeway
Houston, TX 77008

Safety-Kleen Systems, Inc.
42 Longwater Drive
Norwell, MA 02061

WHEREAS, the above bids were reviewed by the Division of Purchasing and the Public Works Department, and they have recommended that items shall be awarded as follows:

Atlantic Petroleum & Mineral Resources, Inc. – Item Nos. 3-2, 4-1, 5-4, 10-1, 17-1, 17-2, 22-1, 24-3, 27-1, 30-1 & 31-1.

SSCA Industries Inc. – Item Nos. 1-2, 2-2, 6-1, 8-1, 14-1, 15-2, 19-1, 21-3, 24-4, 25-1, 28-1, 29-1 & 32-1.

PPC Lubricants – Item Nos. 1-1, 2-1, 3-1, 5-3, 6-2, 6-3, 6-4, 6-5, 7-1, 9-1, 9-2, 9-3, 11-1, 12-1, 12-2, 13-1, 13-2, 14-2, 16-1, 18-1, 20-2, 22-2, 23-1, 24-1, 24-2, 25-2, 26-1, 26-2, 27-2 & 32-2.

Petrochoice - Item Nos. 5-1, 5-2, 15-1, 21-1 & 21-2.

Safety-Kleen Systems, Inc. bid was non-responsive.

Item 20-1 was non-responsive and will not be rebid. Purchases will be made through our Stihl & Honda Part Bid, Co-ops and state 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 awards open-ended contracts for the Supply of Motor Oils, Antifreeze, Greases and Lubricants to the following vendors, as the lowest responsive, responsible bidders meeting all of the bid specifications:

Atlantic Petroleum & Mineral Resources, Inc. – Item Nos. 3-2, 4-1, 5-4, 10-1, 17-1, 17-2, 22-1, 24-3, 27-1, 30-1 & 31-1.

SSCA Industries Inc. – Item Nos. 1-2, 2-2, 6-1, 8-1, 14-1, 15-2, 19-1, 21-3, 24-4, 25-1, 28-1, 29-1 & 32-1.

PPC Lubricants – Item Nos. 1-1, 2-1, 3-1, 5-3, 6-2, 6-3, 6-4, 6-5, 7-1, 9-1, 9-2, 9-3, 11-1, 12-1, 12-2, 13-1, 13-2, 14-2, 16-1, 18-1, 20-2, 22-2, 23-1, 24-1, 24-2, 25-2, 26-1, 26-2, 27-2 & 32-2.

Petrochoice - Item Nos. 5-1, 5-2, 15-1, 21-1 & 21-2.

Safety-Kleen Systems, Inc. bid was non-responsive.

Item 20-1 was non-responsive and will not be rebid. Purchases will be made through our Stihl & Honda Part Bid, Co-ops and state contract.

2. The Term of Contract shall be six (6) consecutive months retroactive from February 22, 2023 through August 21, 2023. These will be open-ended contracts with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget year. The award of these contracts are subject to all the terms and conditions of the bid specifications.

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

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Public Works Department
- e) All Aforementioned Bidders

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD
OF OPEN ENDED CONTRACTS FOR THE SUPPLY OF GRASS SEED, FERTILIZER,
HERBICIDES, FUNGICIDES, INSECTICIDES, INFIELD MIX, TOP DRESSING &
BUNKER SAND, AND REBID ITEMS WHICH RECEIVED NO AWARD, TO VARIOUS
VENDORS WHO MEET ALL THE BID SPECIFICATIONS**

MARCH 7, 2023

WHEREAS, the Division of Purchasing requests authorization to award contracts for the Supply of Grass Seed, Fertilizer, Herbicides, Fungicides, Insecticides, Infield Mix, Top Dressing, & Bunker Sand and Rebid Items which received no award, to various vendors who meet all the bid specifications; and

WHEREAS, bids were received on February 9, 2023 from the following vendors:

