

March 9, 2022

A **Regular Meeting** of the Township Council of the Township of Toms River was held in the L. Manuel Hirshblond Meeting Room, Municipal Complex, 33 Washington Street, Toms River, New Jersey at 6:00 PM.

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

Council President Geoghegan read the following statement pursuant meeting notice to the Open Public Meetings Act:

OPEN PUBLIC MEETINGS ACT
STATEMENT

This meeting is convened in accordance with the provisions of the Open Public Meetings Act of New Jersey. Let the official Minutes reflect that adequate notice of this meeting has been provided by publishing a notice in the Asbury Park Press on Saturday, **January 8, 2022**, the Press of Atlantic City and the Star Ledger and also forwarded to the Toms River Times, Toms River Patch and WOBN News on Monday, **January 31, 2022**, and thereafter posting same on the Town Hall bulletin board for such notices, and filing same with the Township Clerk, pursuant to a resolution adopted by the Township Council on Monday, **January 3, 2022**. The meeting dates have also been posted on the Township web page.

Roll Call:

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

APPROVAL OF MINUTES

A motion was made by Council Member Kopp, seconded by Council Member Quinlisk, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick, and with Council President Geoghegan voting yes, to approve the Minutes of the **Regular Meeting of February 23, 2022**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS

A motion was made by Council Member Huryk, seconded by Council Member Kopp, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick absent, to make the following honoring proclamations a part of the Minutes.

Township of Toms River
Proclamation

WHEREAS, fifty years ago, on March 22, 1972, President Nixon signed into law a measure that amended the Older Americans Act to include a national nutritional program for individuals 60 years and older; and

WHEREAS, for five decades this law helped fund community-based organizations like **Meals on Wheels** meet the nutritional and social needs of older adults; and

WHEREAS, this year's **Meals on Wheels** programs across the country are joining together for the March for Meals awareness campaign to celebrate 50 years of success; and

WHEREAS, **Meals on Wheels** programs in Ocean County have served our communities admirably for 50 years; and

WHEREAS, **Meals on Wheels** programs in Ocean County provide nutritious meals to seniors throughout Ocean County that help them maintain their health and independence and provided essential services amid the Covid-19 pandemic; and

WHEREAS, the senior population is increasing and action is needed now to support local **Meals on Wheels** programs through funding; volunteering; donations; and raising awareness to ensure these vital services can continue to be delivered for another 50 years.

NOW, THEREFORE, I, Mayor Maurice B. Hill and Council President Kevin M. Geoghegan of the Township of Toms River do hereby proclaim March 2022 as month celebrating the 50th anniversary of the Older Americans Act Nutrition program and urge the community to take this month to honor our **Meal on Wheels** programs, the seniors they serve and the volunteers who care for them.

Mayor Maurice B. Hill, Jr.

**Kevin M. Geoghegan
Council President**

David Ciccozzi

Joshua D. Kopp

Justin D. Lamb

Matthew W. Lotano

Daniel T. Rodrick

Jim Quinlisk

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

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE ACQUISITION, EITHER BY PURCHASE OR EMINENT DOMAIN, OF REAL PROPERTY KNOWN AS 1944 WHITESVILLE ROAD (BLOCK 298, LOT 27), 133 RIVERWOOD DRIVE (BLOCK 171, LOT 7), AND 2045 WHITESVILLE ROAD (BLOCK 171.09, LOTS 1 AND 812), ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY

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

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

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

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

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

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

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

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

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

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 325-3 (GREENS FEES) OF CHAPTER 325 (GOLF COURSES) OF THE TOWNSHIP CODE

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

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

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

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

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

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

Council Member Ciccozzi	Yes
Council Member Kopp	Yes
Council Member Lamb	No

Council Member Quinlisk	Yes
Council Member Rodrick	No
Council Vice-President Lotano	Yes
Council President Geoghegan	Yes

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

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPER 383 (PARKS, MUNICIPAL) OF THE TOWNSHIP CODE TO AMEND CERTAIN FEES FOR THE WINDING RIVER PARK ICE SKATING RINK FACILITIES

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

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

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

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

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

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

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

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

**TOWNSHIP OF TOMS RIVER
COUNTY OF OCEAN**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$12,320,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,732,000

March 9, 2022 4

**BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF,
AUTHORIZED IN AND BY THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF
OCEAN, NEW JERSEY**

BE IT ORDAINED by the TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Township of Toms River, in the County of Ocean, New Jersey (the "Township"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$12,320,500, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$588,500 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., now available by virtue of provision in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$11,732,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of:

i) paving and roadway improvements, including the 2022 Paving Program, planning and design for Township wide drainage and dredging improvements and the 2022 Roadway Elevation Project, with a total appropriation and estimated cost of \$7,435,000, an estimated maximum amount of bonds or notes therefor of \$7,080,000, and an average period of usefulness of twenty (20) years;

ii) the purchase and replacement of various vehicles and equipment, including, but not limited to, various acquisitions for the Department of Public Works, including, but not limited to, sanitation equipment, street sweeping equipment, dump trucks, bucket trucks, roll off boxes, various acquisitions for the Department of Parks, Buildings and Grounds, including, but not limited to, mowers, various acquisitions for Recreation Department, including, but not limited to, golf course mowers, blowers and utility vehicles, acquisition of a beach patrol quad; various acquisitions for the Police Department beach patrol 4x4's and uplifts for the; various acquisitions for the IT Department, including, but not limited to, firewall and computer equipment and various acquisitions for the Office of Emergency Management/Community Service Office, including, but not limited to, ambulance, and equipment, with a total appropriation and estimated cost of \$3,550,500, estimated amount of bonds and notes therefor of \$3,381,000, and an average period of usefulness of 10.99887 years; and

iii) improvements to Township properties, including, but not limited to, improvements to Deer Hollow Park; dune and walkover repairs, culvert relining at Holiday City, Tidal Creek stream design and permits, breakwater repair at Dillons Creek, design for Spray Park, a Pavilion, upgrades to the Township public pool snack bar, acquisition of a storage shed, bunker and cart path reconstruction and sprinklers, replacement of the air conditioning at the Township Building and various renovations to the Township Police Department including, but not limited to, the lobby door and carpeting, with a total appropriation and estimated cost of \$1,335,000, estimated amount of bonds and notes therefor of \$1,217,000, and an average period of usefulness of 14.09539 years,