Grass Roots Turf Products, Inc. 4 Middlebury Blvd. Suite 7 Randolph, NJ 07869	Harrell's, LLC 5105 New Tampa Hwy Lakeland, FL 33815	Nutrien Ag Solutions 1470 Jersey Ave. North Brunswick, NJ 08902
Seeton Turf Warehouse dba Noble Turf 25 Roland Ave. Mt. Laurel NJ 08054	SiteOne Landscape Supply 1385 East 36th Street Cleveland, Ohio 44114	Plant Food Company Inc 38 Hightstown-Cranbury Station Rd. Cranbury, NJ 08512
Davisson Golf inc 175 Penrod Ct. Suite M Glen Burnie MD 21061	Herman's Trucking Inc. 181 Jacobstown- Cookstown Rd. Wrightstown, NJ 08562	

Item No. 5-1 received one bid which will be rejected due to exceeding budgetary estimates. This item will be re-bid.

Item Nos. 3-27, 3-33, 3-34, 5-57, 6-16, 6-55 received no bids and will be removed as the products are no longer available.

Item Nos. 5-8, 6-15, 6-18, 6-22, 6-25, 6-26, 6-35, 6-51 received no bids and shall be re-bid.

Item Nos. 3-7, 3-16 and 5-2 shall be awarded to the second or third lowest bidder because the lowest bid(s) did not meet the specifications.

The following items with tied prices were drawn randomly in a manner where everyone had an equal opportunity to be chosen: 2-5, 2-6, 2-9, 2-10, 2-17, 3-2, 3-6, 3-8, 3-9, 3-

11, 3-12, 3-14, 3-22, 3-23, 3-24, 3-26, 3-28, 3-29, 3-31, 3-32, 4-1, 4-3, 4-9, 4-10, 5-3, 5-4, 5-5, 5-36, 6-7, 6-8, 6-9, 6-10, 6-11.

WHEREAS, the bids have been reviewed by the Division of Purchasing and Bay Lea Golf Course, and they have recommended that Items shall be awarded as follows:

Davisson Golf Inc. - for Item Nos.: 5-37, 5-38, 5-39, 5-40, 5-41, 5-42, 5-43, 5-44, 5-45, 5-46, 5-47, 5-48, 5-49, 5-50, 5-51, 5-52, 5-53, 5-54, 5-55, 5-56, 5-58, 5-59, 5-60, 5-61, 5-62, 5-63, 5-64, 5-65, 5-66, 5-67, 5-68, 5-69, 5-70, 5-71, 5-72, 5-73, 5-74, 5-75, 5-76, 5-77, 5-78, 5-79, 5-80, 5-81, 5-82, 5-83, 6-13, 6-21, 6-28, 6-54.

Grass Roots Turf Products, Inc. - for Item Nos.: 1-1, 2-1, 2-4, 2-7, 2-8, 2-9, 2-13, 2-20, 2-22, 3-8, 3-14, 3-26, 3-28, 4-1, 4-6, 4-9, 5-2, 5-3, 5-4, 5-6, 5-10, 5-11, 5-12, 5-15, 5-30, 5-31, 5-32, 5-33, 5-34, 6-4, 6-5, 6-7, 6-8, 6-52, 6-53.

Harrell's LLC - for Item Nos.: 2-5, 2-14, 2-15, 3-6, 3-10, 3-15, 3-16, 3-17, 3-18, 3-19, 3-20, 3-21, 3-22, 3-23, 3-24, 3-35, 4-5, 5-16, 5-35, 6-3, 6-12, 6-14, 6-17, 6-19, 6-20, 6-27.

Herman's Trucking Inc. - for Item Nos.: 5-28, 7-1, 8-1, 8-2, 8-3.

Nutrien Ag Solutions - for Item Nos.: 1-3, 1-4, 1-5, 1-9, 2-10, 2-11, 2-16, 2-17, 2-18, 2-21, 2-23, 3-1, 3-3, 3-4, 3-9, 3-11, 3-12, 3-13, 3-29, 4-8, 4-10,

Plant Food Company Inc. - for Item Nos.: 5-13, 5-14, 5-17, 5-18, 5-22, 5-23, 5-24, 5-25, 5-29, 6-29, 6-30, 6-31, 6-32, 6-33, 6-34, 6-36, 6-37, 6-38, 6-39, 6-40, 6-41, 6-42, 6-43, 6-44, 6-45, 6-46, 6-47, 6-48, 6-49, 6-50.

Seeton Turf Warehouse dba Noble Turf - for Item Nos.: 1-2, 1-6, 2-6, 3-2, 3-7, 3-25, 4-3, 5-5, 5-26, 5-27, 6-2, 6-6, 6-9, 6-10, 6-11, 6-23, 6-24.

SiteOne Landscape Supply - for Item Nos.: 1-7, 1-8, 2-2, 2-3, 2-12, 2-19, 3-5, 3-30, 3-31, 3-32, 4-2, 4-4, 4-7, 5-7, 5-9, 5-19, 5-20, 5-21, 5-36.

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

1. It hereby awards contracts for the Supply of Grass Seed, Fertilizer, Herbicides, Fungicides, Insecticides, Infield Mix, Top Dressing, & Bunker Sand, and Rebid Items which received no award, to the following vendors who meet all of the bid specifications:

Davisson Golf Inc. - for Item Nos.: 5-37, 5-38, 5-39, 5-40, 5-41, 5-42, 5-43, 5-44, 5-45, 5-46, 5-47, 5-48, 5-49, 5-50, 5-51, 5-52, 5-53, 5-54, 5-55, 5-56, 5-58, 5-59, 5-60, 5-61, 5-62, 5-63, 5-64, 5-65, 5-66, 5-67, 5-68, 5-69, 5-70, 5-71, 5-72, 5-73, 5-74, 5-75, 5-76, 5-77, 5-78, 5-79, 5-80, 5-81, 5-82, 5-83, 6-13, 6-21, 6-28, 6-54.

Grass Roots Turf Products, Inc. - for Item Nos.: 1-1, 2-1, 2-4, 2-7, 2-8, 2-9, 2-13, 2-20, 2-22, 3-8, 3-14, 3-26, 3-28, 4-1, 4-6, 4-9, 5-2, 5-3, 5-4, 5-6, 5-10, 5-11, 5-12, 5-15, 5-30, 5-31, 5-32, 5-33, 5-34, 6-4, 6-5, 6-7, 6-8, 6-52, 6-53.

Harrell's LLC - for Item Nos.: 2-5, 2-14, 2-15, 3-6, 3-10, 3-15, 3-16, 3-17, 3-18, 3-19, 3-20, 3-21, 3-22, 3-23, 3-24, 3-35, 4-5, 5-16, 5-35, 6-3, 6-12, 6-14, 6-17, 6-19, 6-20, 6-27.

Herman's Trucking Inc. - for Item Nos.: 5-28, 7-1, 8-1, 8-2, 8-3.

Nutrien Ag Solutions - for Item Nos.: 1-3, 1-4, 1-5, 1-9, 2-10, 2-11, 2-16, 2-17, 2-18, 2-21, 2-23, 3-1, 3-3, 3-4, 3-9, 3-11, 3-12, 3-13, 3-29, 4-8, 4-10,

Plant Food Company Inc. - for Item Nos.: 5-13, 5-14, 5-17, 5-18, 5-22, 5-23, 5-24, 5-25, 5-29, 6-29, 6-30, 6-31, 6-32, 6-33, 6-34, 6-36, 6-37, 6-38, 6-39, 6-40, 6-41, 6-42, 6-43, 6-44, 6-45, 6-46, 6-47, 6-48, 6-49, 6-50.

Seeton Turf Warehouse dba Noble Turf - for Item Nos.: 1-2, 1-6, 2-6, 3-2, 3-7, 3-25, 4-3, 5-5, 5-26, 5-27, 6-2, 6-6, 6-9, 6-10, 6-11, 6-23, 6-24.

SiteOne Landscape Supply - for Item Nos: 1-7, 1-8, 2-2, 2-3, 2-12, 2-19, 3-5, 3-30, 3-31, 3-32, 4-2, 4-4, 4-7, 5-7, 5-9, 5-19, 5-20, 5-21, 5-36.

2. Item No. 5-1 received one bid which will be rejected due to exceeding budgetary estimates. This item will be re-bid.

3. Item Nos. 3-27, 3-33, 3-34, 5-57, 6-16, 6-55 received no bids and will be removed as the products are no longer available.