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$11,732,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$12,320,500, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$12,320,500 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$588,500 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 16.76627 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$11,732,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$727,500 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Township are used to finance, on an interim basis, costs of said improvements or purposes, the Township reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Township for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and, unless paid from other sources, the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**CERTIFICATE OF MUNICIPAL CLERK
EXTRACT OF MINUTES
SHOWING INTRODUCTION OF ORDINANCE**

I, ALISON CARLISLE, Municipal Clerk of the Township of Toms River, in the County of Ocean, State of New Jersey, HEREBY CERTIFY that the annexed extract from the minutes of a meeting of the governing body of said Township, duly called and held on March 9, 2022, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said governing body and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to Bond Ordinance No. _____ and the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Township, this 9th day of March, 2022.

TOWNSHIP OF TOMS RIVER, IN THE
COUNTY OF OCEAN, NEW JERSEY

ALISON CARLISLE,
Municipal Clerk

(SEAL)

**TOWNSHIP OF TOMS RIVER
COUNTY OF OCEAN
BOND ORDINANCE NO. _____**

NOTICE OF PENDING BOND ORDINANCE

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Toms River, in the County of Ocean, New Jersey (the "Township"), held on March 9th, 2022. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Municipal Offices, 33 Washington Street, Toms River, New Jersey, on March 23rd, 2022, at 6_00 p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Municipal Complex of the Township during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Township who shall request such copies, at the office of the Municipal Clerk in said Township of Toms River, in the County of Ocean, New Jersey. The summary of the terms of such bond ordinance follows:

TITLE: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$12,320,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,732,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY.

Purpose(s): Providing for the following capital improvements and/or acquisitions: i) paving and roadway improvements, including the 2022 Paving Program, planning and design for Township wide drainage and dredging improvements and the 2022 Roadway Elevation Project, ii) the purchase and replacement of various vehicles and equipment, including, but not limited to, various acquisitions for the Department of Public Works, including, but not limited to, sanitation equipment, street sweeping equipment, dump trucks, bucket trucks, roll off boxes, various acquisitions for the Department of Parks, Buildings and Grounds, including, but not limited to, mowers, various acquisitions

March 9, 2022 7

for Recreation Department, including, but not limited to, golf course mowers, blowers and utility vehicles, acquisition of a beach patrol quad; various acquisitions for the Police Department beach patrol 4x4's and uplifts for the; various acquisitions for the IT Department, including, but not limited to, firewall and computer equipment and various acquisitions for the Office of Emergency Management/Community Service Office, including, but not limited to, ambulance, and equipment, and iii) improvements to Township properties, including, but not limited to, improvements to Deer Hollow Park; dune and walkover repairs, culvert relining at Holiday City, Tidal Creek stream design and permits, breakwater repair at Dillons Creek, design for Spray Park, a Pavilion, upgrades to the Township public pool snack bar, acquisition of a storage shed, bunker and cart path reconstruction and sprinklers, replacement of the air conditioning at the Township Building and various renovations to the Township Police Department including, but not limited to, the lobby door and carpeting.

Appropriation: \$12,320,500

Bonds/Notes Authorized: \$11,732,000

Section 20 Costs: \$727,500

Useful Life: 16.76627 Years

ALISON CARLISLE, Municipal Clerk
Township of Toms River
County of Ocean, New Jersey

A motion was made by Council Member Kopp, seconded by Council Member Lotano and carried, with Council Members Ciccozzi, Kopp, Lotano, Quinlisk, and Council President Geoghegan voting yes, and with Council Members Lamb and Rodrick abstaining, that the foregoing Ordinance be adopted on first reading with publication notice as follows:

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on March 9, 2022 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on March 23, 2022 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

MICHAEL CRUOGLIO
TOWNSHIP DEPUTY CLERK

APPROVED AS TO FORM:
ANTHONY MERLINO
ASSISTANT TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Saturday, March 12, 2022.

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

Township Engineer Chankalian mentioned there is a timeline on the following Ordinance. Public safety is important and radio project will comply with FCC mandate. Better coverage in all of our buildings.

Chief Little looking into new equipment since 2008. We are having dead spots in town. We need to match the rest of what the county has.

Council Member Lotano mentioned this is an unfunded mandate.

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

BOND ORDINANCE PROVIDING FOR THE DESIGN, CONSTRUCTION AND ERECTION OF RADIO TOWERS AND THE ACQUISITION OF EQUIPMENT IN CONNECTION THEREWITH, APPROPRIATING \$13,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$12,570,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY

BE IT ORDAINED by the TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Township of Toms River, in the County of Ocean, New Jersey (the "Township"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$13,200,000, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$630,000 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., now available by virtue of provision in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$12,570,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the design, construction and erection of three (3) radio towers in the Township for the purpose of supporting one or more antennas designed to transmit or receive radio signals including self supporting monopole towers and, the acquisition of related equipment, including, but not limited to, site radio equipment, site antenna equipment, stand alone core equipment, dispatch consoles, end user equipment and all else necessary therefor or required in connection therewith, with a total appropriation and estimated cost of \$13,200,000, estimated amount of bonds and notes therefor of \$12,570,000, and an average period of usefulness of 13.05169 years,

together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Township Clerk, as finally approved by the governing body of the Township.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$12,570,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$13,200,000, which is equal to the amount of the appropriation herein made therefor. The

excess of the appropriation of \$13,200,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$630,000 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 13.05169 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$12,570,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$500,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Township are used to finance, on an interim basis, costs of said improvements or purposes, the Township reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Township for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and, unless paid from other sources, the Township shall be obligated to levy ad valorem taxes upon all the

taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**TOWNSHIP OF TOMS RIVER
COUNTY OF OCEAN
BOND ORDINANCE NO. _____**

NOTICE OF PENDING BOND ORDINANCE

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Toms River, in the County of Ocean, New Jersey (the "Township"), held on March 9th, 2022. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Municipal Offices, 33 Washington Street, Toms River, New Jersey, on March 23rd, 2022, at 6:00 p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Municipal Complex of the Township during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Township who shall request such copies, at the office of the Municipal Clerk in said Township of Toms River, in the County of Ocean, New Jersey. The summary of the terms of such bond ordinance follows:

TITLE: BOND ORDINANCE PROVIDING FOR THE DESIGN, CONSTRUCTION AND ERECTION OF RADIO TOWERS AND THE ACQUISITION OF EQUIPMENT IN CONNECTION THEREWITH, APPROPRIATING \$13,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$12,570,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY.

Purpose(s): Providing for the design, construction and erection of three (3) radio towers in the Township for the purpose of supporting one or more antennas designed to transmit or receive radio signals including self supporting monopole towers and, the acquisition of related equipment, including, but not limited to, site radio equipment, site antenna equipment, stand alone core equipment, dispatch consoles, end user equipment and all else necessary therefor or required in connection therewith.

Appropriation: \$13,200,000

Bonds/Notes Authorized: \$12,570,000

Section 20 Costs: \$500,000

Useful Life: 13.05169 Years

ALISON CARLISLE, Municipal Clerk
Township of Toms River
County of Ocean, New Jersey

A motion was made by Council Member Lotano, seconded by Council Member Kopp and carried, with Council Members Ciccozzi, Kopp, Lotano, Quinlisk, and Council President Geoghegan voting yes, and with Council Members Lamb and Rodrick abstaining, that the foregoing Ordinance be adopted on first reading with publication notice as follows:

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on March 9, 2022 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on March 23, 2022 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this

March 9, 2022 11

ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

MICHAEL CRUOGLIO
TOWNSHIP DEPUTY CLERK

APPROVED AS TO FORM:
ANTHONY MERLINO
ASSISTANT TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Saturday, March 12, 2022.

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

Council Member Rodrick questioned Municipal Tax Budget numbers and tax levy.

A motion was made by Council Member Lotano, seconded by Council Member Quinlisk, and with all Council Members who were present voting yes, to approve the following Resolution:

RESOLUTION AUTHORIZING THE READING OF THE TOWNSHIP OF TOMS RIVER 2022 CALENDAR YEAR BUDGET BY TITLE ONLY

March 9, 2022

WHEREAS, the statutory requirements regarding advertising, posting and availability of the 2022 Calendar Year Local Municipal Budget have been met;

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

1. The 2022 Calendar Year Local Municipal Budget of the Township of Toms River shall be read by title only pursuant to Statute.
2. Township Clerk shall send a certified copy of this resolution to each of the following:
 - a. Chief Financial Officer
 - b. Municipal Attorney
 - c. Auditor
 - d. State of New Jersey
Div. of Local Government Services
PO BOX 803
Trenton, NJ 08625

The foregoing Resolution was **APPROVED** on the following roll call vote:

Council Member Ciccozzi	Yes
Council Member Kopp	Yes
Council Member Lamb	Abstaining
Council Member Quinlisk	Yes

Council Member Rodrick	Abstaining
Council Vice-President Lotano	Yes
Council President Geoghegan	Yes

Chief Financial Officer Tutela was asked to explain the following Resolution.

A motion was made by Council Member Kopp, seconded by Council Member Quinlisk, and with all Council Members who were present voting yes, to approve the following Resolution:

RESOLUTION CANCELING GENERAL CAPITAL IMPROVEMENT AUTHORIZATIONS

March 9, 2022

WHEREAS, certain General Capital Improvement Authorizations have been deemed cancelable by the Chief Financial Officer; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended/uncollectible balances may be returned to the appropriate or originating account;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, that the following General Capital Improvement Authorizations are hereby canceled:

Improvement Authorization	Amount
Ordinance 4398-13/4418-13	\$11,009,793.36

BE IT FURTHER RESOLVED that the Township Clerk shall send a certified copy hereof to each of the following:

- A. Township CFO
- B. Township Deputy CFO
- C. Township Auditor

Approved as to Content:

The foregoing Resolution was **APPROVED** on the following roll call vote:

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

A motion was made by Council Member Kopp, seconded by Council Member Quinlisk, and with all Council Members who were present voting yes, to approve the following Resolution:

**RESOLUTION TO AMEND THE 2022 TEMPORARY BUDGET
PURSUANT TO N.J.S.A. 40A:4-20
MARCH 9, 2022**

WHEREAS, the Township Council of the Township of Toms River passed a 2022 Temporary Budget Resolution on January 3, 2022; 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 2022 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:

The foregoing Resolution was **APPROVED** on the following roll call vote:

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

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 with Council President Geoghegan voting yes, to approve all the following items listed on the Consent Agenda except item **D, H, I, and J**, which were done separately.

R E S O L U T I O N

MARCH 9, 2022

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:

March 9, 2022 14

NAME	BLOCK	LOT	Qual,Year	Amount
<i>CORELOGIC COMMERCIAL TAX SVS</i>	<i>842</i>	<i>27</i>	<i>2022/1</i>	<i>\$1,214.30</i>
<i>CORELOGIC</i>	<i>413.04</i>	<i>12</i>	<i>2022/1</i>	<i>\$42.35</i>
<i>TOTALS:</i>				<i>\$1,256.65</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 9, 2022

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

<u>Taxi Company</u>	<u>License #, Year, Car Description, Vin#</u>
1. Global Express Care Elite 517 Maypink Dr Toms River NJ 08753	800-22 2010 Dodge 16669

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

March 9, 2022

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

<u>Name</u>	<u>Type of License</u>	<u>Taxi Company</u>
011-22 Carol Smith	Taxi Driver	A Absolutely the Best Taxi
012-22 Mousa Khoury	Taxi Driver	Global Express Care Elite

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

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964," PURSUANT TO N.J.S.A. 40A:4-5.