4. Item Nos. 5-8, 6-15, 6-18, 6-22, 6-25, 6-26, 6-35, 6-51 received no bids and shall be re-bid.

5. Item Nos. 3-7, 3-16 and 5-2 shall be awarded to the second or third lowest bidder because the lowest bid(s) did not meet the specifications.

6. The following items with tied prices were drawn randomly in a manner where everyone had an equal opportunity to be chosen:

2-5, 2-6, 2-9, 2-10, 2-17, 3-2, 3-6, 3-8, 3-9, 3-11, 3-12, 3-14, 3-22, 3-23, 3-24, 3-26, 3-28, 3-29, 3-31, 3-32, 4-1, 4-3, 4-9, 4-10, 5-3, 5-4, 5-5, 5-36, 6-7, 6-8, 6-9, 6-10, 6-11.

7. These contracts are subject to all the terms and conditions of the bid specifications. These will be open-ended contracts with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget year.

8. The Term of Contracts shall be effective from March 11, 2023 through March 10, 2024.

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

10. 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) Division of Parks, Buildings & Grounds
- e) Bey Lea Golf Course
- f) Recreation Department
- g) All Aforementioned Bidders

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CHANGE ORDER NO. 1 - REDUCTION IN CONTRACT IN THE AMOUNT OF \$53,679.13 (ADJUSTMENT IN FINAL CONTRACT QUANTITIES), RELEASE OF PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND, RELEASE OF RETAINAGE FOR THE ROAD ELEVATION OF CANAL LANE AND HARBOR COURT, CLOSE OUT AND FINAL PAYMENT TO EARLE ASPHALT COMPANY IN THE AMOUNT OF \$33,631.68

MARCH 7, 2023

WHEREAS, resolution of the Township Council dated October 26, 2021 authorized award of a contract to Earle Asphalt Company as the lowest bidder meeting all the bid specifications, for the Road Elevation of Canal Lane and Harbor Court, in the total contract price not to exceed \$1,561,313.13; and

WHEREAS, the Division of Engineering requested Change Order No 1 for an adjustment in final contract quantities in a net reduction of \$53,679.13, for a total new project amount not to exceed \$1,507,634.00; and

WHEREAS, the contractor retained for the Road Elevation of Canal Lane and Harbor Court has submitted the required documents in connection with the closeout of this project; and

WHEREAS, it is necessary to take certain action with respect to documents that are required to be completed before the project can be closed out and payment processed, as follows:

- a) Contractor’s Application for Payment in the amount of \$33,631.68.
- b) Original Maintenance Bond No. K40443952M with Earle Asphalt Company, as Principal, and Federal Insurance Company, as Surety.

WHEREAS, Change Order No. 1 – adjustment in final contract quantities resulting in a net reduction of \$53,679.13:

DESCRIPTION OF CHANGE – CHANGE ORDER NO. 1 – REDUCTION - \$53,679.13:

Adjustment in final contract quantities

TOTAL CREDIT REDUCTION: (\$53,679.13)

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Addition this C.O.	X	(\$53,679.13)
Total Reduction This C.O.	x	(\$53,679.13)
Total Extras This C.O.	X	X
Total Supplementary This C.O.	X	X
Total This C.O.	X	(\$53,679.13)
Previous Change Orders	X	X
Total Change in Contract	X	(\$53,679.13)
ORIGINAL CONTRACT BID PRICE:		\$1,561,313.13
NEW CONTRACT PRICE:		\$1,507,634.00

be and the same is hereby ratified and confirmed;

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

1. It hereby authorizes the appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation to close out the Road Elevation of Canal Lane and Harbor Court Project, accept Change Order No. 1 due to an adjustment in final contract quantities (\$53,679.13), release of Performance Bond, acceptance of Maintenance Bond and authorizing release of all retainage and final payment to Earle Asphalt Company in the amount of \$33,631.68.

2. Funds in the amount of \$33,631.68 are available in Account No. X-04-247-001.

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

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney

- d) Engineering Division
- e) Earle Asphalt Company
PO 556
Farmingdale, NJ 07727

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP DEPUTY CLERK TO ATTEST TO THE ANNUAL AMENDMENT TO THE INTERIM SETTLEMENT AGREEMENT BETWEEN UNION CARBIDE CORPORATION AND THE TOWNSHIP OF TOMS RIVER

MARCH 7, 2023

WHEREAS, the Township Committee and Union Carbide Corporation entered into an Interim Settlement Agreement on June 12, 1997, whereby the parties thereto would cooperate in the investigation and remediation of the closed Dover Township Landfill; and

WHEREAS, the Township Committee and Union Carbide Corporation entered into an Amendment to Interim Settlement Agreement dated July 15, 1999 which postponed future litigation until January 31, 2001 and to toll the statute of limitations until June 11, 2001, or until 30 days' written notice by either party; and

WHEREAS, the Township Committee and Union Carbide Corporation entered into a Second Amendment to Interim Settlement Agreement dated March 20, 2001, which postponed future litigation until February 1, 2002 and to toll the statute of limitations until May 1, 2002, or until 30 days' written notice by either party; and

WHEREAS, the Township Committee and Union Carbide Corporation entered into a Third Amendment to Interim Settlement Agreement dated February 4, 2002 and March 12, 2002, which postponed future litigation until February 2, 2003 and to toll the statute of limitations until May 3, 2003, or until 30 days' written notice by either party; and

WHEREAS, the Township Committee and Union Carbide Corporation entered into a Fourth Amendment to Interim Settlement Agreement dated February 27, 2003 and April 14, 2003, which postponed future litigation until February 2, 2004 and to toll the statute of limitations until May 3, 2004, or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Fifth Amendment to Interim Settlement Agreement dated February 10, 2004 and March 18, 2004, which postponed future litigation until February 2, 2005 and to toll the statute of limitations until May 3, 2005, or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Sixth Amendment to Interim Settlement Agreement dated April 12, 2005, which postponed future litigation until February 2, 2006 and tolled the statute of limitations until May 3, 2006, or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Seventh Amendment to Interim Settlement Agreement dated April 25, 2006, which postponed future litigation until February 5, 2007 and tolled the statute of limitations until May 3, 2007, or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into an Eighth Amendment to Interim Settlement Agreement dated April 10, 2007, which postponed future litigation until February 5, 2008 and tolled the statute of limitations until May 6, 2008, or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Ninth Amendment to Interim Settlement Agreement dated March 25, 2008, which

postponed future litigation until February 5, 2009 and tolled the statute of limitations until May 6, 2009, or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Tenth Amendment to Interim Settlement Agreement dated March 10, 2009, which postponed future litigation until February 5, 2010 and tolled the statute of limitations until May 6, 2010, or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into an Eleventh Amendment to Interim Settlement Agreement dated March 10, 2010, which postponed future litigation until February 5, 2011 and tolled the statute of limitations until May 6, 2011, or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Twelfth Amendment to Interim Settlement Agreement dated May 12, 2011 which postponed future litigation until February 6, 2012, to toll the statute of limitations until May 7, 2012, or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Thirteenth Amendment to Interim Settlement Agreement dated April 2, 2013 which postponed future litigation until February 6, 2013, to toll the statute of limitations until May 7, 2013 or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Fourteenth Amendment to Interim Settlement Agreement dated March 6, 2013 which postponed future litigation until February 6, 2014, to toll the statute of limitations until May 7, 2013 or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Fifteenth Amendment to Interim Settlement Agreement dated February 26, 2014; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Sixteenth Amendment to Interim Settlement Agreement dated March 11, 2015 and March 13, 2015, to postpone future litigation until February 8, 2016, to toll the statute of limitations until May 9, 2016, or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Seventeenth Amendment to Interim Settlement Agreement dated February 8, 2017, to toll the statute of limitations until May 9, 2017, or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into an Eighteenth Amendment to Interim Settlement Agreement dated February 28, 2017, 2018 to postpone future litigation until February 8, 2018, to toll the statute of limitations until May 9, 2018, or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Nineteenth Amendment to Interim Settlement Agreement dated February 27, 2018, to postpone future litigation until February 8, 2019, to toll the statute of limitations until May 9, 2019, or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Twentieth Amendment to Interim Settlement Agreement dated February 13, 2019, to postpone future litigation until February 10, 2020, to toll the statute of limitations until May 11, 2020, or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Twenty-First Amendment to Interim Settlement Agreement dated February 28, 2020, to postpone future litigation until February 10, 2021, to toll the statute of limitations until May 11, 2021, or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Twenty-Second Amendment to Interim Settlement Agreement dated March 10, 2021, to postpone future litigation until February 10, 2022, to toll the statute of limitations until May 11, 2022, or until 30 days' written notice by either party; and