MARCH 9, 2022

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183, requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the Township Council have familiarized themselves with the contents of the above-referenced enforcement guidance and

March 9, 2022 16

with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto as Schedule "A":

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

1. The Township Council of the Township of Toms River hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance.

2. The Township Clerk is hereby directed to maintain and make available for inspection a certified copy of this resolution and the fully-executed affidavit to show evidence of said compliance.

3. The Chief Financial Officer shall file a certified copy of this resolution and the original, fully-executed affidavit to the Division of Local Government Services as required by law.

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) Business Administrator
- d) Chief Financial Officer
- e) Township Attorney

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON MARCH 9, 2021.

MICHAEL CRUOGLIO
Deputy Township Clerk

RESOLUTION

March 9, 2022

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

MESSAGE BUSINESS

- 01-22 Asian Therapy
1201 Hooper Ave
Toms River, NJ 08753**
- 02-22 King Acupressure
970 Lakewood Rd
Toms River, NJ 08753**
- 03-22 Star Acupressure Center
83 Route 37 West
Toms River, NJ**
- 04-20 Sunny Days Massage
1594 Route 9, Unit #8**

Toms River, NJ 08755

- 05-22 Ocean Blue Day Spa
2811 Route 37 E
Toms River, NJ 08753
- 06-22 Blue Moon Therapy
1242 Route 166
Toms River, NJ 08753
- 07-22 Orient Spa
1740 Lakewood Rd
Toms River NJ 08753
- 08-22 Queen Spa 88 Inc.
1231 Route 166
Toms River NJ 08753
- 09-22 New Harmony Spa Inc.
708 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 OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF CONTRACTS TO VARIOUS VENDORS WHO MEET ALL THE BID SPECIFICATIONS, FOR THE SUPPLY OF GRASS SEED, FERTILIZER, HERBICIDES, FUNGICIDES, INSECTICIDES, INFIELD MIX, TOP DRESSING & BUNKER SAND, AND REBID ITEMS WHICH RECEIVED NO AWARD

MARCH 9, 2022

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; and

WHEREAS, bids were received from the following vendors on February 1, 2022, and reviewed by the Purchasing Division and Bey Lea Golf Course, as follows:

Mitchell Products, LLC LLC 1205 W Main St Tampa Hwy Millville, NJ 08332 33815	Seeton Turf Warehouse LLC d/b/a Noble Turf 25 Roland Ave. Laurel, NJ 08054	Harrell's, 5105 New Lakeland, FL
--	---	--

Plant Food Company 38 Hightstown-Cranbury Station Rd. Cranbury, NJ 08512	Nutrien AG Solutions Inc. 1470 Jersey Ave. North Brunswick, NJ 08902
--	--

Tuckahoe Sand & Gravel Co., Inc. 2819 Fire Road Egg Harbor Township, NJ 08234	Grass Roots Turf Products, Inc. 4 Middlebury Blvd., Suite 7 Randolph, NJ 07869
---	--

WHEREAS, Item # 27 is rejected because the price bid was too high. Quotes shall be obtained prior to purchase of this item; and

WHEREAS, Items 2, 3, 5-8, 22, 26, 29, 61, 67, 68, 71, 73, 76, 86-88, 105, 108-109, 120, 122-123, 125, 129, 132, 133, 158, 161 – 166 received no bids and shall be rebid; and

WHEREAS, Items 30 and 40 shall be awarded to the second lowest bidder because the lowest bid did not meet the specifications; and

WHEREAS, the following items with tied prices were drawn randomly in a manner where everyone had an equal opportunity to be chosen: 11, 14-20, 28, 34, 39, 41, 44, 45, 47-57, 60, 65, 66, 70, 78, 79, 82, 83, 117 and 118; and

WHEREAS, Harrell's LLC rescinded Items 48 and 50-53 on their bid due to a pricing error; and

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

Mitchell Products LLC - for Items: 80 and 89.

Seeton Turf Warehouse LLC d/b/a Noble Turf - for Items: 40, 49, 51, 59, 82, 84, 106, 111-116, 118, 130, 131 and 134.

Harrell's LLC - for Items: 19, 20, 24, 25, 33, 34, 42, 43, 45, 47, 57, 60, 63, 66, 69, 72, 95, 98-100, 110, 119, 121, 124, 126-128, 135 and 160.

Plant Food Company - for Items: 92, 93, 96, 97, 101-104 and 136-157

Nutrien AG Solutions Inc. - for Items: 4, 9, 10, 12, 14-16, 18, 21, 23, 28, 35, 36, 38, 39, 44, 46, 52, 56, 62, 64, 74, 75, 78 and 79.

Tuckahoe Sand & Gravel Co Inc. - for Item: 107.

Grass Roots Turf Products Inc. - for Items: 1, 11, 13, 17, 30 - 32, 37, 41, 48, 50, 53-55, 58, 65, 70, 77, 81, 83, 85, 90, 91, 94, 117 and 159.

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 and Bunker Sand, to the following vendors who meet all of the bid specifications, as follows:

Mitchell Products LLC - for Items: 80 and 89.

Seeton Turf Warehouse LLC d/b/a Noble Turf - for Items: 40, 49, 51, 59, 82, 84, 106, 111-116, 118, 130, 131 and 134.

Harrell's LLC - for Items: 19, 20, 24, 25, 33, 34, 42, 43, 45, 47, 57, 60, 63, 66, 69, 72, 95, 98-100, 110, 119, 121, 124, 126-128, 135 and 160.

Plant Food Company - for Items: 92, 93, 96, 97, 101-104 and 136-157.