WHEREAS, the Township Council and Union Carbide Corporation entered into a Twenty-Third Amendment to the Interim Settlement Agreement dated March 9, 2022, to postpone litigation until February 10, 2023, to toll the statute of limitations until May 11, 2023, or until 30 days' written notice by either party; and

WHEREAS, the parties wish to amend that agreement to postpone future litigation until February 12, 2024, to toll the statute of limitations until May 13, 2024, or until 30 days' written notice by either party; and

WHEREAS, a copy of the Twenty-Fourth Amendment to Agreement will be kept on file in the Office of the Township Clerk upon execution;

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:

March 7, 2023 24

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to a Twenty-Fourth Amendment to Interim Settlement Agreement with Union Carbide Corporation, which will postpone future litigation until February 12, 2024, to toll the statute of limitations until May 13, 2024, or until 30 days' written notice by either party. A copy of this agreement will be kept on file in the Office of the Township Clerk upon execution.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Louis Amoruso, Business Administrator
- d) Township Attorney
- e) Chief Financial Officer
- f) Engineering Division
- g) Ms. Leanne M. Austrins
Environmental Remediation and Restoration
Remediation Manager
The Dow Chemical Company
633 Washington Ave. 1803 Building
Midland, Michigan 48674
- h) Weslynn Reed, Esq.
The Dow Chemical Company
2211 H.H. Dow Way
Midland, Michigan 48674
- i) Bonnie Barnett, Esq.
Faegre, Drinker, Biddle & Reath
One Logan Square, Suite 2000
Philadelphia, PA 19103
- j) Thomas J. Trautner, Esq.
Lauren Tardanico, Esq.
Chiesa, Shahinian & Giantomasi, PC
105 Eisenhower Parkway
Roseland, NJ 07068

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN AMENDMENT TO RESOLUTION DATED NOVEMBER 22, 2022, TO HIRE THREE (3) ADDITIONAL ICE SKATING INSTRUCTORS FOR WINDING RIVER SKATING CENTER FOR CALENDAR YEAR 2023

(NO ADDITIONAL MONIES ARE REQUIRED FOR THIS AMENDMENT)

MARCH 7, 2023

WHEREAS, the Township of Toms River sponsors ice skating instruction at the Winding River Skating Center; and

WHEREAS, resolution of the Township Council dated November 22, 2022, authorized the services of eleven (11) ice skating instructors for calendar year 2023, in an amount not to exceed \$8,000.00, with funds being available for this purpose in Account No. 3-31- -147-534, contingent upon adoption of the 2023 budget; and

WHEREAS, resolution of the Township Council dated December 28, 2022 authorized an amendment to resolution of November 22, 2022, in order to add one (1) additional ice skating instructor at the rate of \$17.00/class; and

WHEREAS, no additional monies were required for the aforementioned amendment; and

WHEREAS, it is necessary to retain the services of three (3) additional ice skating instructors for Calendar year 2023 at the rate of \$17.00/class; and

WHEREAS, the funds which were encumbered by resolution dated November 22, 2022 (\$8,000.00) shall be used for the payment of the fees for the additional three (3) ice skating instructors, at the rate of \$17.00/class;

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 an amendment to resolution dated November 22, 2022, in order to add three (3) additional ice skating instructors for the Winding River Skating Center for Calendar Year 2023, at the rate of \$17.00/class, as follows:

- a) **Alexandra Rooney**
56 Lake Ave., Apt. 8B
Ocean Grove, NJ 07756
\$17.00/class

- b) **Alyson Orbann-Bellotti**
223 Silver Bay Road
Toms River, NJ 08755
\$17.00/class

- c) **Elisa Iuliano**
3301 Churchill Dr.
Toms River, NJ 08753
\$17.00/class

2. The funds which were encumbered by resolution dated November 22, 2022 in the amount of \$8,000.00 under Account No. 3-31- -147-534 shall be used for payment of the fees for the additional three (3) ice skating instructors, listed above, at the rate of \$17.00/class.

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

4. Fully executed purchase orders shall serve as the necessary contract documentation between the parties hereto.

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

- a) Certified Financial Officer
- b) Township Attorney
- c) Purchasing Division
- d) Recreation Dept.
- e) Winding River Skating Center
- f) **Alexandra Rooney**
56 Lake Ave., Apt. 8B
Ocean Grove, NJ 07756
- g) **Alyson Orbann-Bellotti**
223 Silver Bay Road
Toms River, NJ 08755
- h) **Elisa Iuliano**
3301 Churchill Dr.
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS BLOCK 807, LOT 18.02 (Gouverneur Ave & Anthony Ave)

March 7, 2023

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision, known as Block 807, Lot 18.02.

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 \$2,370.00 currently on deposit in account X-19- -601-825, is hereby released with applicable interest if any;

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS BLOCK 794.36, LOT 3 (105 Waldron Road)

March 7, 2023

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision, known as Block 794.36, Lot 3.

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 \$830.00 currently on deposit in account # 3-14- -902-101 is hereby released with applicable interest if any;

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE

March 7, 2023 27

**GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS BLOCK 260, LOT 14
AND 44 (246 Alabama Avenue)**

March 7, 2023

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block260, Lot 14 & 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 Cash Bond in the amount of \$5,930.00 currently on deposit in account #3-14- -902-101 is hereby released with applicable interest if any;

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

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

RESOLUTION

March 7, 2023

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

MASSAGE BUSINESS

**09-23 Ocean Blue Day Spa
2811 Route 37 E
Toms River, NJ 08753**

**04-23 Casino Jewelers
1201 Hooper Ave
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**

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

**RESOLUTION TO AMEND THE 2023 TEMPORARY BUDGET
PURSUANT TO N. J. S. A. 40A: 4-20
MARCH 7, 2023**

WHEREAS, the Township Council of the Township of Toms River passed a 2023 Temporary Budget Resolution on January 3, 2023; and,

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

NOW, 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 the attached list of 2023 emergency temporary appropriations are hereby approved.

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

- a) Administrator
- b) Township Attorney
- c) Chief Financial Officer
- d) Affected Department Heads

Approved as to Content:

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

RESOLUTION AUTHORIZING BUDGET APPROPRIATION

RESERVE TRANSFERS

MARCH 7, 2023

WHEREAS, N.J.S.A. 40A:4-59 permits the Township of Toms River to transfer funds between 2022 Budget Appropriations Reserve accounts during the first three months of the succeeding fiscal year;

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 the following transfer is made between 2022 Budget Appropriation Reserves, as follows:

	<u>Transfer From</u>	<u>Transfer To</u>
General Appropriations Operations - Within "CAPS"		
Engineering Salaries and Wages	\$ 5,200.00	
Engineering Other Expense	<u> </u>	\$ <u>5,200.00</u>
	\$ <u>5,200.00</u>	\$ <u>5,200.00</u>

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

- a) Division of Local Government Services
- b) Auditor
- c) Chief Financial Officer
- c) Affected Department Heads

Approved as to Content

Township Engineer Chankalian explained the following Resolution.