Nutrien AG Solutions Inc. - for Items: 4, 9, 10, 12, 14-16, 18, 21, 23, 28, 35, 36, 38, 39, 44, 46, 52, 56, 62, 64, 74, 75, 78 and 79.

Tuckahoe Sand & Gravel Co Inc. - for Item: 107.

Grass Roots Turf Products Inc. - for Items: 1, 11, 13, 17, 30 - 32, 37, 41, 48, 50, 53-55, 58, 65, 70, 77, 81, 83, 85, 90, 91, 94, 117 and 159.

2. 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.

3. The contract term shall be effective from March 11, 2022 through March 10, 2023.

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) Division of Purchasing
- b) Chief 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 THE POLICE DEPARTMENT TO DISPOSE OF ONE (1) SHARP COPIER, MODEL MX-M620N YEAR 2009, SERIAL NUMBER 95006715, WHICH IS NO LONGER NEEDED FOR PUBLIC USE, AND IS NOT FIT TO SELL AT AUCTION, BY RECYCLING, PURSUANT TO N.J.S.A. 40A:11-36

MARCH 9, 2022

WHEREAS, the Police Department is requesting authorization to dispose of One (1) Sharp Copier, Model MX-M620N Year 2009, Serial Number 95006715, which is no longer needed for public use, and is not fit to sell at auction, by recycling, pursuant to N.J.S.A. 40A:11-36:

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. Pursuant to N.J.S.A. 40A:11-36, it hereby authorizes the Police Department to dispose of One (1) Sharp Copier, Model MX-M620N Year 2009, Serial Number 95006715, which is no longer needed for public use, and is not fit to sell at auction, by recycling, pursuant to N.J.S.A. 40A:11-36:

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) Township Attorney
- c) Chief Financial Officer
- d) Police Department

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH THE INSTITUTE FOR FORENSIC PSYCHOLOGY, AS TOWNSHIP PSYCHOLOGIST COMMENCING MARCH 10, 2022 UP TO AND INCLUDING DECEMBER 31, 2022, AND AUTHORIZING THE MAYOR TO EXECUTE AND THE DEPUTY MUNICIPAL CLERK TO ATTEST TO AN AGREEMENT WITH THE INSTITUTE FOR FORENSIC PSYCHOLOGY

MARCH 9, 2022

WHEREAS, the Township of Toms River requires the services of a Township Psychologist for the calendar year of 2022; and

WHEREAS, Raymond J. Hanbury, Ph.D., One Hovchild Plaza, 4000 Route 66, Suite 331, Tinton Falls, NJ, 07753, has been the Township Psychologist for several years; and

WHEREAS, on December 28, 2021, the Township Council extended Raymond J. Hanbury's contract as Township Psychologist to January 26, 2022; and

WHEREAS, subsequently, the Township was advised that Dr. Hanbury was unable to provide the services as the Township Psychologist for the Township of Toms River for the term commencing January 27, 2022 up to and including December 31, 2022; and

WHEREAS, the Township of Toms has received a proposal from The Institute for Forensic Psychology, for Township Psychologist services; and

WHEREAS, the Township Council has reviewed the proposal and has determined that it would be in the best interest of the Township to authorize a contract to The Institute for Forensic Psychology for Township Psychologist services, for the term commencing March 10, 2022 up to and including December 31, 2022; and

WHEREAS, the total maximum amount for these services does not exceed the threshold to obtain a Business Entity Disclosure Certification and Political Contribution Disclosure form pursuant to *N.J.S.A. 19:44A-20.4 et. seq.*; and

WHEREAS, the Institute for Forensic Psychology agrees to act as the Township Psychologist for the 2022 calendar year, commencing March 10, 2022 up to and including December 31, 2022:

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

1. It herewith authorizes a professional services contract to The Institute for Forensic Psychology, for Township Psychologist services, commencing March 10, 2022 up to and including December 31, 2022, for a total maximum amount of contract not to exceed \$15,000.00 for the entire calendar year of 2022. This will be an open ended contract with funds being encumbered each time service is requested. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

2. The Mayor is hereby authorized to execute and the Deputy Municipal Clerk to attest to a contract with the Institute for Forensic Psychology, as Township Psychologist, commencing March 10, 2022 up to and including December 31, 2022, for a total maximum amount not to exceed \$15,000.00 for CY22, contingent upon the execution of a contract, availability of funds and the adoption of the CY22 budget. This will be an open ended contract with funds being encumbered each time service is requested. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

3. A notice of this contract award shall be published within 10 days of the date of this Resolution, pursuant to law.

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) Chief Financial Officer
- c) Business Administrator
- d) Township Attorney
- e) Deputy Municipal Clerk
- f) Chief of Police
- g) Institute for Forensic Psychology
5 Fir Court, Suite 2
Oakland, NJ 07436

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING REDUCED PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN PREVIOUSLY KNOWN AS, 1181 ROUTE 37, NOW KNOWN AS SGS ROUTE 37 WEST, BLOCK 506.02, LOT 24 (1181 Route 37 West)

March 9, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 506.02, Lot 24.

WHEREAS, Reduced Performance Bonds have been posted as follows:

- 1) Surety Rider #B1194028 in the reduced amount of \$126,950.00 which will represent the performance guarantee amount.
- 2) Cash Bond in the amount of \$12,745.00 will remain on account to represent a portion of the performance guarantee amount.

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

- 1) Previously posted Cash Bond in the amount of \$12,745.00 is to be released;
- 2) The bonds set forth in the preamble hereto are hereby approved.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. SGS Route 37, LLC
c/o R. Stone and Co.
432 Lakehurst Road
Toms River, NJ 08755

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS BLOCK 472, LOT 11.02 (501 Corporate Circle)

March 9, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Block 472, Lot 11.02.

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) Performance Surety Bond #S303204 in the amount of \$206,190.00 is hereby released;
- 2) Cash Bond in the amount of \$22,910.00 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. Robert C Shea / 501 Corporate Circle LLC
244 Main Street PO Box 2627
Toms River, NJ 08754

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS GILFORD PARK YACHT CLUB, BLOCK 855, LOT 2 (700 Riverside Drive)

March 9, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Gilford Park Yacht Club, Block 855, Lot 2.

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 \$800.00 currently on deposit in account # 2-14- -902-101 is hereby released with applicable interest;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Gilford Park Yacht Club
Attn: Ed Horton
700 Riverside Drive
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE OFFICE OF THE OCEAN COUNTY PROSECUTOR FOR POLICE SERVICES – FOR THE PROSECUTOR'S PROGRAM - 2022, FORMERLY KNOWN AS FATAL ACCIDENT SUPPORT TEAM (F.A.S.T.)

MARCH 9, 2022

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

1. The Mayor is hereby authorized to execute and the Deputy Municipal Clerk to attest to a Shared Services Agreement between the Township of Toms River and the Office of the Ocean County Prosecutor for the Prosecutor's Program - 2022, formerly known as the Fatal Accident Support Team (F.A.S.T.), for the term commencing retroactive to January 1, 2022 and terminating December 31, 2022. A copy of this Agreement will be kept on file in the Office of the Township Clerk upon execution.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Township Grant Coordinator
- f) Police Department, Attn: Chief Mitchell Little
- g) Chief Financial Officer
- h) Ocean County Board of Commissioners
P.O. Box 2191
Toms River, N.J. 08754-2191
- i) Ocean County Prosecutor's Office
Attn: Robert Parlow
Vehicular Homicide Unit
119 Hooper Avenue
P.O. Box 2191
Toms River, N.J. 08754-2191

Council Member Lotano mentioned this was a recommendation from our efficiency study.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT THROUGH THE COMPETITIVE CONTRACTING PROCESS, TO UNICORN HRO LLC, FOR THE TOMS RIVER PAYROLL AND HUMAN RESOURCE INFORMATION SYSTEM SERVICES, AND AUTHORIZING THE MAYOR TO EXECUTE AND THE DEPUTY MUNICIPAL CLERK TO ATTEST TO AN AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND UNICORN HRO LLC

MARCH 9, 2022

WHEREAS, proposals were received for the Toms River Payroll and Human Resource Information System Services through the competitive contracting process; and

WHEREAS, on October 5, 2021, the Township of Toms River received seven (7) proposals for the Toms River Payroll and Human Resource Information System Services through the competitive contracting process in accordance with NJSA 40A:11-4.1 which allows for price and other factors. The results are as follows:

Prime Point LLC	\$	408,900.00	
2 Springside Road			
Westhampton, NJ 08060			
ADP, Inc.	\$	471,689.00	Based on 800 Employees-no retirees
One ADP Boulevard			
Roseland, NJ 07068			
UKG, Inc.	\$	1,250,809.60	
3040 Route 22 West, Suit			
200			
Branchburg, NJ 08876-			
3594			
FourthSquare LLC	\$	1,252,975.80	
300 Decker Drive, Suite 3:			
Irving, TX 75062			
Unicorn HRO LLC	\$	451,100.50	
25B Hanover Road			
Florham Park, NJ 07932			
Ceridian HCM, Inc.	\$	715,233.00	\$18.81 per person per month
3311 E. Old Shakopee			
Road			
Minneapolis, MN 55425			
Paychex, Inc.	\$	-	Pricing unclear - not in accordance with proposal
911 Panorama Trail			
South			
Rochester, NY 14625			

WHEREAS, the review committee for this solicitation was led by Judith Tutela, Certified Financial Officer, and rated by Alexandra Gallo, Tara Lewczak, Nora Robinson, with input from Joseph Jennings on technology-related items; and

WHEREAS, before reviewing any proposals, each person on the committee reviewed the Ownership Disclosure Documents for each 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, Committee members reviewed the proposals both separately and together, and scored each vendor as follows:

	<u>Total Points</u>
Prime Point LLC	338

2 Springside Road
Westhampton, NJ 08060

ADP, Inc. 328
One ADP Boulevard
Roseland, NJ 07068

UKG, Inc. 327
3040 Route 22 West, Suite 200
Branchburg, NJ 08876-3594

FourthSquare LLC 215
300 Decker Drive, Suite 335
Irving, TX 75062

Unicorn HRO LLC 391
25B Hanover Road
Florham Park, NJ 07932

Ceridian HCM, Inc. 269
3311 E. Old Shakopee Road
Minneapolis, MN 55425

Paychex, Inc. 188
911 Panorama Trail South
Rochester, NY 14625

WHEREAS, the scores were based upon the following observations:

Prime Point LLC – Although they were the lowest price, they did not offer all the features the Township is interested in for HR and Benefits.

ADP, Inc. – Comparative in price and in services though prior experience indicated customer service was not exceptional.

UKG, Inc. – Priced in excess of \$800,000.00 more than the next comparative vendor and experience indicates customization with additional cost is generally required.

FourthSquare LLC – Priced in excess of \$800,000.00 more than the next comparative vendor, did not offer all the functions we are looking for and no experience with NJ Municipal Government Clients.

Unicorn HRO LLC – Priced comparatively, extensive NJ Municipal Government Clients, provided references that we could speak to about the product. Customer service a priority for them and NJ clients are sized similarly.

Ceridian HCM, Inc. – Priced comparatively, extensive NJ Municipal Government Clients, provided references that we could speak to about the product. Customer service a priority for them and NJ clients are sized similarly.

Paychex, Inc. – Proposal was unresponsive as to submission of particulars and price; and

WHEREAS, the Committee unanimously chose Unicorn HRO LLC, Florham Park, New Jersey, at a total contract price of \$451,100.50 which includes the implementation cost of \$36,970.00 and \$138,043.50 per year for three years after implementation, total contract price: \$451,100.50; and

WHEREAS, at this time, the Township is only awarding the implementation cost of \$36,970.00 and estimated \$50,000.00 towards the cost of the first year of the contract, and the balance of the contract will be contingent upon the availability of funds in the appropriate municipal budget year:

March 9, 2022 26

WHEREAS, funds are available as follows:

Implementation cost: \$36,970.00 available in Account No.: X-04- - 238-007.