A motion was made by Council Member Geoghegan, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Geoghegan, Kopp, Lamb, Quinlisk, and Council President Lotano 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, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS PATRIOT ESTATES, BLOCK 693 LOT 41, 42 AND 43.01 (Bay Avenue)

March 7, 2023

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

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Cash Bond in the amount of \$41,717.95 will remain on account to represent the Maintenance Cash Bond;

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

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

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

- 1) Surety Rider # CT021951 in the amount of \$191,485.40 is hereby released;
- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;
- 3) Township Clerk shall send a certified copy hereof to each of the following:
 - a. Township Engineer
 - b. Chief Financial Officer
 - c. Township Attorney
 - d. ARYA Properties, LLC
130 Central Avenue
PO Box 145
Island Heights, NJ 08732

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR
TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO AN AGREEMENT
BETWEEN SOLSTICE POWER TECHNOLOGIES, INC. AND TOMS RIVER
TOWNSHIP, FOR THE TOWNSHIP'S PARTICIPATION IN THE NJ SOLAR ENERGY
PILOT PROGRAM**

MARCH 7, 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. The Mayor is authorized to execute and the Township Clerk to attest to an Agreement between Solstice Power Technologies, Inc. and Toms River Township for the Township's participation in the NJ Solar Energy Pilot Program. A copy of the Agreement between Solstice Power Technologies, Inc. and Toms River Township is attached hereto as Schedule "A" and made a part of this resolution.
2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a. Mayor Maurice B. Hill, Jr.
 - b. Township Council
 - c. Business Administrator

- d. Township Attorney
- e. Certified Financial Officer
- f. Purchasing Division
- g. Township Engineer
- h. Department of Public Works
- i. Solstice Power Technologies

REPORTS

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

	2023	2022
Building Permits – February	\$308,492.00	\$310,100.00
Building Permits – YTD through February	\$605,613.00	\$642,042.00

	2023	2022
Bey Lea Golf Course- February	\$8,962.30	\$6,902.96
Bey Lea Golf Course- YTD through February	\$16,308.00	\$7,189.41
Winding River Ice Rink- February	\$120,352.05	\$104,377.00
Winding River Ice Rink- YTD through February	\$287,653.04	\$255,923.99

APPROVAL OF BILLS

Council President Lotano asked for a report on the bills.

The Bill List, dated **March 2, 2023**, was approved on motion by Council Member Kopp, seconded by Council Member Geoghegan 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, payable to payable to Imwoth LLC-AutoShred NJ in the amount of \$214.50.

Purchase Order 23-00924 & 23-01153, payable to Krean’s Auto Body Inc., in the amount of \$10,380.32.

Council Member Geoghegan – NONE

Council Member Ciccozzi - NONE

:

Council Member Kopp – NONE

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

Purchase Order 23-00036, payable to Borough of Lavallette in the amount of \$932.88.

Purchase Order 23-00754, 23-00755 & 23-00862, payable to Citta, Holzapfel, Zarbarsky in the amount of \$10,602.50.

Purchase Order 23-01144, payable to Magistrate Salaries in the amount of \$4,119.23.

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

Purchase Order 23-01033, payable to Remington & Vernick Engineers in the amount of \$5,038.91.

Purchase Order 23-01014, payable to TEC Elevator in the amount of \$1,450.00.

Council Member Rodrick – NONE

ELECTED OFFICIALS COMMENTS

Council Members Rodrick, Quinlisk, and Kopp had no comments.

Council Members Lamb and Geoghegan spoke regarding the school budget cuts.

Council Member Ciccozzi spoke regarding Planning Board applications.

Mayor Hill spoke regarding success of Irish Festival; thanked the Council Members for passing wind farm resolution; agreeing with Councilman Lamb on the school budget cuts; spoke on issues with BASF and mentioned a meeting this coming Monday with NJDEP, and beach replenishment project to begin.

PUBLIC COMMENTS

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

Dana Tormollan, Messenger Street, feels Trenton needs to be held accountable for budget cuts; Toms River Education Fund has been trying to raise funds for schools

Irene Watson, had questions in regards to lead paint ordinance; does not mention what harm lead does to children.

Debbie Martin, Ocean Avenue, Ortleigh Beach, spoke regarding issues with parking in downtown Toms River; also has concerns with beach replenishments and flooding along bay.

Gabrielle Brown, 9 Bayshore Drive, spoke regarding noise issues in neighborhood because of parking spots across the street.

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

No other business appearing, the meeting was **adjourned** at 6:49 P. M., on motion with Council Member Geoghegan, seconded by Council Member Kopp, 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