Estimated \$50,000.00 towards the cost of the first year of the contract:

Account No. 2-01- -F12- 534 - \$20,000.00

Account No. 2-01- -H06-534 - \$30,000.00

The balance of the funds are contingent upon funds being available in the appropriate municipal budgets.

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

1. It hereby awards a contract to Unicorn HRO LLC for the Toms River Payroll and Human Resource Information System Services through the competitive contracting process, for a total maximum contract amount not to exceed \$451,100.50, and funds are available as follows:

Implementation cost: \$36,970.00 available in Account No.: X-04- - 238-007.

Estimated \$50,000.00 towards the cost of the first year of the contract:

Account No. 2-01- -F12- 534 - \$20,000.00

Account No. 2-01- -H06-534 - \$30,000.00

The balance of the funds are contingent upon funds being available in the appropriate municipal budgets.

2. The report prepared pursuant to N.J.S.A. 40A:11-4.5 (d) was made publicly available more than 48 hours in advance of this award of contract. This report shall become part of the public record and shall reflect the final action of the governing body. Contracts shall be executed pursuant to section 14 of P.L.1971, c.198.

3. Pursuant to N.J.S.A.40A:11-4.5 (g), the Deputy Municipal Clerk shall publish a notice in the Township's official newspaper summarizing this award. This notice shall include, but not be limited to, the nature, duration, and amount of the contract, the name of the vendor and a statement that the resolution and contract are on file and available for public inspection in the Office of the Township Clerk.

4. Funds are available as follows:

Implementation cost: \$36,970.00 available in Account No.: X-04- - 238-007.

Estimated \$50,000.00 towards the cost of the first year of the contract, and funds are available as follows:

Account No. 2-01- -F12- 534 - \$20,000.00

Account No. 2-01- -H06-534 - \$30,000.00

The balance of the funds are contingent upon funds being available in the appropriate municipal budgets.

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

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Division of Purchasing
- e) Chief Financial Officer
- f) Township Attorney
- g) All Aforementioned Vendors

A motion was made by Council Member Lotano, seconded by Council Member Ciccozzi, and carried with Council Members Ciccozzi, Lotano, Quinlisk, and Council President Geoghegan voting yes, and with Council Members, Kopp, Rodrick and 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 DEPUTY MUNICIPAL CLERK TO ATTEST TO AN ADDENDUM TO THE 2021-2024 COLLECTIVE NEGOTIATIONS AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE TOMS RIVER TOWNSHIP BOARD OF FIRE COMMISSIONERS, DISTRICT NO. 1 AND DISTRICT NO. 2, AND THE FIREMAN'S MUTUAL BENEVOLENT ASSOCIATION (FMBA) LOCAL #483 (DISPATCHERS), EFFECTIVE FOR THE PERIOD OF JANUARY 1, 2021 THROUGH DECEMBER 31, 2024

MARCH 9, 2022

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

1. It hereby authorizes the Mayor to execute and the Deputy Municipal Clerk to attest to an Addendum to the 2021-2024 Collective Negotiations Agreement between the Township of Toms River and the Toms River Township Board of Fire Commissioners, District No. 1 and District No. 2, and the Fireman's Mutual Benevolent Association (FMBA) Local #483 (Dispatchers), for the period of January 1, 2021 through December 31, 2024. A copy of the Addendum to the Collective Negotiations Agreement is attached to this resolution as Schedule "A" and made a part hereof.

2. A certified copy of this resolution and the attached Addendum to the Collective Negotiations Agreement 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) Director of Human Resources
- d) Personnel
- e) Township Attorney
- f) Chief Financial Officer
- g) Police Department
- h) FMBA Local #483
- i) Toms River Township Board of Fire Commissioners, District No. 1 and District No. 2

SCHEDULE "A" – see attachments

A motion was made by Council Member Kopp, seconded by Council Member Lotano, and carried with Council Members Ciccozzi, Kopp, Lotano, Quinlisk, and Council President Geoghegan voting yes, and with Council Members Rodrick and 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 DEPUTY CLERK TO ATTEST TO THE ANNUAL AMENDMENT TO THE INTERIM SETTLEMENT AGREEMENT BETWEEN UNION CARBIDE CORPORATION AND THE TOWNSHIP OF TOMS RIVER

MARCH 9, 2022

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 parties wish to amend that agreement to postpone future 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, a copy of the Twenty-Third 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:

1. The Mayor is hereby authorized to execute and the Township Deputy Clerk to attest to a Twenty-Third Amendment to Interim Settlement Agreement with Union Carbide Corporation, which will postpone future litigation until February 10, 2023, to toll the statute of limitations until May 11, 2023, 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
One Boland Drive
West Orange, NJ 07052

A motion was made by Council Member Lotano, seconded by Council Member Ciccozzi, and carried with Council Members Ciccozzi and Lotano voting yes, and with Council Members Kopp, Lamb, Quinlisk, Rodrick and Geoghegan abstaining. Resolution does not pass – five abstentions.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE TOMS RIVER TOWNSHIP BOARDS OF FIRE COMMISSIONERS DISTRICTS 1 AND 2, FOR THE TOMS RIVER TOWNSHIP POLICE DEPARTMENT TO SUPERVISE AND SCHEDULE FIRE/EMS DISPATCHERS

MARCH 9, 2022

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 Mayor to execute and the Deputy Municipal Clerk to attest to a Shared Services Agreement between the Township of Toms River and the Toms River Township Boards of Fire Commissioners Districts 1 and 2, which will provide for the Toms River Township Police Department to supervise and schedule Fire/EMS Dispatchers. This agreement will be for a five (5) year period commencing retroactively to January 1, 2022, and terminating on December 31, 2026. A copy of this agreement is attached to this resolution as Schedule "A", and made a part hereof. 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) Township Attorney
- b) Chief Financial Officer
- c) Fire Prevention
- d) Police Department
- e) Toms River Township Boards of Fire Comm.
District No. 1
1144 Hooper Avenue
Suite 306
Toms River, N.J. 08753
- f) Toms River Township Boards of Fire Comm.
District No. 2
257 Warner Street
Toms River, N.J. 08753

SCHEDULE “A” – see attachments

REPORTS

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

	2022	2021
Building Permits – February	\$328,110.00	\$130,623.00
Building Permits – YTD through February	\$622,722.00	\$345,991.00

	2022	2021
Bey Lea Golf Course- February	\$6,902.96	\$7,804.16
Bey Lea Golf Course- YTD through February	\$7,189.41	\$7,453.08
Winding River Ice Rink- February	\$104,377.00	\$70,065.89
Winding River Ice Rink- YTD through February	\$225,923.99	\$126,382.39

APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **March 4, 2022**, was approved on motion by Council Member Lotano, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick and with Council President Geoghegan voting yes. **The following respective exceptions to their votes were noted as abstentions to this vote:**

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

Purchase Order 22-01087, payable to Silverton First Aid Squad, Inc., in the amount of \$3,326.44.

Purchase Order 22-01303, payable to United Healthcare Insurance Company in the amount of \$77,610.54.

Council Member Lotano – None

Council Member Ciccozzi – None

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

Purchase Order 22-01178 & 22-01206, payable to Owen Little & Associates in the amount of \$13,979.73.

Purchase Order 22-01087, payable to Silverton First Aid Squad, Inc., in the amount of \$3,326.44.

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

Purchase Order 22-00144 & 22-00151, payable to Citta, Holzapfel, Zabarsky in the amount of \$7,900.00.

Purchase Order 22-01081, payable to Magistrate Salaries in the amount of \$6,937.41.

Council Member Quinlisk – None

Council Member Rodrick - None

ELECTED OFFICIALS COMMENTS

Councilman Rodrick thoughts and prayers to the people of Ukraine.

Councilman Lamb said this is a war and I think this is our opportunity on Council to express our displeasure.

Councilman Quinlisk feel horrible about issues on Ukraine. We do have a Ukrainian church in Ward 3 accepting donations.

Councilman Lotano spoke regarding Golf/Ice Rink fee increases are user fees so taxpayers are not subsidizing these entities. Township is operating on 27% of what you pay in taxes. We did not cut services.

Councilman Kopp spoke regarding Downtown Irish Festival – huge success; Downtown Night Out – starts in May. March 15 first meeting for Small Business Advisory Committee.

Councilman Ciccozzi praise Poland and the Polish people for assisting in Ukraine.

Mayor Hill extend sympathies on death of Detective Thievon in Toms River Police Department. Thanked everyone for 0% tax increase in budget. Thanked Township Engineers for substation damage seminar.

Councilman Geoghegan congratulated BID on Downtown Irish Festival. Attended town hall on Holiday City on Revaluation; Saturday, March 12 between 10-12 p.m. is Rabies Clinic.

PUBLIC COMMENTS

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

Laurie Singer, 113 Garfield Avenue, been coming 4 years to the council meeting, can we get marijuana policy on agenda for land use committee? Councilman Kopp suggest we can put it on April's agenda.

Dana Tormolin, 405 Messenger Street, week 103 of food distribution at Presbyterian Church, marks two years since start. Questioned abstentions on resolutions

Rich Brihn, 216 Midturn Road, If radio towers are fee mandated then why is town paying? Question on property tax appraisals. We need the lot value next door to be taxed fairly. We were advised to hire a constitutional attorney.

Bob Tormolin, 109 Messenger Street, said east side of Main Street is beautiful, but west side is a mess, trash, etc., clean-up of downtown is needed to attract visitors.

Irene Watson, Messenger Street, need to see posted agendas for zoning, planning, council, etc., on social media.

Michelle Donan, 216 Midturn Road, wants to know where VCS zone map is.

Tom Smith, 520 Whitesville Road, Jackson. This property 534 Whitesville Road was just in front of Planning Board last week. Is This Pinelands approval for this development?

What can I do as an affected property owner?

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

Council Member Rodrick left.

A motion was made by Council Member Kopp, seconded by Council Member Lotano, and carried to enter into a private Executive Session at 8:13 p.m.

A motion was made by Council Member Kopp, seconded by Council Member Lotano, and carried, to adopt the following resolution, which was read into the record by the Township Clerk:

RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, Public Law 1975, permits the exclusion of the public from a meeting in certain circumstances to discuss matters requiring confidentiality and/or of a privileged nature; and

WHEREAS, the Township Council is of the opinion that such circumstances presently exist;

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

1. The Township Council will now conduct a private Executive Session.
2. The general nature of the subject matter to be discussed and/or acted upon is as follows:

Matters of Personnel

3. The following specific topics were announced.

1. Executive Session Minutes: Special Meeting, January 18, 2022

2. Personnel Issues

The foregoing resolution was approved on the following roll call vote:

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

The Council **reconvened** the public portion at 8:53 P.M., a motion was made by Council Member Ciccozzi, seconded by Council Member Quinlisk, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk and Council Present Geoghegan voting yes, and with Council Member Rodrick absent..

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

**RESOLUTION APPROVING
EXECUTIVE SESSION MINUTES**

WHEREAS, the attached Executive Session Minutes have been reviewed as to form and accuracy;

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

1. The following Executive Session Minutes are approved:

January 18, 2022 Special Meeting

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

No other business appearing, the meeting was **adjourned** at 8:54 P. M., on motion with Council Member Lotano, seconded by Council Member Quinlisk, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, and Council President Geoghegan voting yes, and with Council Member Rodrick absent..

KEVIN GEOGHEGAN, COUNCIL PRESIDENT

MICHAEL CRUOGGIO, DEPUTY CLERK